

**JUDICIAL COUNCIL  
FY 2025 BUDGET PLANNING MEETING**

**AGENDA  
Friday, August 18, 2023  
Meeting will be held in-person and through WebEx**

*Chief Justice Matthew B. Durrant, Presiding*

8:00 a.m.	Welcome ..... Chief Justice Matthew B. Durrant
8:05 a.m.	Overview ..... Ron Gordon <i>State Court Administrator</i>
8:10 a.m.	Utah Economic Outlook ..... Dr. Robbie Foxxe <i>GOPB Chief Economist and Managing Director of Policy and Economic Analysis</i>
8:30 a.m.	Legislature’s Approach to FY 2024 Budget ..... Jonathan Ball <i>Director of Office of the Legislative Fiscal Analyst</i>
8:50 a.m.	FY 23 Filings and Disposition Count (Tab 1) ..... Tucker Samuelson <i>Director of Judicial Data and Research</i>
9:15 a.m.	Break
9:25 a.m.	Judicial Council Budget Approval Process/Budget and Fiscal Management Prioritization Process (Tab 2 - Introduction) ..... Judge Kara Pettit Karl Sweeney <i>Finance Director</i>

**FY 2025 Budget Reallocation Requests - Presentations**

1. Reallocation Request - West Jordan Courthouse Retiring Bond (Tab 3) ..... Chris Talbot  
*Facilities Director*
2. Reallocation Request – Tooele Courthouse Construction Bond (Tab 4)..... Chris Talbot  
*Facilities Director*

**FY 2025 Legislative Budget Requests - Presentations  
(BFMC-Recommended Priority Order)**

1. Jury, Witness, Interpreter Fund - Language Access Program (Tab 5)..... Jonathan Puente  
*Director, Office of Fairness & Accountability*  
Jessica Leavitt  
*Language Access Program Manager*
2. New District Judges, Commissioners & JAs (Tab 6) .....Judge James Brady  
Shane Bahr  
*District Court Administrator*
3. New Juvenile Court Judges (Tab 7).....Sonia Sweeney  
*Juvenile Court Administrator*  
Judge Bunnell  
Judge Susan Eisenman  
Judge Doug Nielsen
4. IT Essential Software Funding (Tab 8) .....Brody Arishita  
*Chief Information Officer*  
Todd Eaton  
*Deputy Director*
5. Case Backlog – Senior Judge Funding (Tab 9) .....Judge James Brady  
Shane Bahr  
*District Court Administrator*
6. Law Library – Library Assistant (Tab 10).....Nathanael Player  
*Director, Self-Help Center and Utah State Law Library*  
Kaden Taylor  
*Utah State Courts Law Librarian*
7. 4<sup>th</sup> District Virtual Jury Services Personnel (Tab 11) ..... Mark Urry  
*4th District Trial Court Executive*
8. Pay for Performance (Tab 12) ..... Bart Olsen  
*Human Resources Director*  
Tina Sweet  
*Compensation & Classification Manager*
9. American Fork Courthouse Rent Increase (Tab 13) ..... Chris Talbot  
*Facilities Director*
10. 7<sup>th</sup> District Training Coordinator Position (Tab 14) ..... Travis Erickson  
*7th District Trial Court Executive*
11. At-Will Conversion (Tab 15) ..... Bart Olsen  
*Human Resources Director*  
Tina Sweet  
*Compensation & Classification Manager*

### **Additional Discussion Item – Juror Pay**

1. Exploring a Recommendation to Increase Juror Fees (Tab 16) (Action). Michael Drechsel  
*Assistant Court Administrator*

11:00 a.m. Break

11:10 a.m. Prioritize FY 2025 Legislative Budget Requests .....Judge Kara Pettit  
Karl Sweeney, Alisha Johnson, and Melissa Taitano, AOC Finance

Legislative Budget Requests - Scoring Worksheet (Tab 17).....Alisha Johnson

12:15 p.m. Adjourn. Judicial Council meeting to follow.

# Tab 1



Utah State Courts

# **Caseload Overview**

## **Fiscal 2023**

**Judicial Data and Research**

# **Supreme Court**

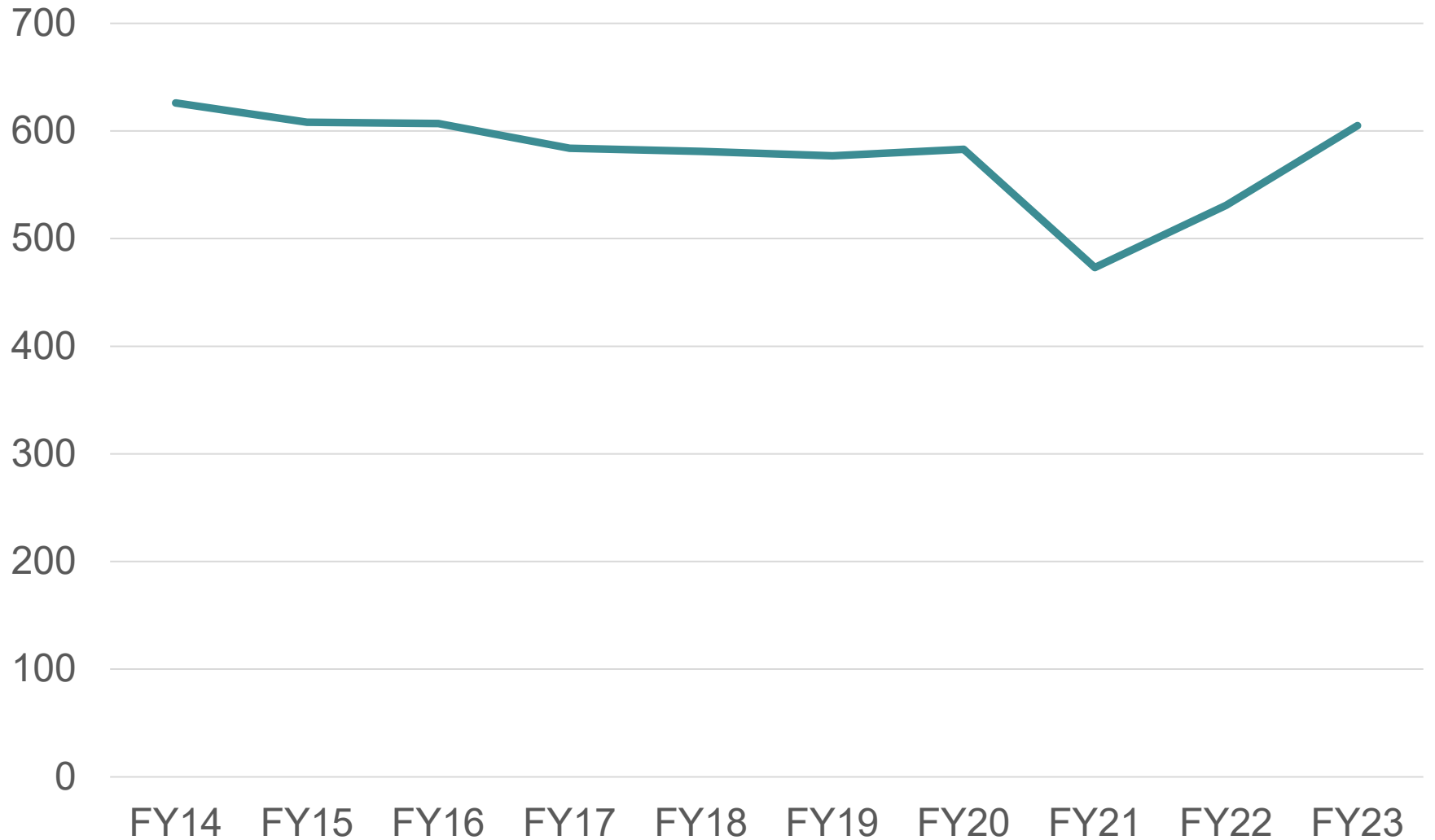
## **Filing Summary**

# Supreme Court Filings by Year

Case Type Category	FY22	FY23	Change	% Change
Administrative Agency	6	4	-2	-33%
Bar Discipline	4	2	-2	-50%
Civil Administrative Agency	1	1	0	0%
Civil Appeal	231	222	-9	-4%
Criminal Appeal	71	105	34	48%
Domestic Civil Appeals	2	0	-2	-100%
Elections	2	2	0	0%
Extraordinary Writs	16	23	7	44%
Juvenile Child Welfare	0	1	1	--
Misc. Petition	1	0	-1	-100%
Post Conviction Relief	13	12	-1	-8%
Post Conviction Relief-Capital	0	1	1	--
Interlocutory Appeals	93	116	23	25%
Writ of Certiorari	91	115	24	26%
Federal Certification	0	1	1	100%
<b>Total</b>	<b>531</b>	<b>605</b>	<b>74</b>	<b>14%</b>



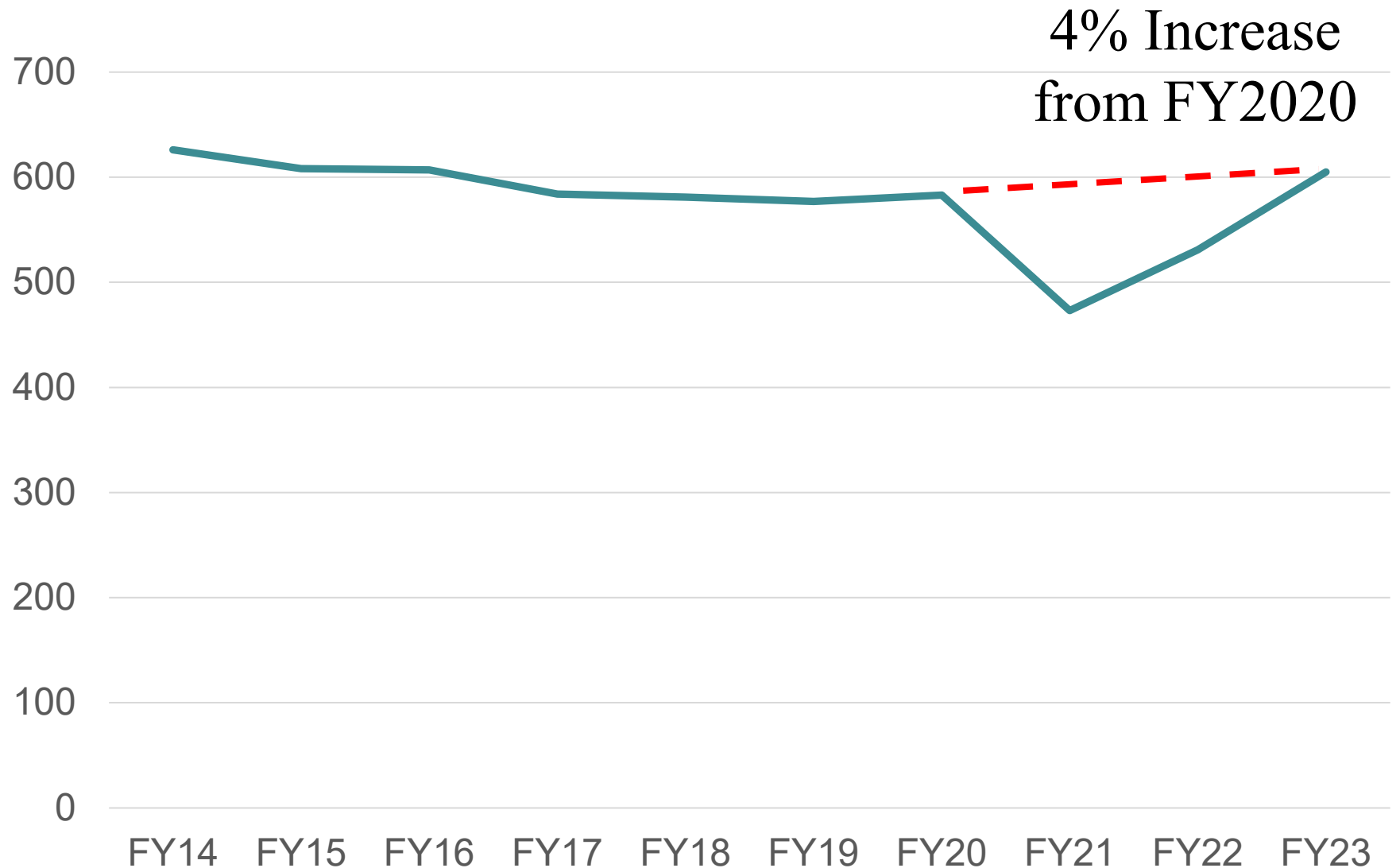
# Supreme Court Filings by Year







## Supreme Court Filings by Year



# **Court of Appeals**

## **Filing Summary**

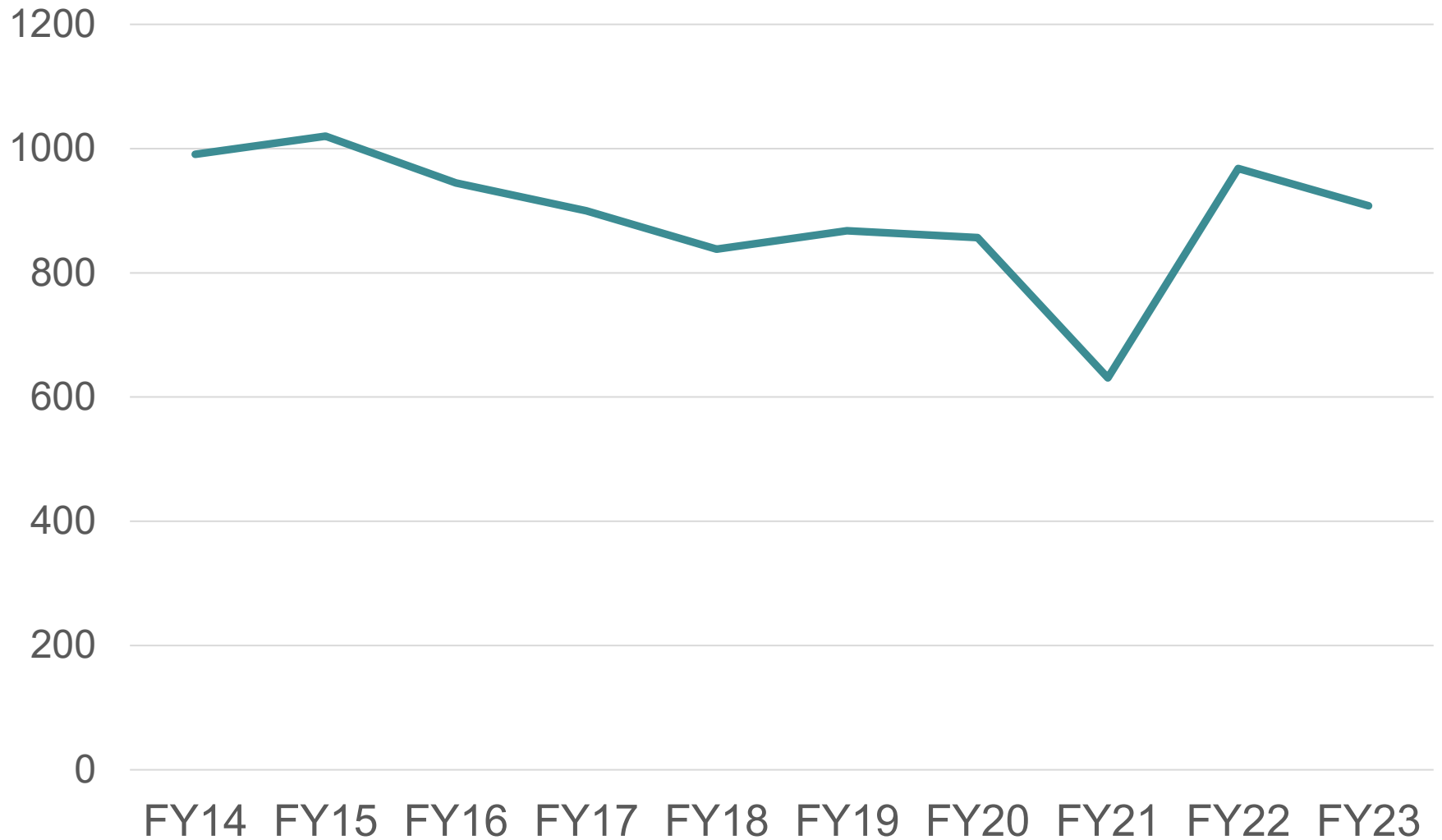


## Court of Appeals Filings by Year

Case Type Category	FY22	FY23	Change	% Change
Administrative Agency	115	75	-40	-35%
Civil Administrative Agency	8	5	-3	-38%
Civil Appeal	229	207	-22	-10%
Criminal Appeal	295	329	34	12%
Domestic Civil Appeals	87	73	-14	-16%
Extraordinary Writs	29	23	-6	-21%
Juvenile Child Welfare	65	60	-5	-8%
Juvenile Delinquency	3	5	2	67%
Juvenile Misc	5	9	4	80%
Post Conviction Relief	22	12	-10	-45%
Interlocutory Appeals	110	110	0	0
<b>Total</b>	<b>968</b>	<b>908</b>	<b>-60</b>	<b>-6%</b>

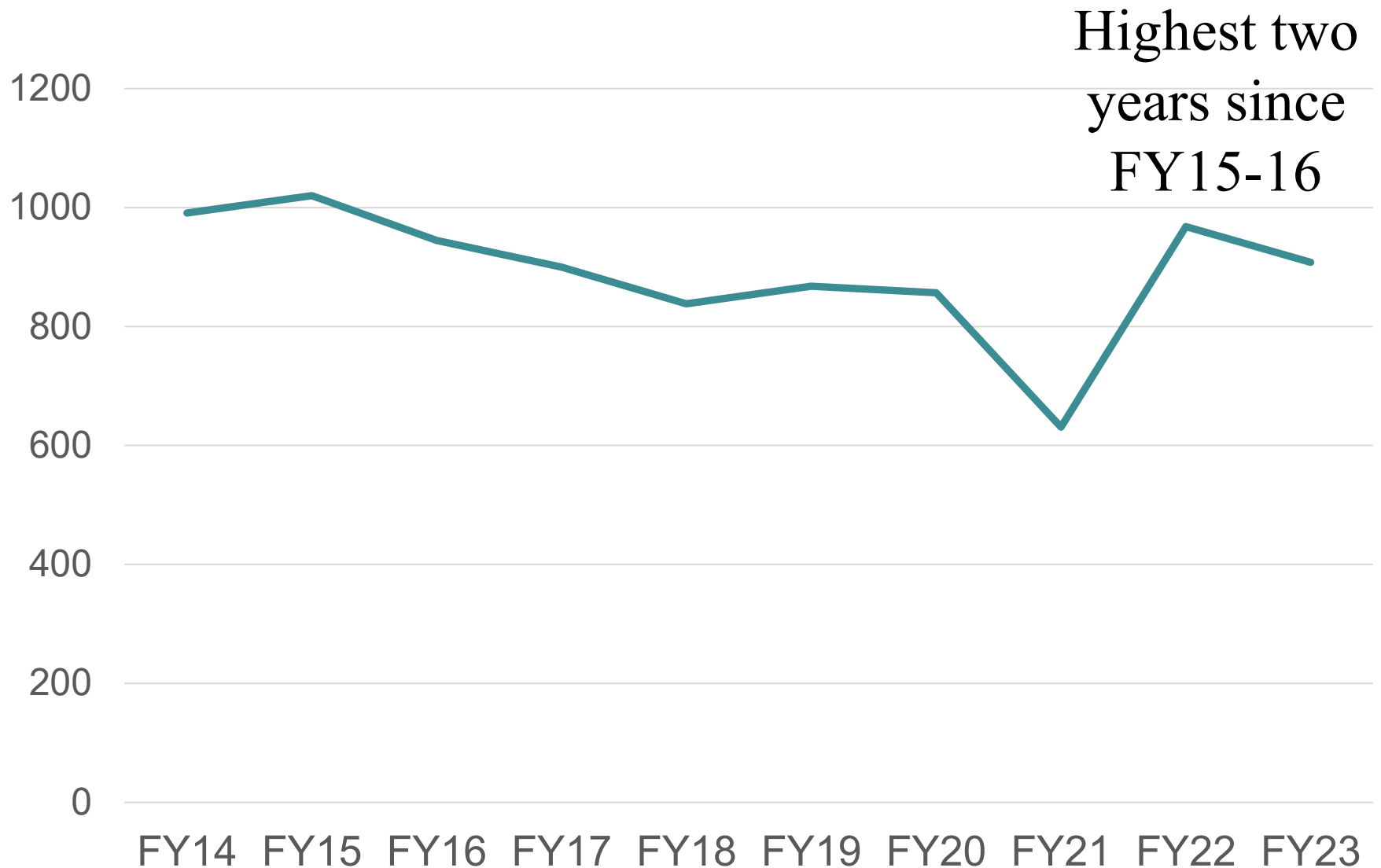


## Court of Appeals Filings by Year





## Court of Appeals Filings by Year



# **Justice Court**

## **Case Filing Summary**

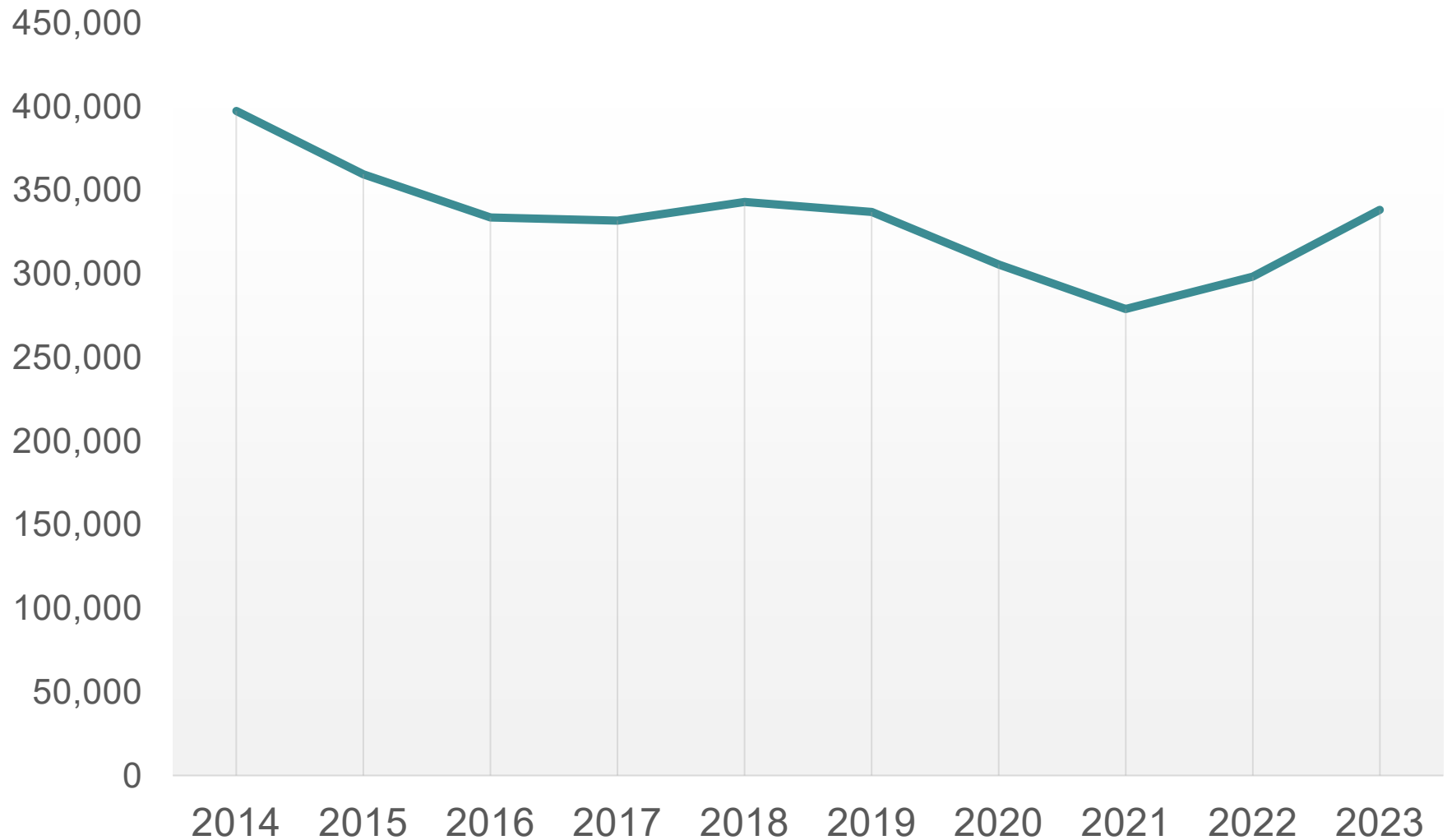


## Justice Court Filings by Year - Traffic

Case Type Category	FY22	FY23	Change	% Change
Criminal	57,082	57,440	358	1%
Small Claims	12,099	14,603	2,504	21%
Traffic	298,179	338,115	39,936	13%
<b>Total</b>	<b>367,360</b>	<b>410,158</b>	<b>42,798</b>	<b>12%</b>



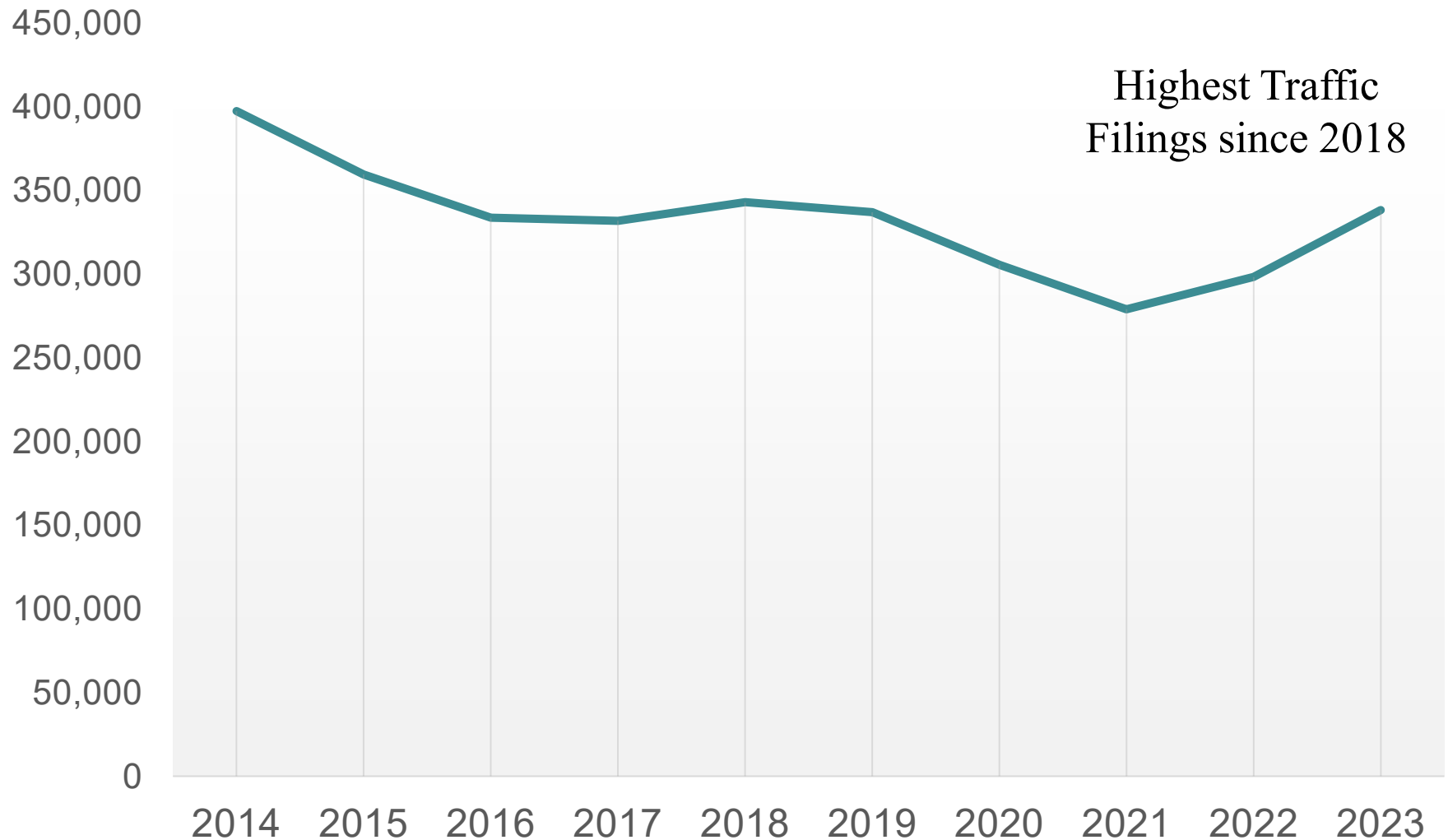
# Justice Court Filings by Year - Traffic





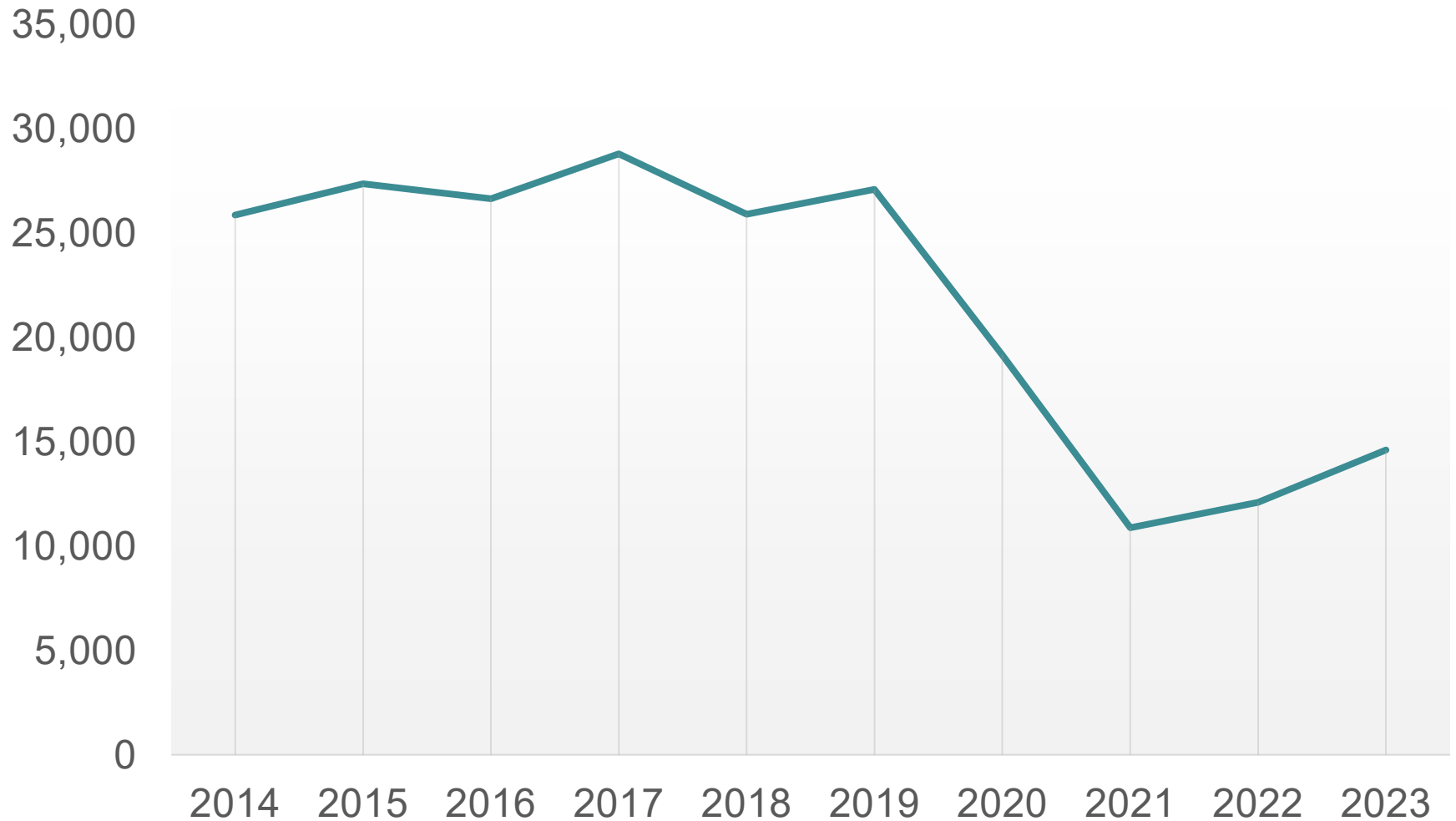


# Justice Court Filings by Year - Traffic



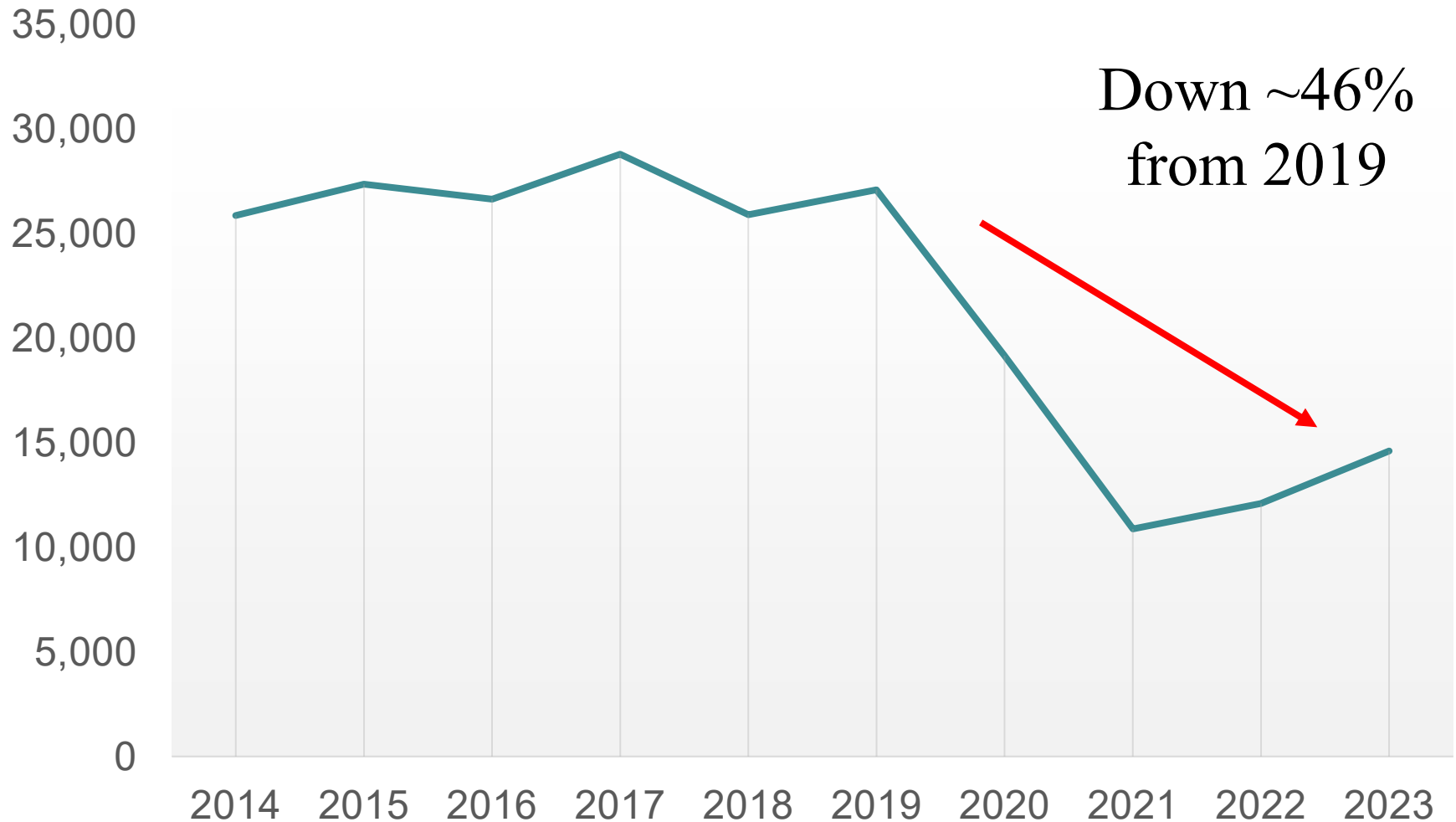


# Justice Court Filings by Year – Small Claims





# Justice Court Filings by Year – Small Claims





## Justice Court Time to Disposition

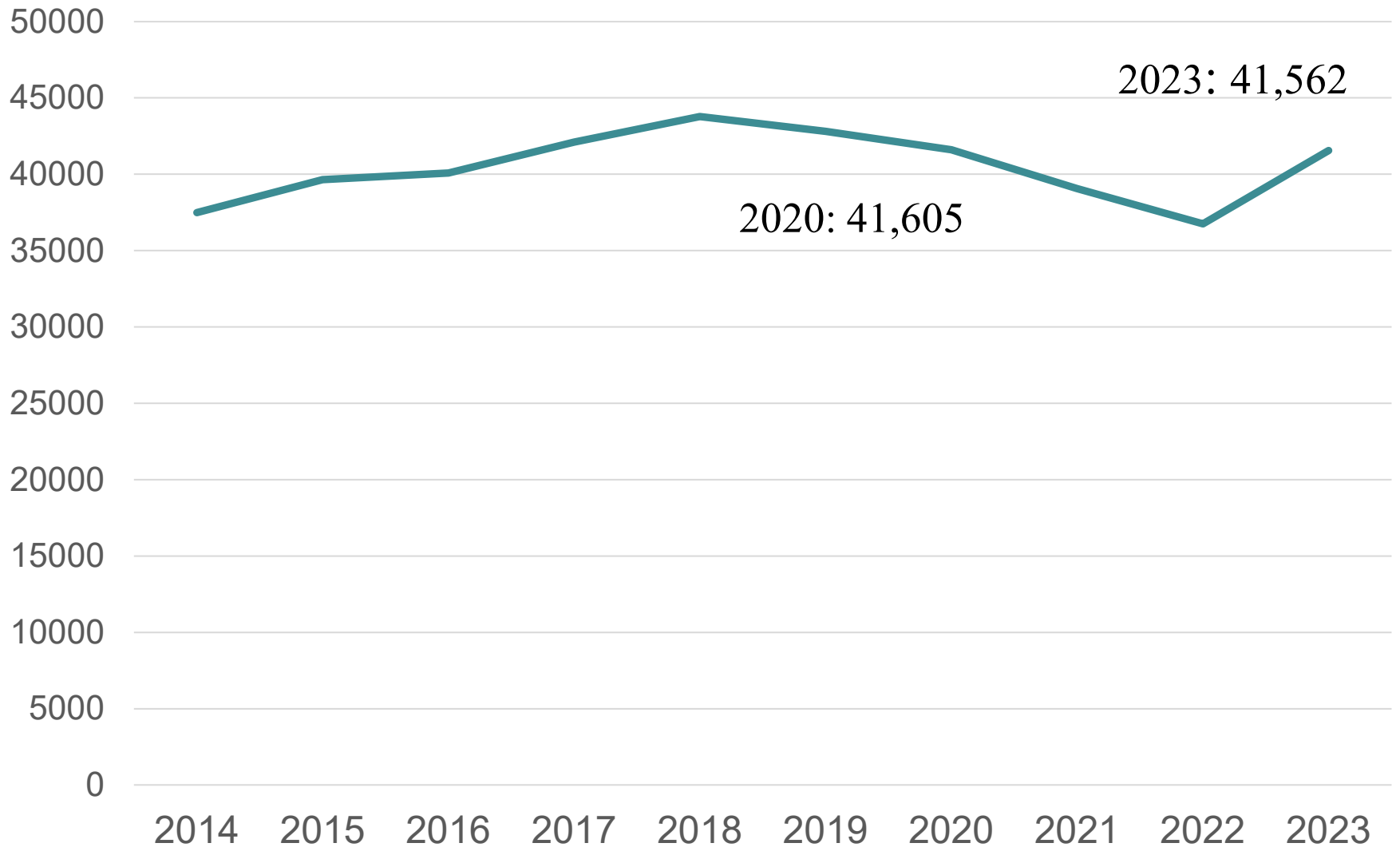
Activity	Recommended Guideline		FY 2023
	% Disposed	Time Frame	% Disposed within Time Frame
Criminal	95%	6 months	77%
Small Claims	95%	9 months	95%
Traffic	95%	90 days	90%

# **District Court**

## **Case Filing Summary**

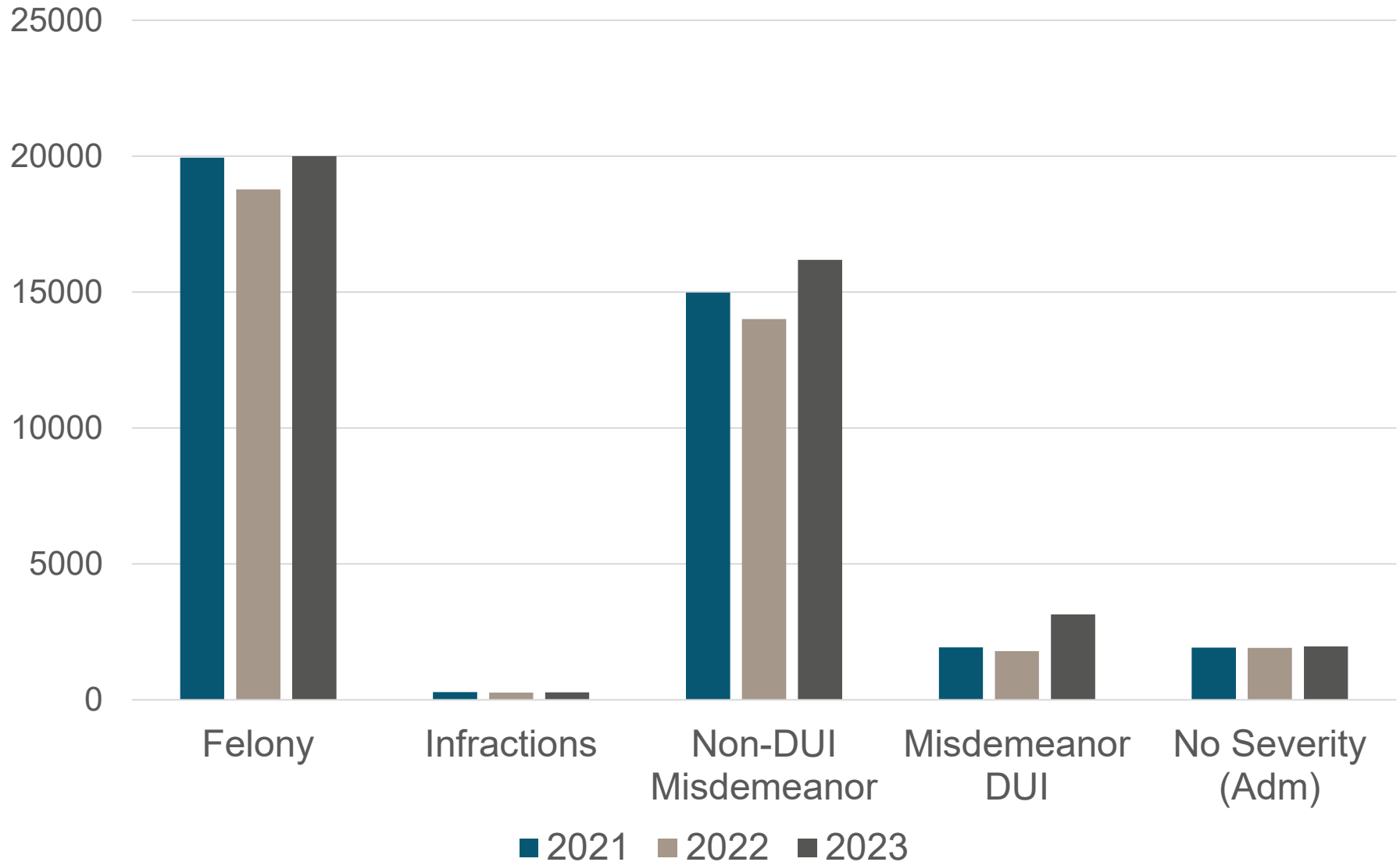


## District Court Filings by Year - Criminal



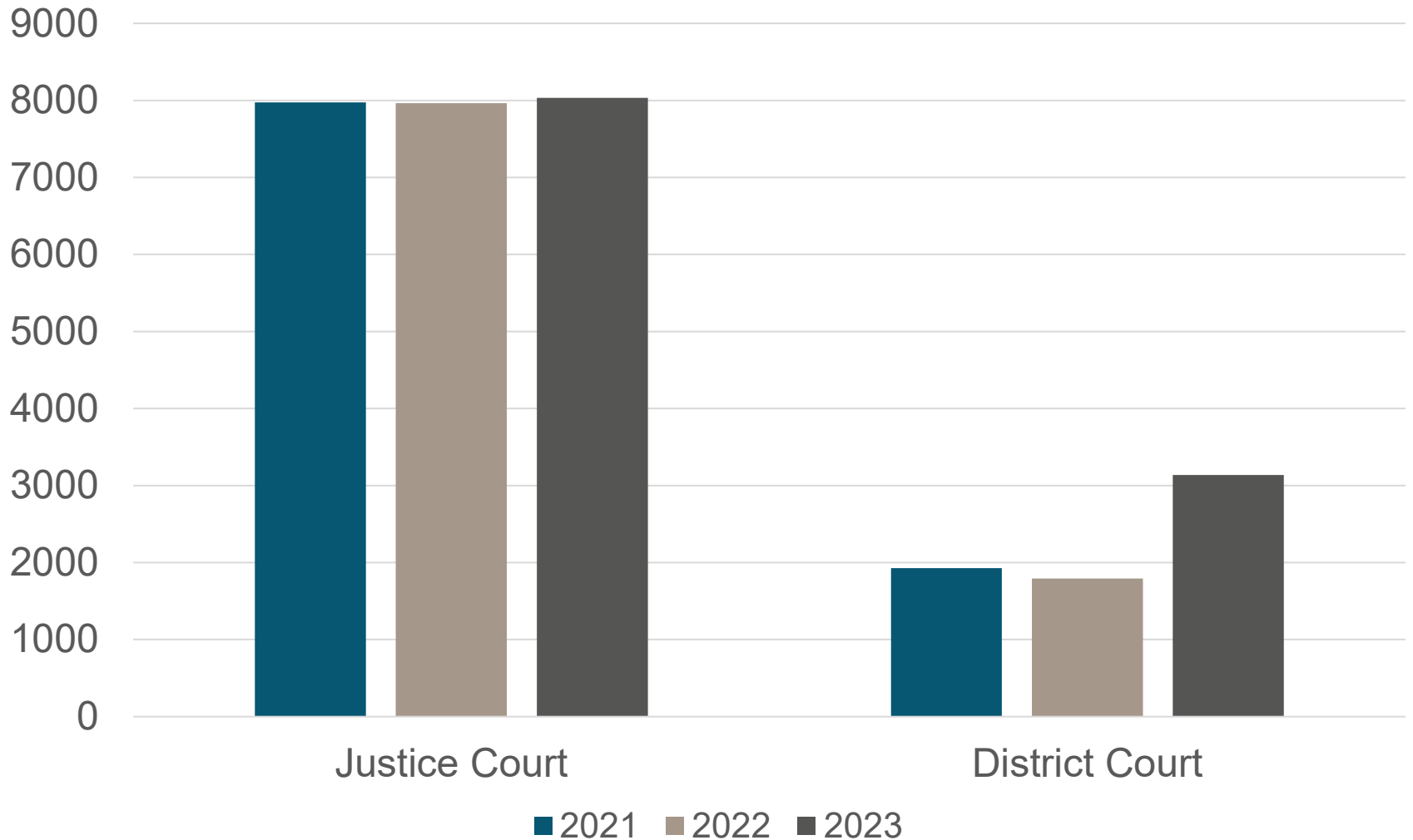


# District Court Filings by Year - Criminal





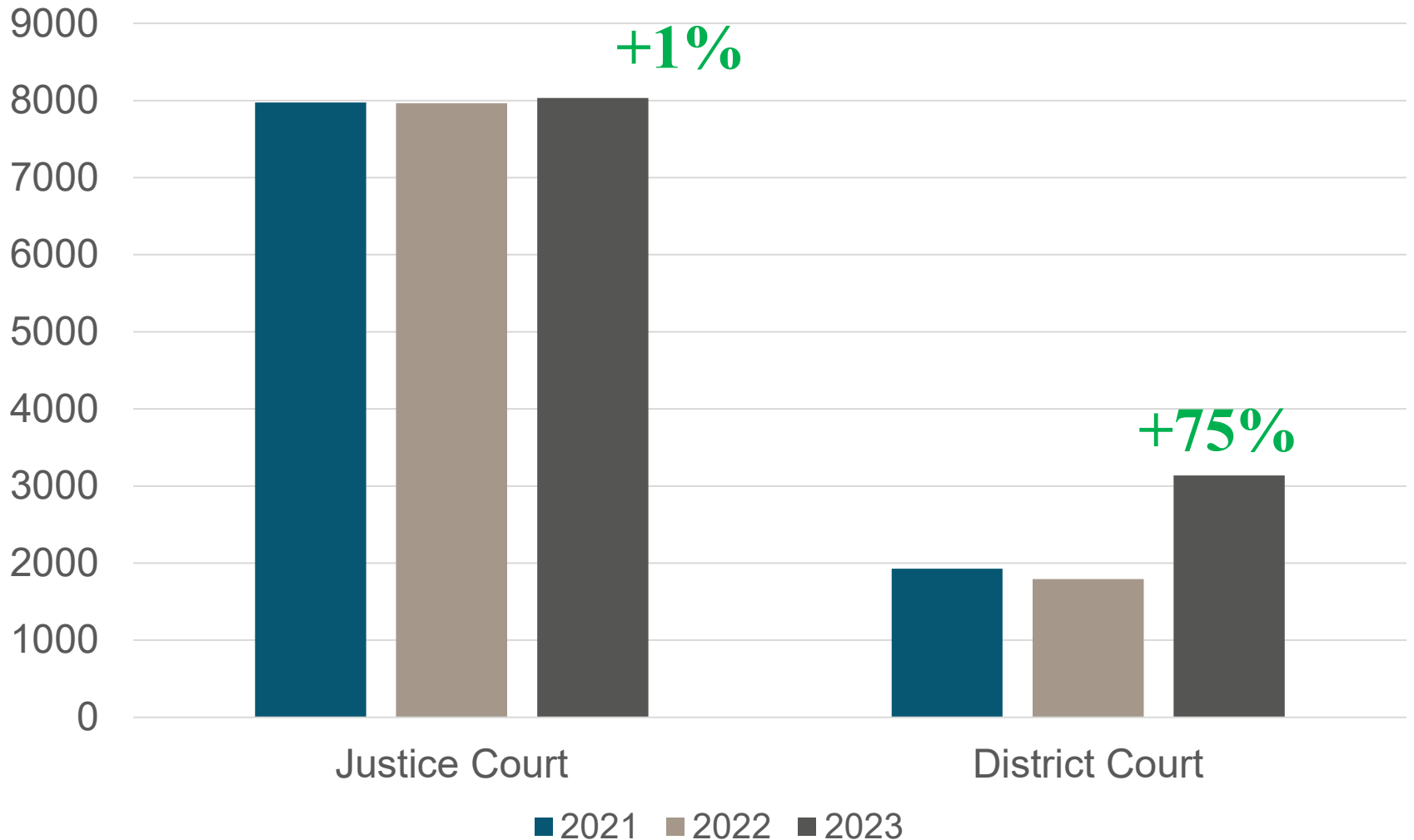
## Misdemeanor DUI Filings by Year





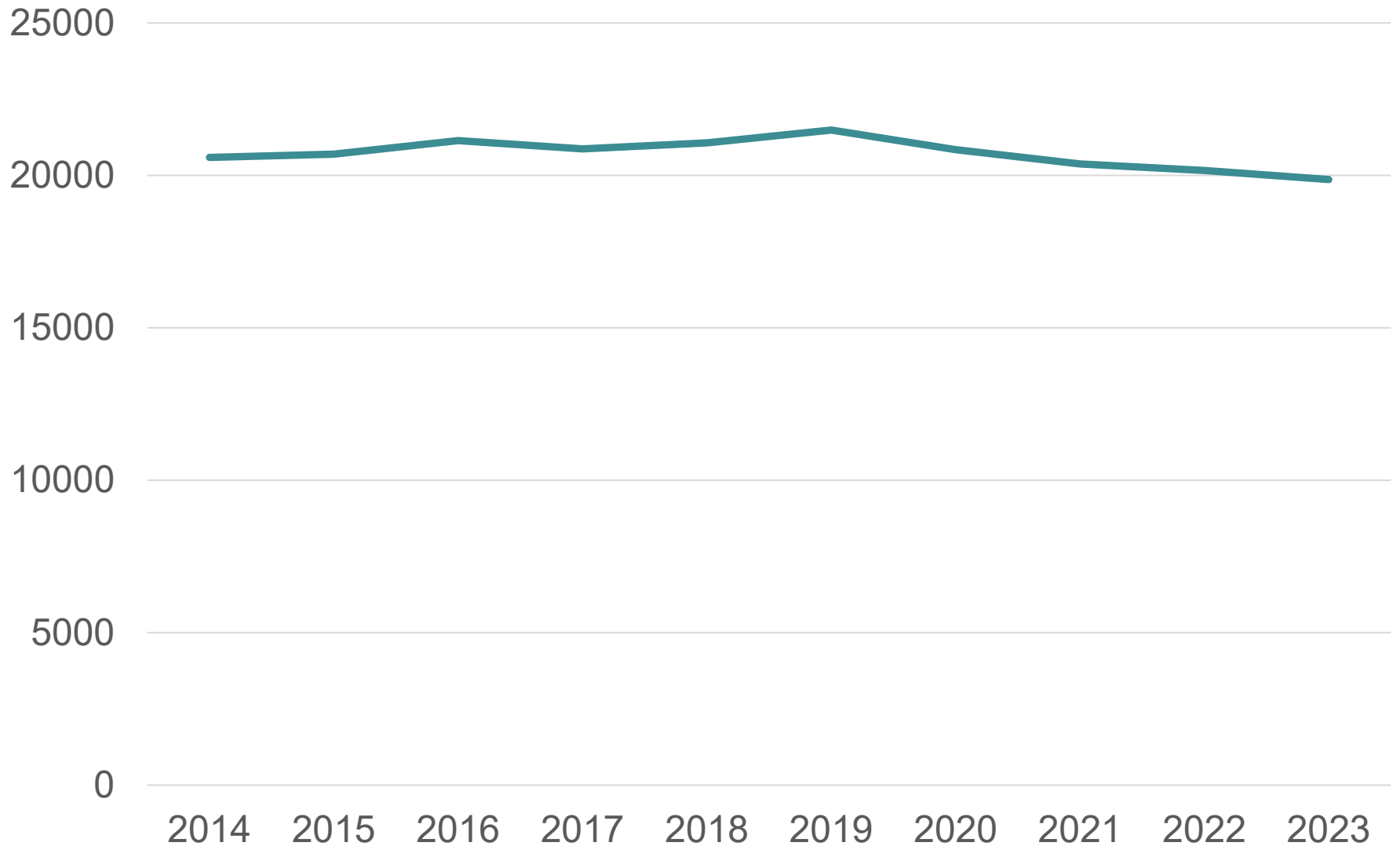


## Misdemeanor DUI Filings by Year



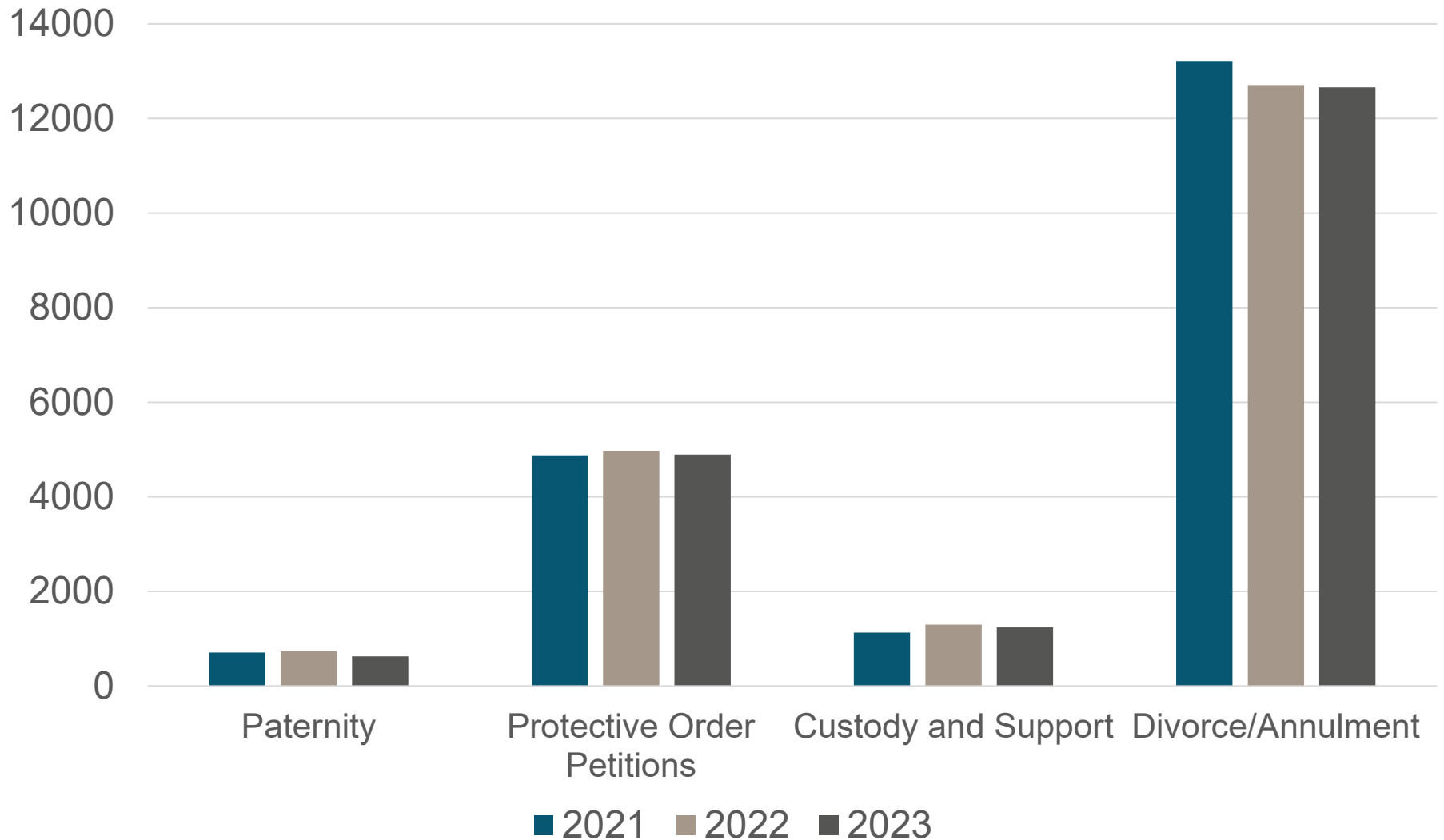


## District Court Filings by Year - Domestic



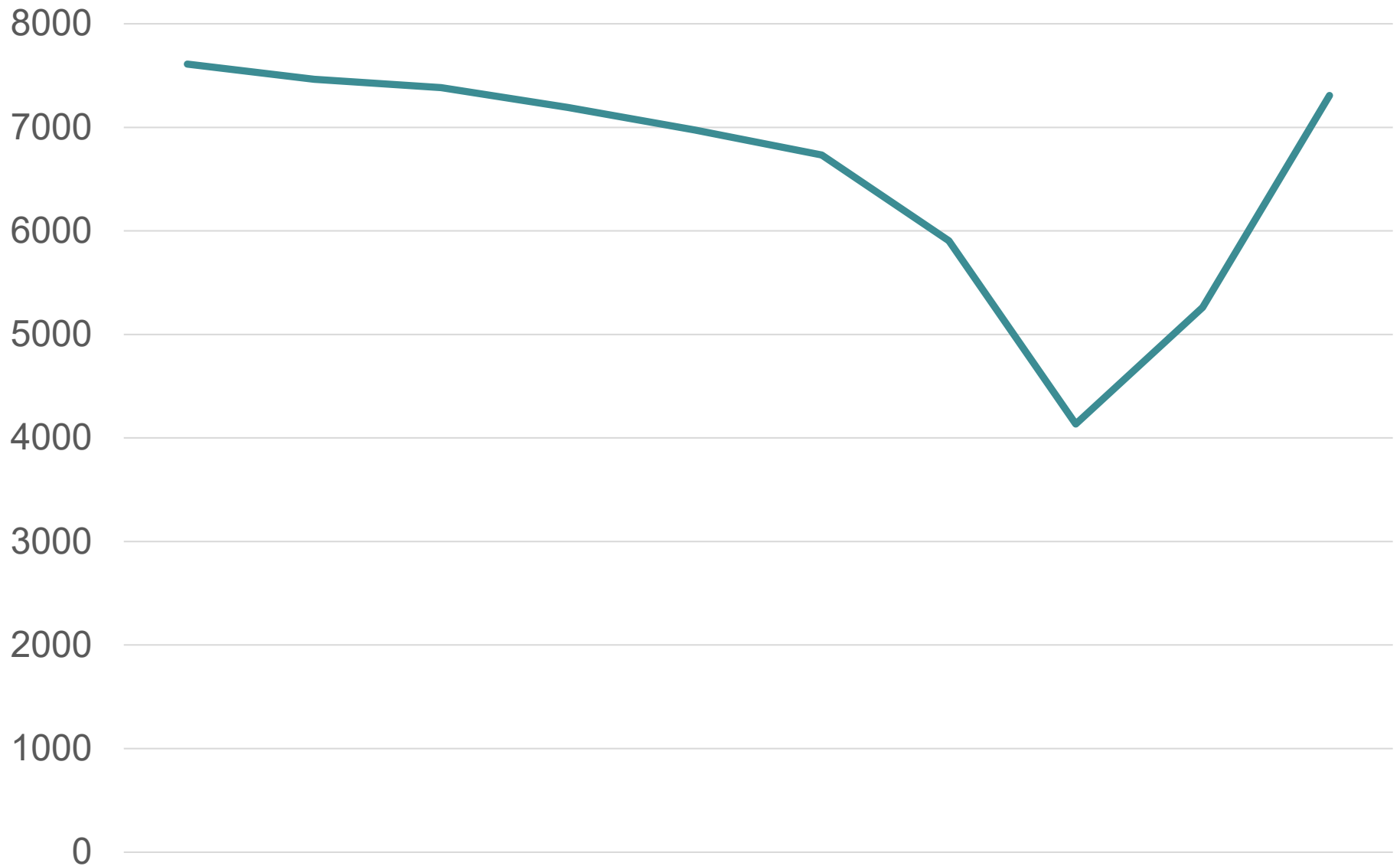


# District Court Filings by Year - Domestic



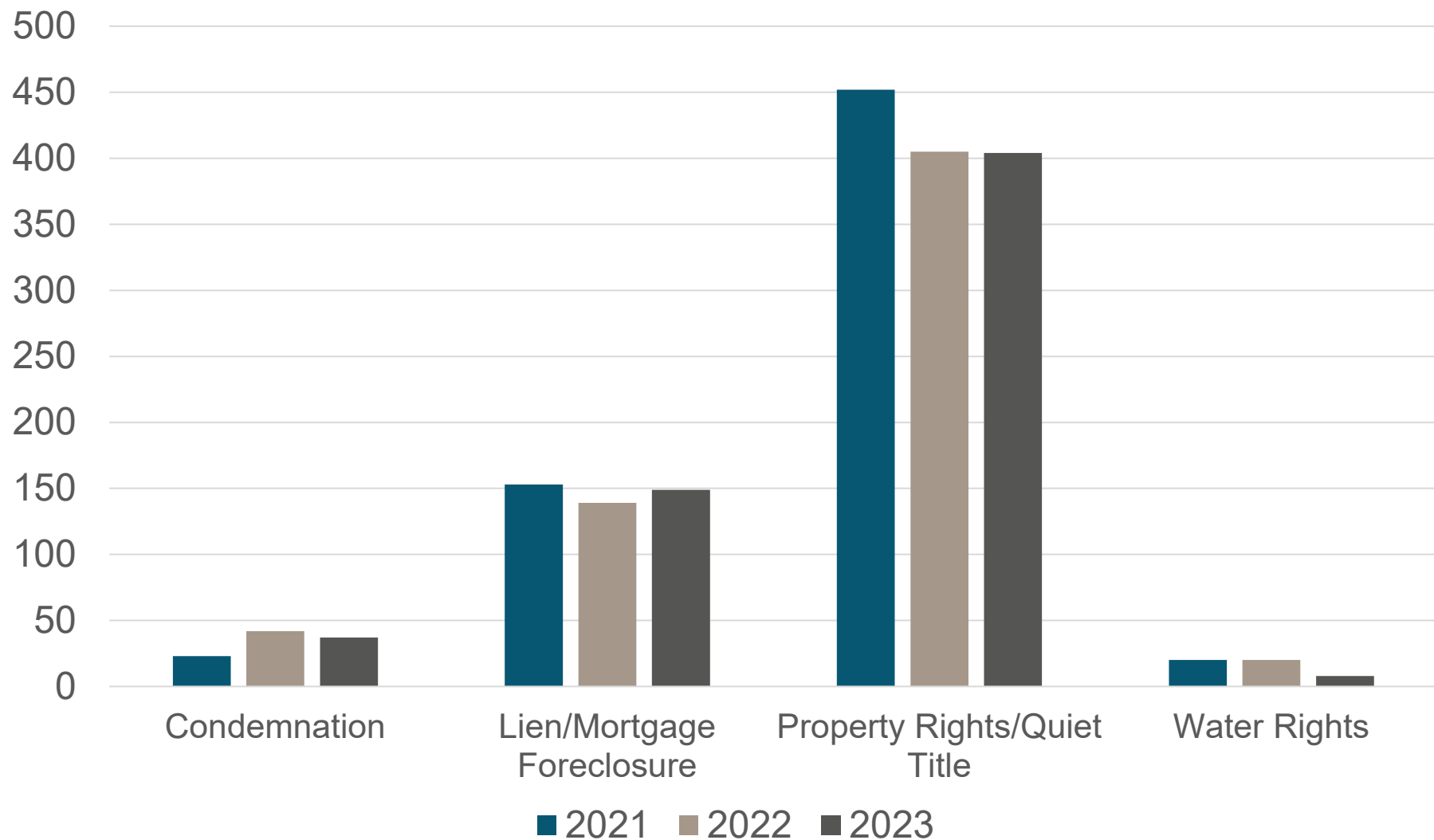


## District Court Filings by Year – Eviction



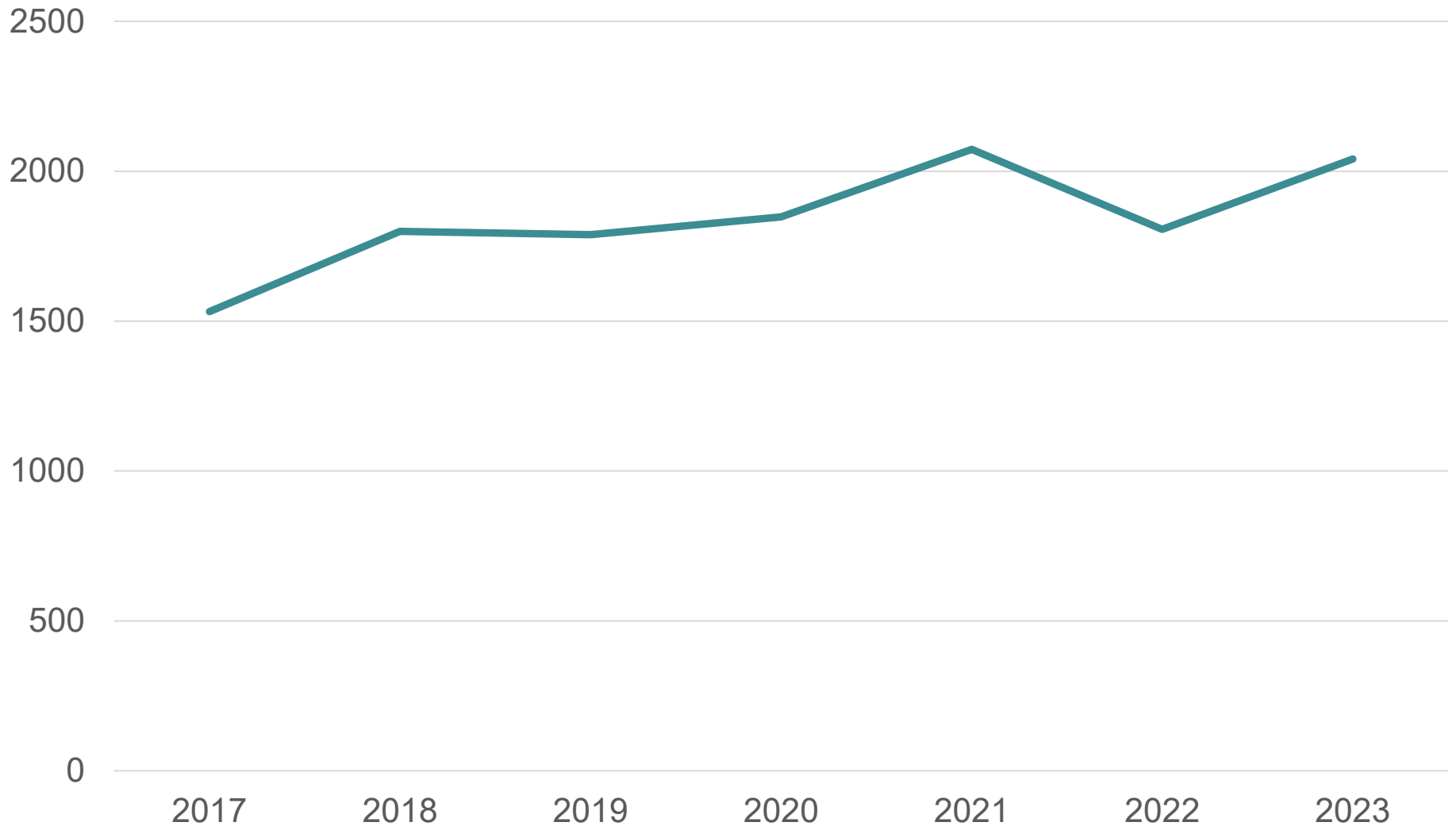


## District Court Filings by Year – Property Rights



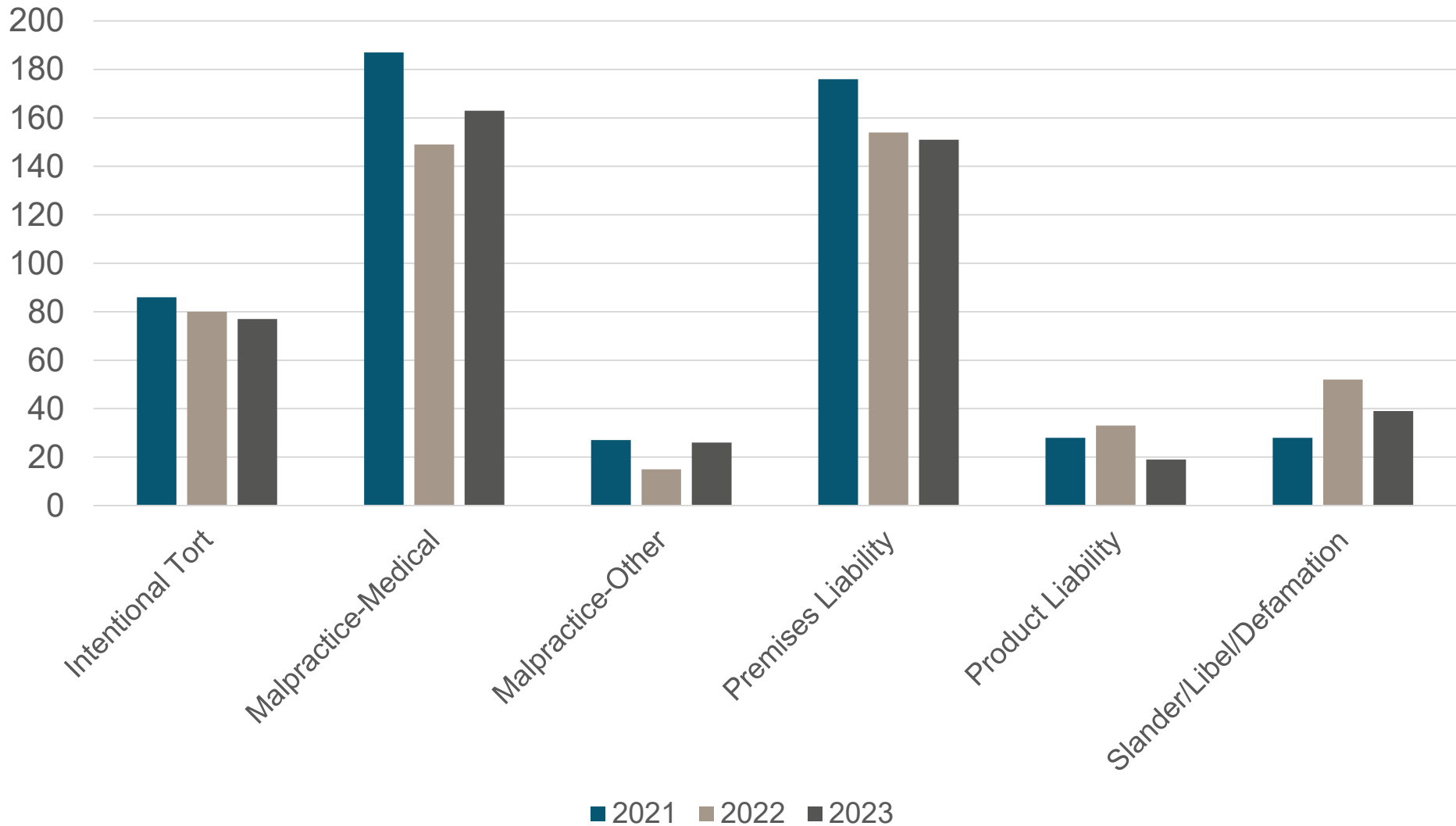


## District Court Filings by Year – Automobile Torts



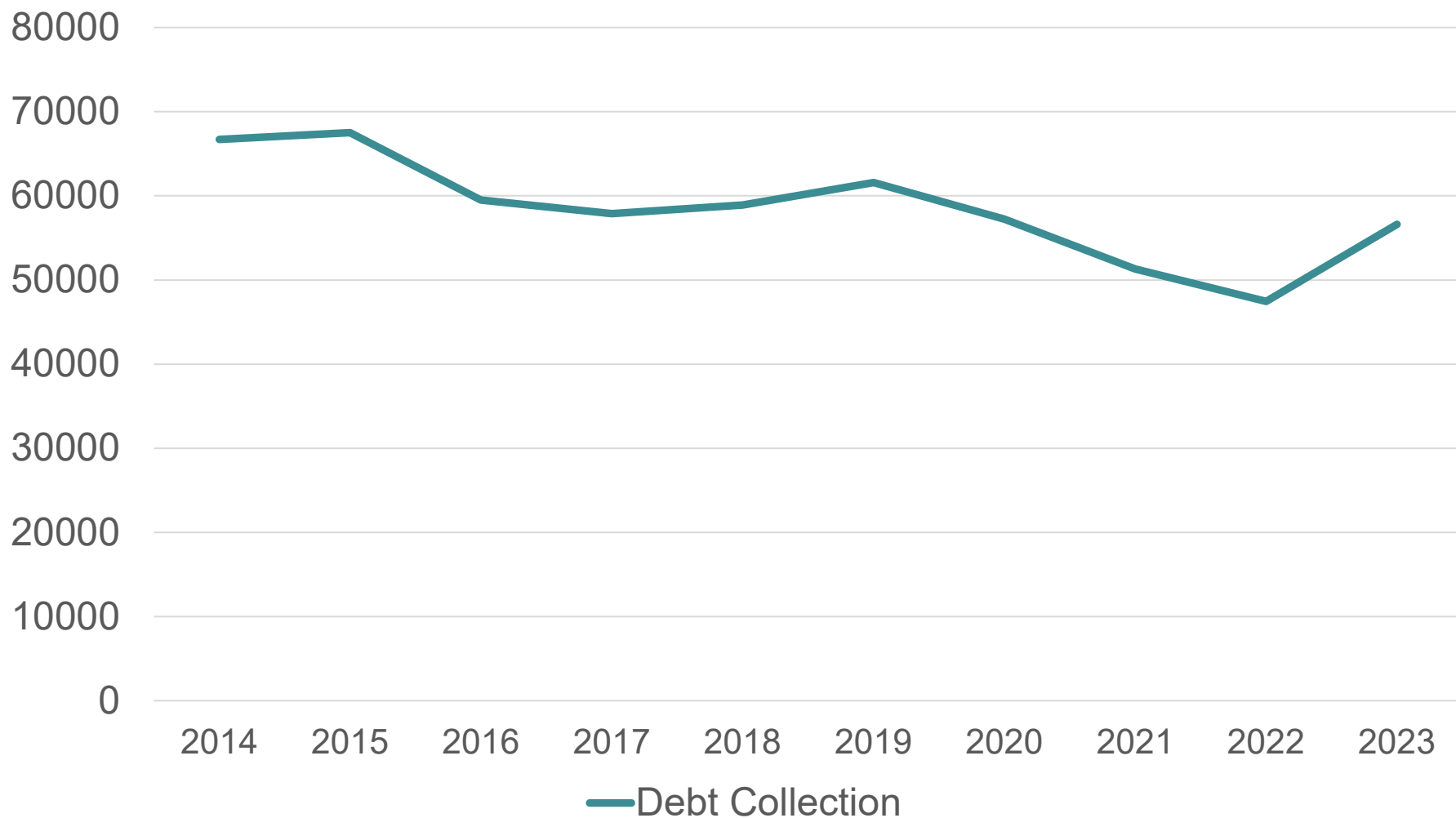


## District Court Filings by Year – Torts





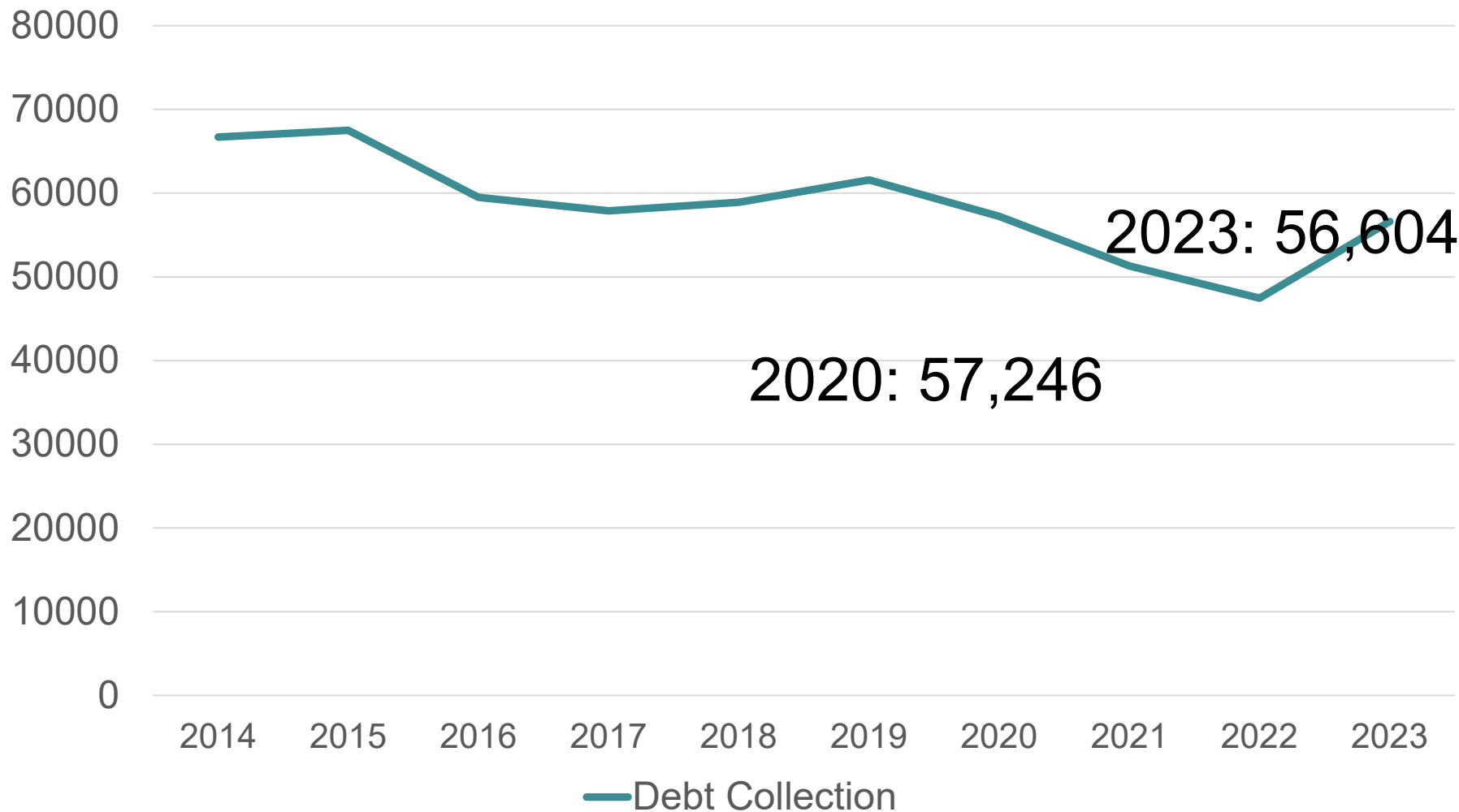
# District Court Filings by Year – General Civil





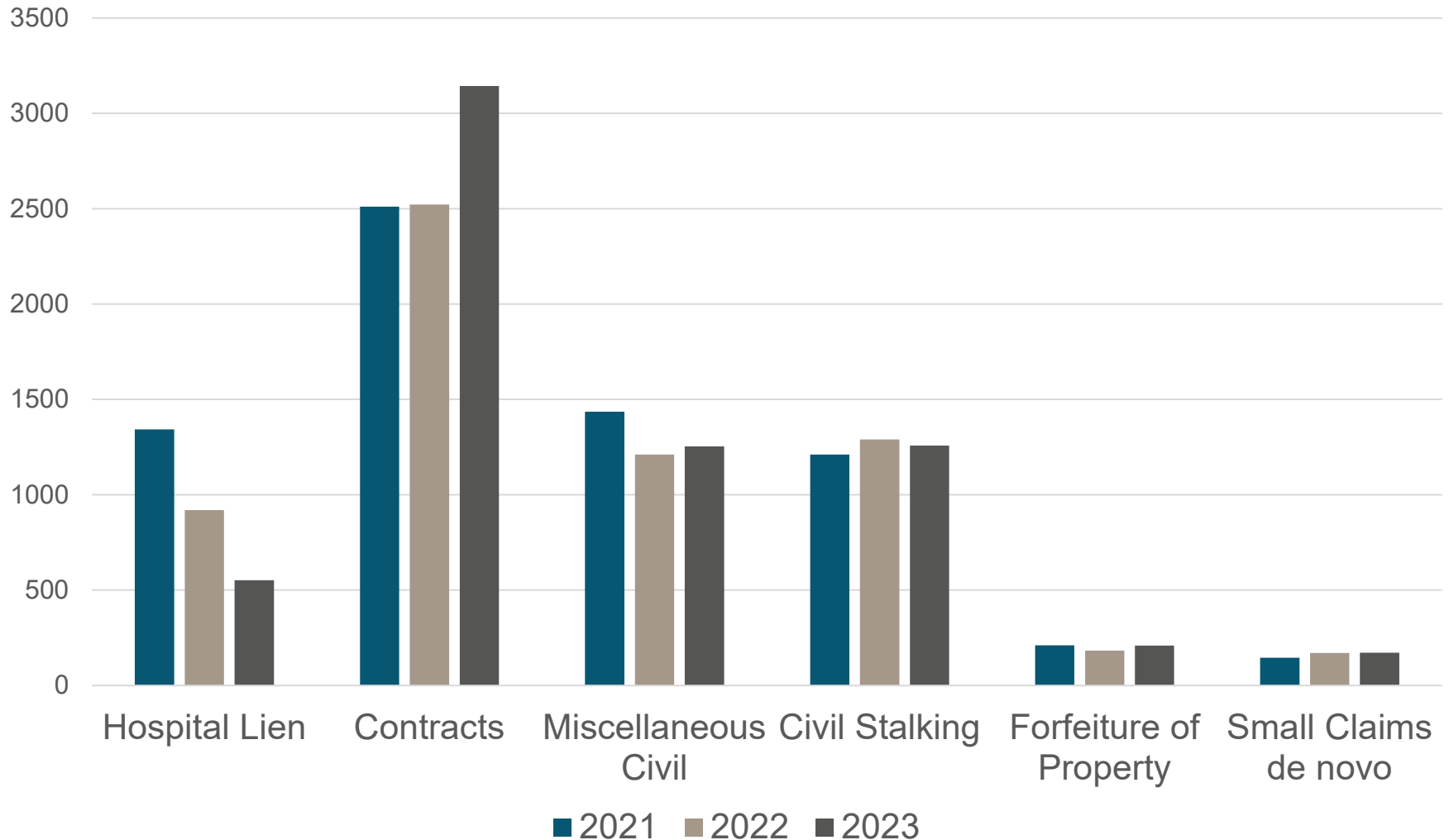


## District Court Filings by Year – General Civil



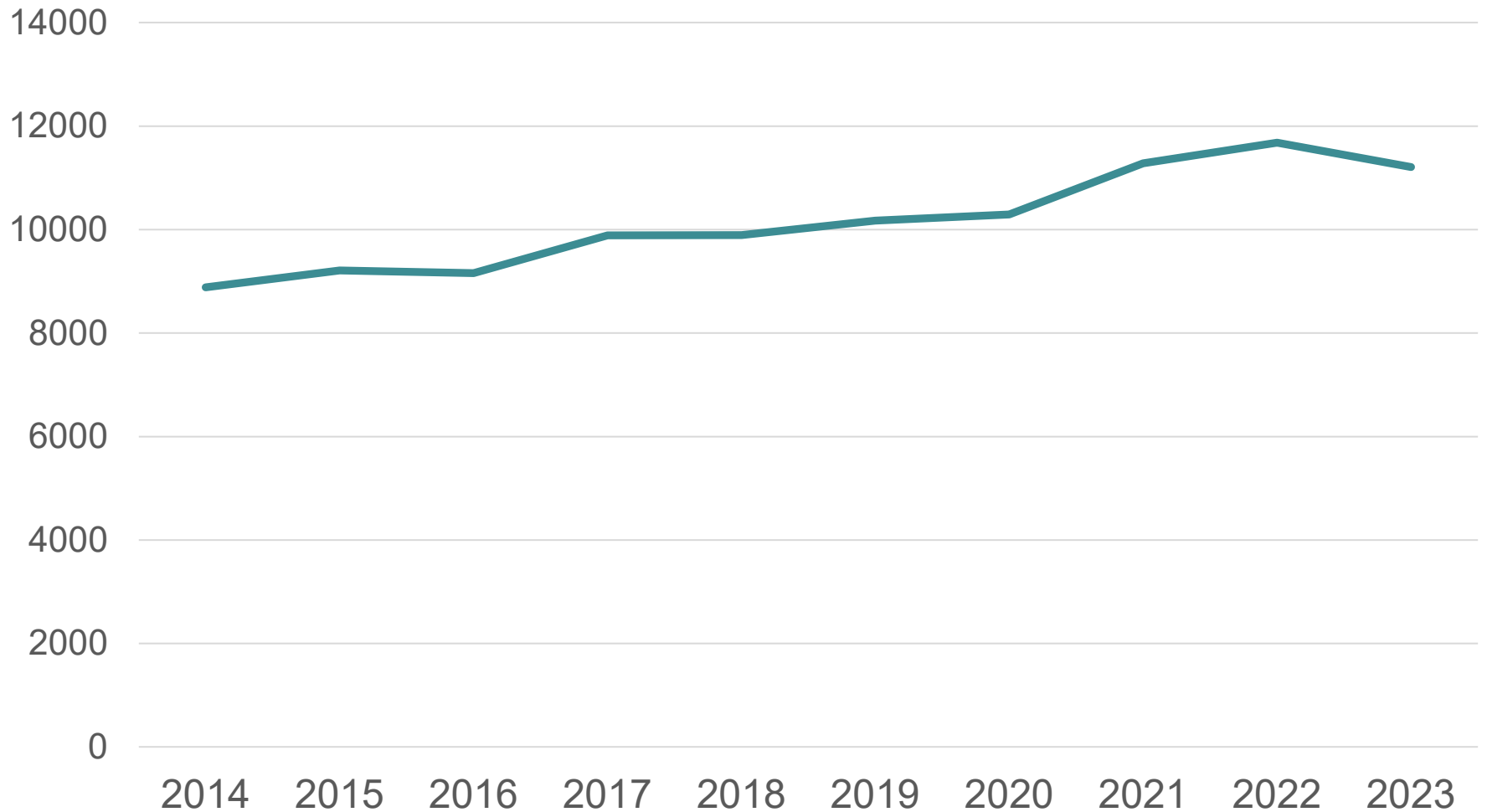


## District Court Filings by Year – General Civil



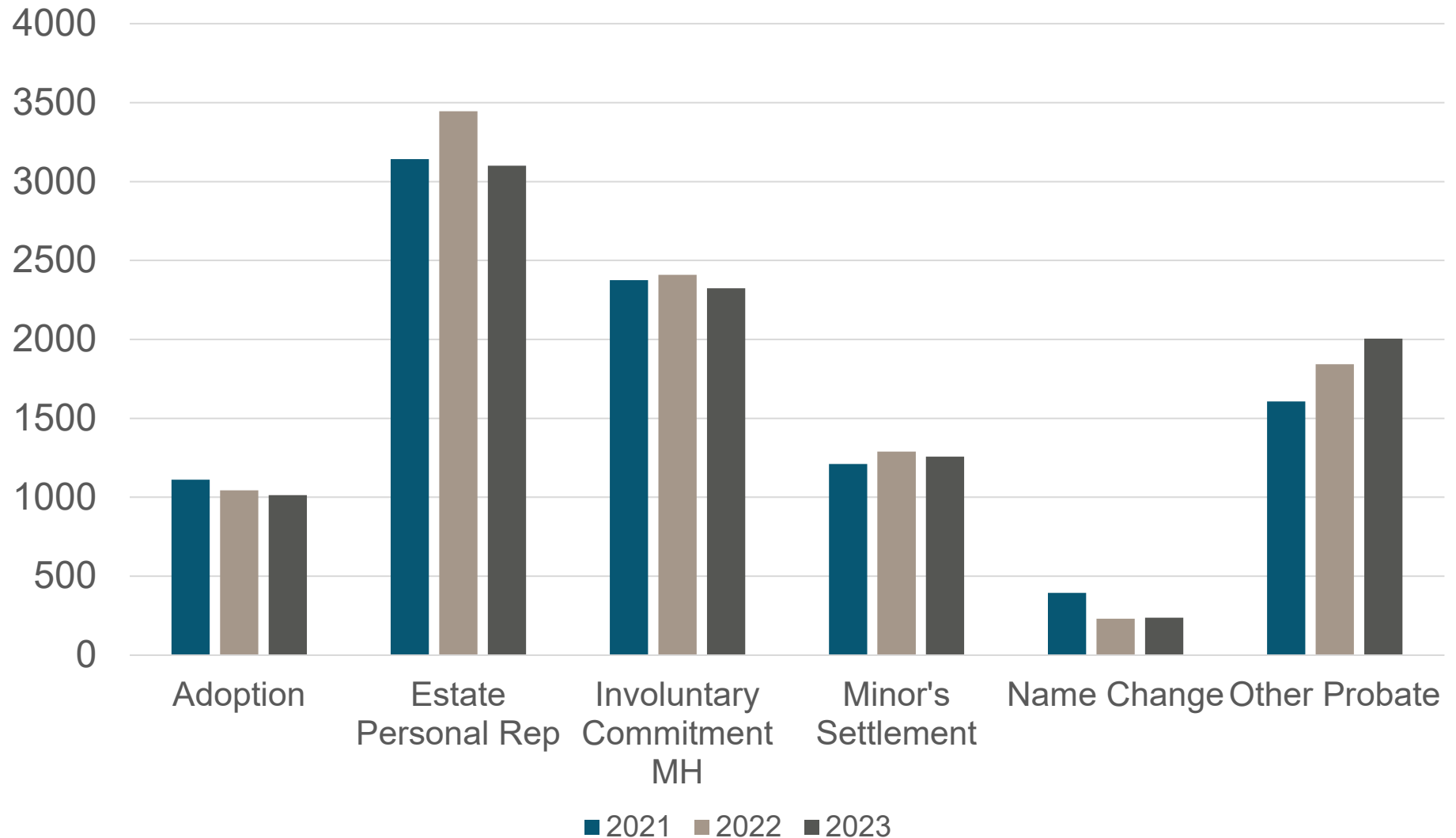


## District Court Filings by Year – Probate





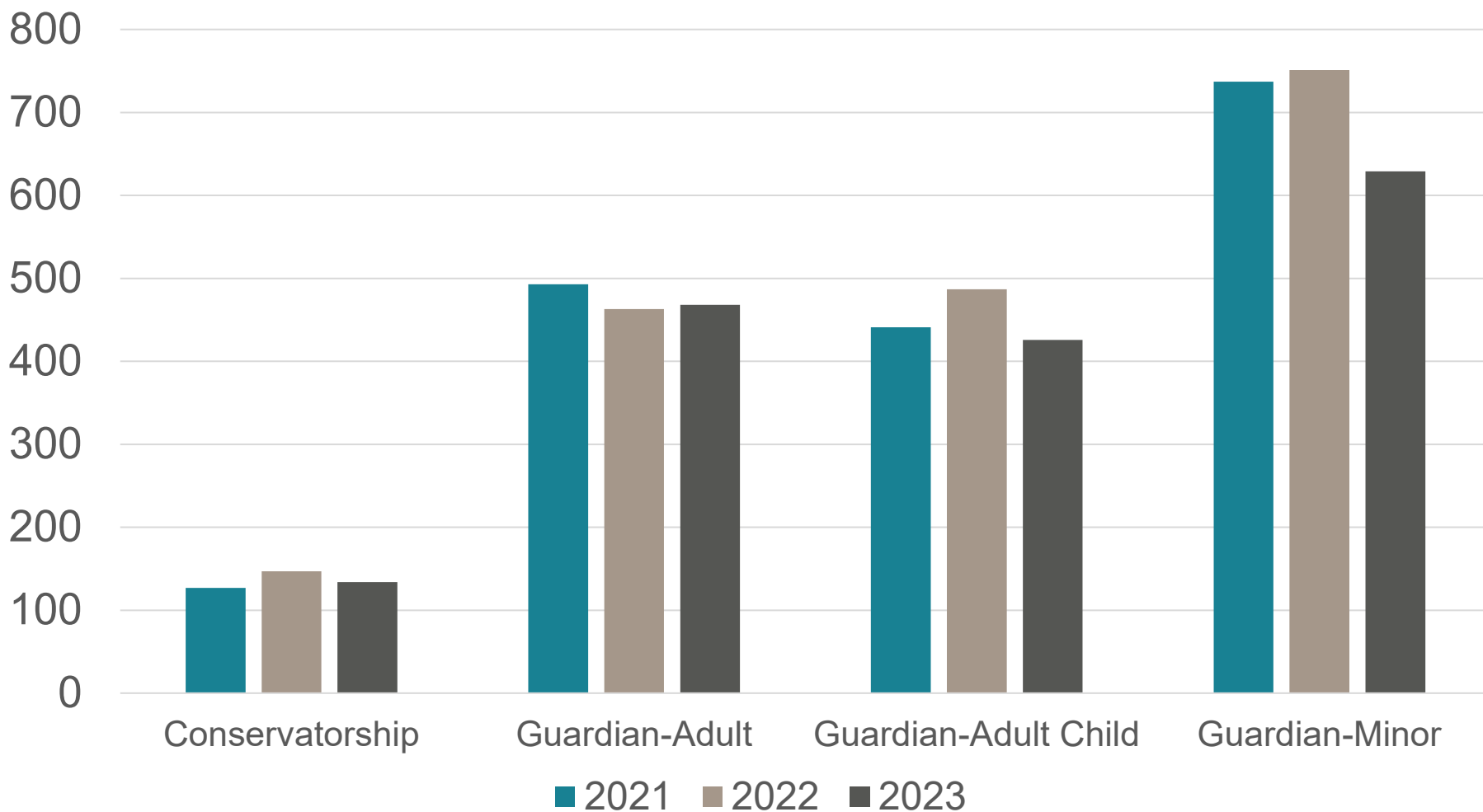
# District Court Filings by Year – Probate





# District Court Filings by Year – Probate

## Guardianship and Conservatorship



# District Court Time to Disposition

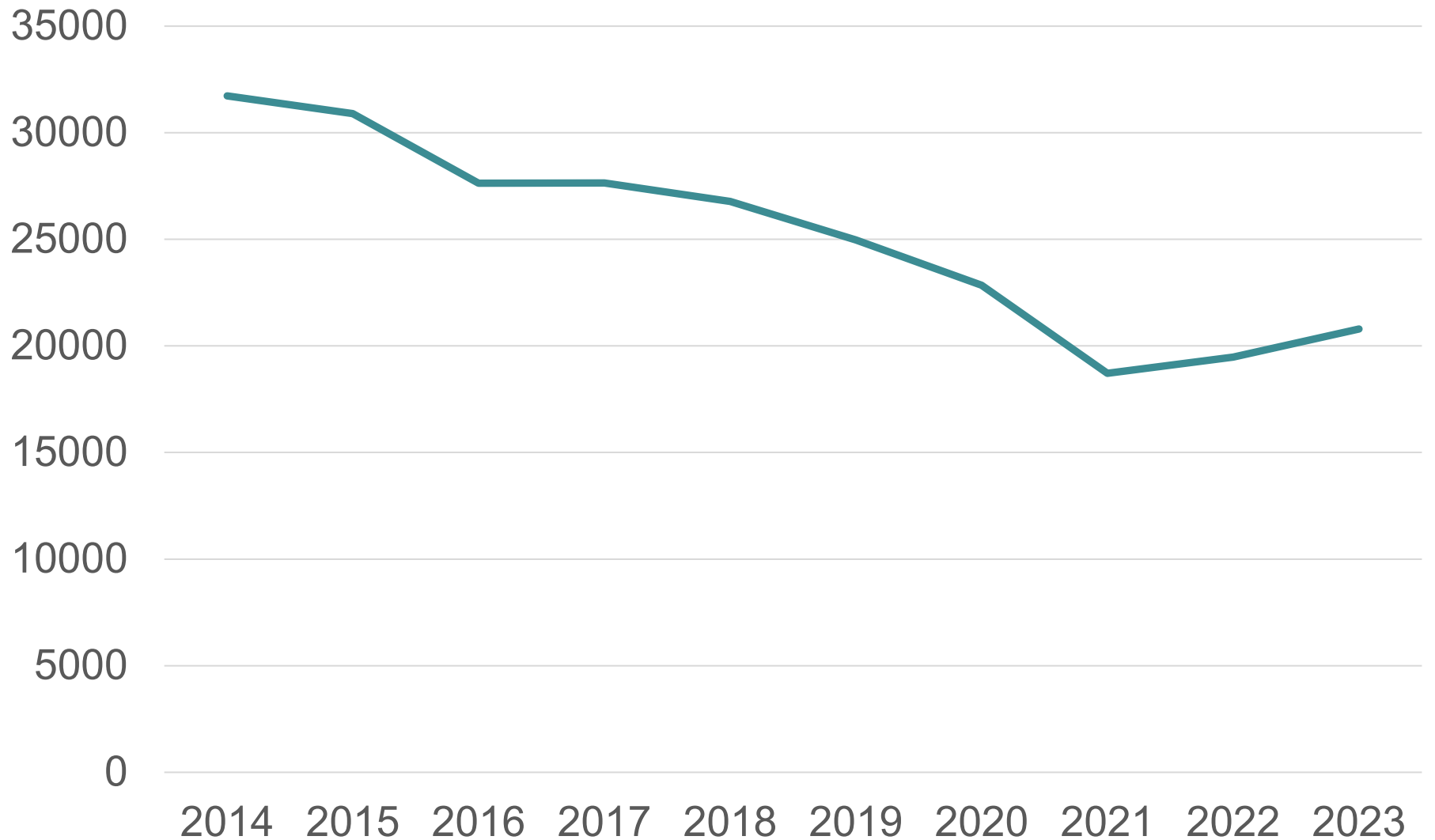
Activity	Recommended Guideline <sup>1</sup>		FY2023
	% Disposed	Time Frame	% Disposed within Time Frame
Felonies and Class A Misdemeanors	95%	12 months	87%
All Civil Except Evictions and Small Claims	95%	24 months	96%
Evictions	95%	9 months	92%
Divorce, Paternity, Custody and Support	95%	18 months	91%
Domestic Modifications	95%	12 months	78%
Temporary Protective Orders	95%	10 days	99%
Administration of Estates	95%	12 months	97%
Guardian/Conservator: Protected Persons	95%	90 days	70%
Involuntary Civil Commitment	95%	15 days	94%

# **Juvenile Court**

## **Case Filing Summary**



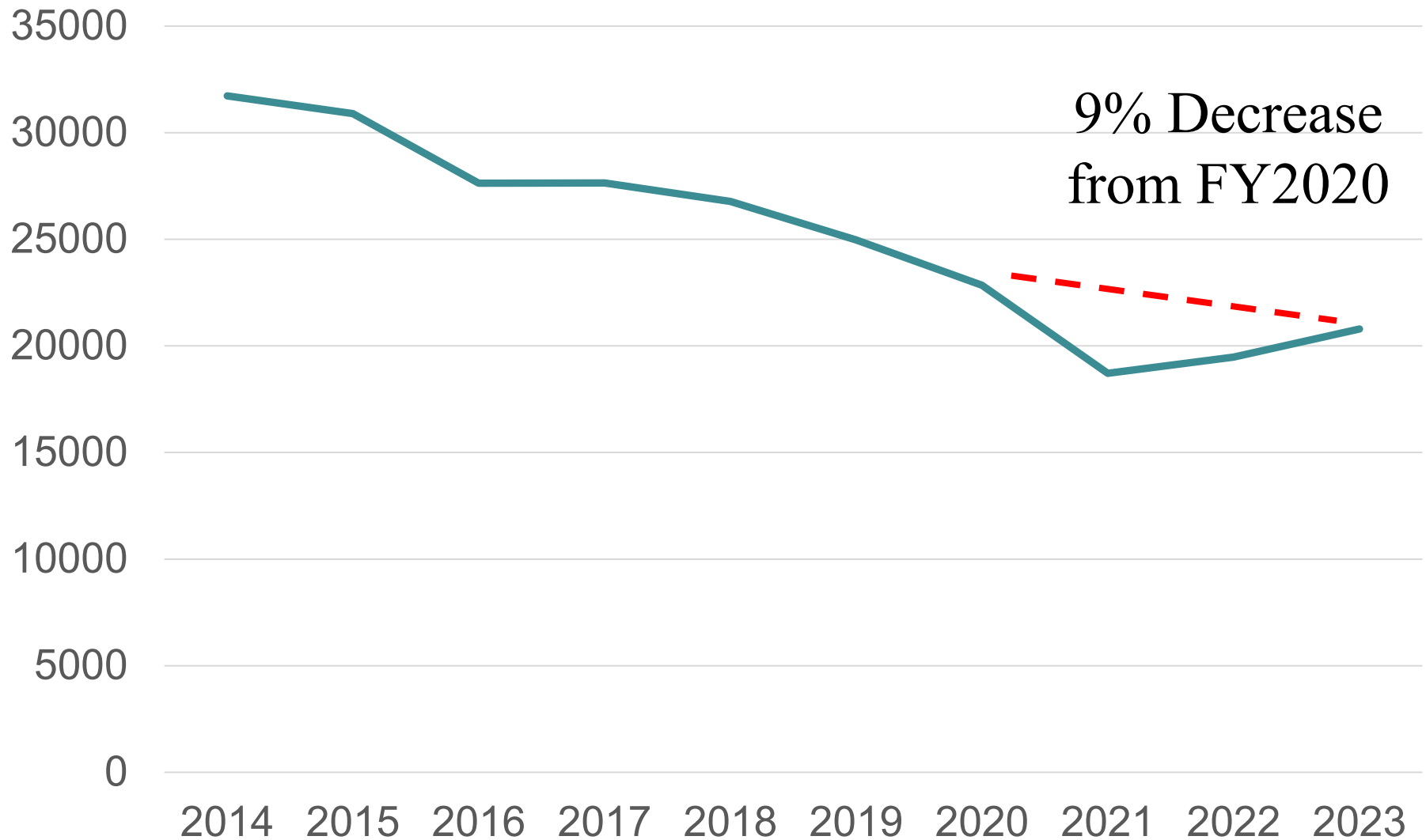
## Juvenile Court Filings by Year





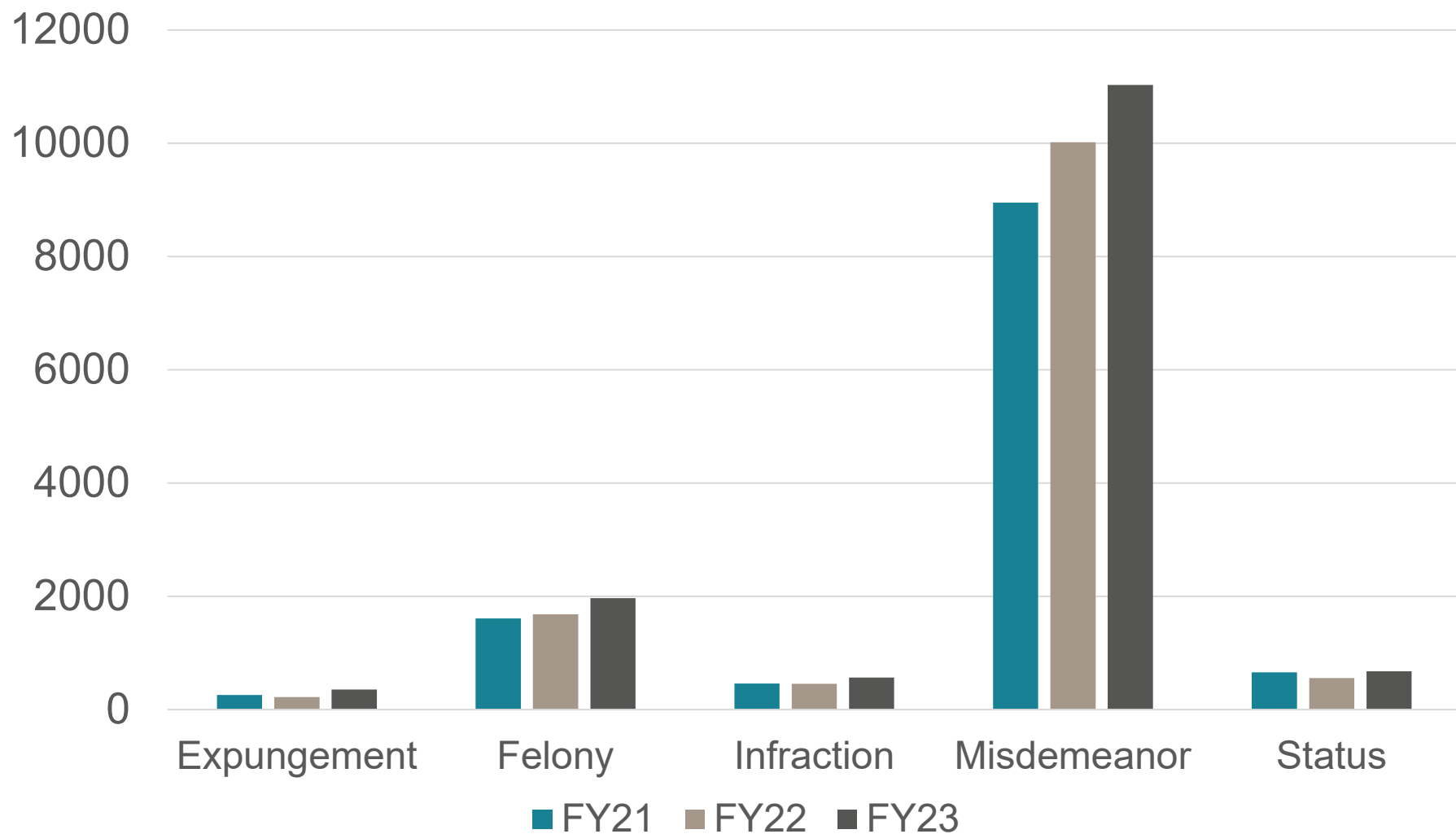


## Juvenile Court Filings by Year



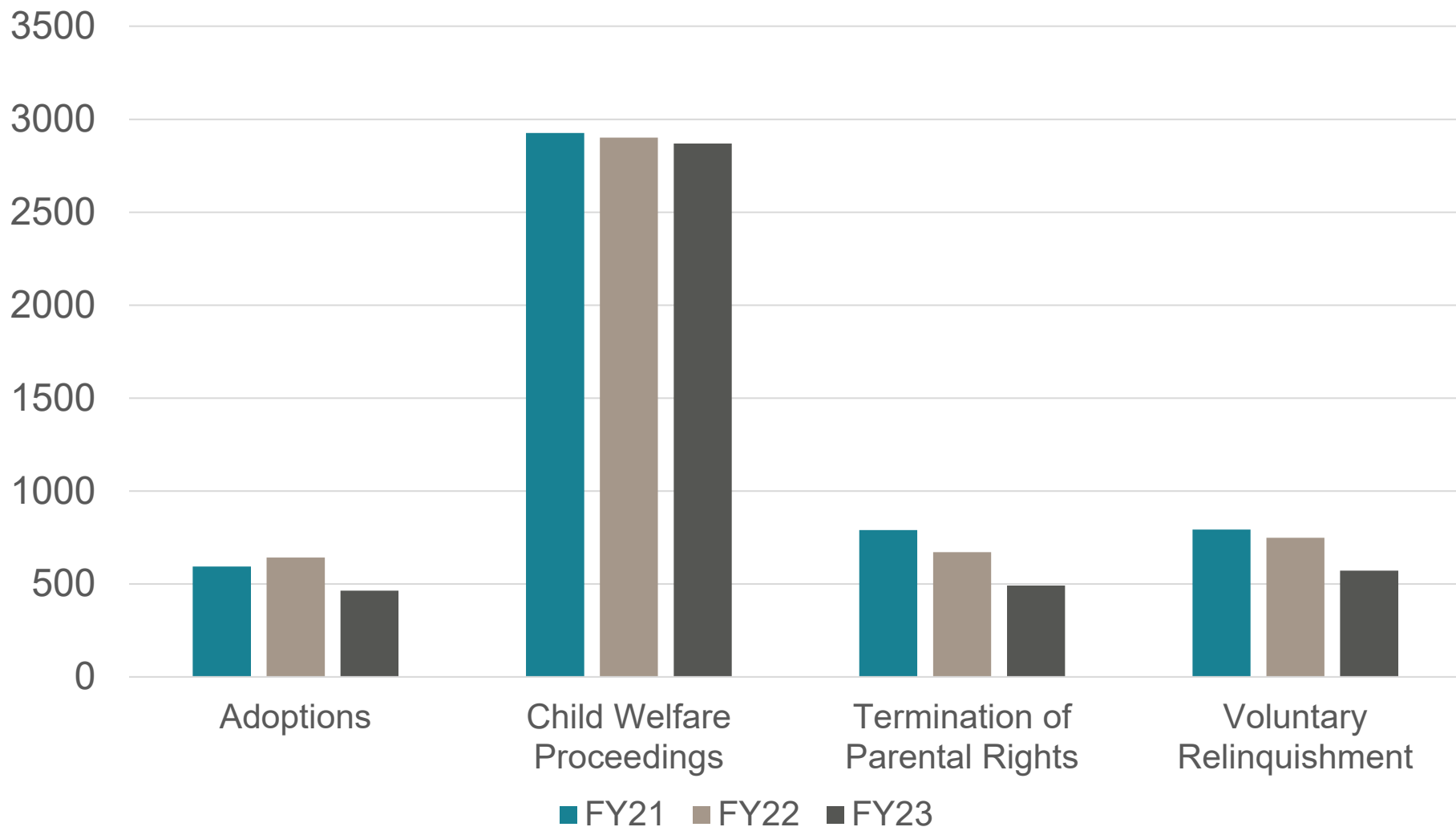


## Juvenile Court - Delinquency





## Juvenile Court – Child Welfare





## Juvenile Court Filings by Year

Case Type Category	FY21	FY22	FY23	Change	% Change
Adult Administrative Review	41	48	52	4	8%
Child Protective Order	1496	1409	1585	176	12%
Emancipation	56	45	63	18	40%
Judicial Bypass	15	31	8	-23	-74%
Petition to Marry	30	42	29	-13	-31%

# Weighted Caseload

## What's new this year?

- FTR/Listening Project
  - 8-week internship
  - 15 interns (District & Juvenile)
  - 3,279 District Court hearings captured
  - 3,862 Juvenile Court hearings captured
- Time studies are the gold standard method for calculating workload
- 2023 Weighted Caseload is the **most accurate** ever performed by the Utah Courts

# District Court Weighted Caseload

## Judicial Officers Needed *(Total Hrs.Needed / Avail.Hrs. per Judicial Officer)*

District	FY17 (1-yr)	FY18 (1-yr)	FY19 (1-yr)	FY21 (3-yr)	FY23* (3-yr)	Authorized Positions (Jdg & Commis)	Difference Authorized & Needed
1	4.0	4.5	4.2	4.3	4.8	4.6	-0.2
2	15.8	16.2	16.2	15.7	17.4	16.4	-1.0
3	39.4	41.6	39.7	37.9	40.3	36.0	-4.3
4	15.4	16.1	15.7	15.2	16.2	15.0	-1.2
5	6.5	7.1	7.0	7.0	8.3	7.0	-1.3
6	1.9	1.9	2.2	2.2	2.5	2.0	-0.5
7	2.0	2.0	2.3	2.3	2.6	3.0	0.4
8	3.1	3.1	3.0	3.0	3.4	3.0	-0.4
State	88.1	92.6	90.2	87.6	95.6	87.0	-8.6

# District Court Weighted Caseload

**Caseload as % of Standard** *(Total Hrs.Needed / Total Avail. Hrs.)*

District	FY17 (1-yr)	FY18 (1-yr)	FY19 (1-yr)	FY21 (3-yr)	FY23* (3-yr)	% Change
1	91%	104%	97%	93%	103%	11%
2	93%	96%	97%	96%	106%	11%
3	117%	120%	110%	105%	112%	6%
4	105%	108%	106%	101%	108%	7%
5	109%	119%	117%	101%	118%	18%
6	103%	105%	108%	109%	127%	16%
7	69%	70%	78%	77%	88%	14%
8	111%	111%	99%	101%	114%	13%
State	106%	110%	105%	101%	110%	9%

# Juvenile Court Weighted Caseload

Judicial Officers Needed <i>(Total Hrs.Needed / Avail.Hrs. per Judicial Officer)</i>							
District	FY18	FY19	FY21	FY22	FY23	Authorized Positions (Jdg & Commis)	Difference Authorized & Needed
1	1.8	1.3	2.3	2.3	2.5	2.0	-0.5
2	5.7	5.3	6.0	6.0	6.2	6.0	-0.2
3	10.0	8.2	9.7	10.1	10.3	9.0	-1.3
4	5.9	4.4	6.7	6.8	7.9	6.0	-1.9
5	2.3	2.0	2.6	2.5	2.6	3.0	0.4
6	0.8	0.6	1.6	1.5	2.0	2.0	0.0
7	1.5	1.1	1.1	1.1	1.2	2.0	0.8
8	1.6	1.4	1.5	1.6	1.7	2.0	0.3
State	29.5	24.4	31.6	31.9	34.4	32.0	-2.4

\*Authorized Positions includes 1 additional judicial officer in 4th District Juvenile



# Juvenile Court Weighted Caseload

Caseload as % of Standard <i>(Total Hrs.Needed / Total Avail. Hrs.)</i>						
District	FY18	FY19	FY21	FY22	FY23	% Change
1	91%	67%	115%	111%	125%	12%
2	95%	89%	101%	98%	104%	6%
3	100%	82%	108%	100%	115%	15%
4	113%	84%	134%	123%	131%	7%
5	75%	65%	86%	81%	87%	7%
6	77%	61%	158%	138%	99%	-28%
7	76%	57%	55%	53%	59%	10%
8	80%	70%	77%	82%	87%	6%
State	95%	78%	105%	98%	108%	10%

## Weighted Caseload Rankings

You can use the Caseload % of Standard Metric to rank Judicial Requests.

Example

<b>Request</b>	<b>Weighted Caseload Need</b>	<b>Authorized judicial officers</b>	<b>% of Standard Calculation</b>	<b>% of Standard</b>
<b>A</b>	40.3	36	40.3 / 36	112%
<b>B</b>	40.3	37	40.3 / 37	109%
<b>C</b>	40.3	38	40.3 / 38	106%
<b>D</b>	40.3	39	40.3 / 39	103%

# Weighted Caseload Rankings

Ranking	Request	WCL % of Standard	New WCL % of Standard <sup>1</sup>	Number of Judges Prior to Request	Additional Need if 1 Judge is Added
1	4th Juvenile	131%	112%	6.0	0.9
2	6th District	127%	85%	2.0	-0.5
3	5th District	118%	103%	7.0	0.3
4	3rd Juvenile	115%	103%	9.0	0.3
5	3rd District A	112%	109%	36.0	3.3
6	3rd District B	109%	106%	37.0	2.3
7	4th District	108%	102%	15.0	0.3
8	2nd District	106%	100%	16.4	0
9	3rd District C	106%	103%	38.0	1.3
10	3rd District D	103%	101%	39.0	0.3

## Conclusion

# Questions?

[courtdatarequest@utcourts.gov](mailto:courtdatarequest@utcourts.gov)

# Tab 2

## INTRODUCTION TO JUDICIAL COUNCIL ANNUAL BUDGET MEETING

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Annually, the Courts submit requests to the Legislative Fiscal Analyst office (LFA) for legislative ongoing and one-time funding for new initiatives. The Governor's Office of Planning and Budget (GOPB) also reviews these requests in tandem with the LFA. GOPB often includes our requests in the Governor's Budget published annually in December.

Before these requests are submitted to the LFA, the Judicial Council reviews the requests and determines if they should go forward through the legislative process. The final prioritized list is called the Annual Budget Plan. FY 2024 & FY 2025's Annual Budget Plans contain 11 requests<sup>1</sup> totaling \$2.0M in FY 2024 one-time funds, \$12.8M in FY 2025 ongoing funds, and \$5.6M in FY 2025 one-time funds, listed below in BFMC priority ranking, as follows:

1. JWI Fund (\$800K FY24 1x, \$1.0M FY25 1x, \$1.9M FY25 ongoing)
2. New District Judges, Commissioners & JAs (\$1.7M FY25 1x, \$4.1M FY25 ongoing)
3. New Juvenile Court Judges (\$454K FY25 1x, \$1.1M FY25 ongoing)
4. IT Essential Software Funding (\$1.4M FY25 ongoing)
5. Case Backlog – Senior Judge Funding (\$850K FY24 1x, \$2.0M FY25 1x)
6. Law Library – Library Assistant (\$66K FY25 ongoing)
7. 4<sup>th</sup> District Virtual Jury Services Personnel (\$215.7K FY25 ongoing)
8. Pay for Performance (\$2.0M FY25 ongoing)
9. American Fork Courthouse Lease Rent Increase (\$389K FY24 1x, \$447K FY25 1x)
10. 7<sup>th</sup> District – Training Coordinator Position (\$94.6K FY25 ongoing)
11. At-Will Conversion (\$2.0M FY25 ongoing)

Requests that are approved by the Judicial Council to forward to the Legislature will be addressed in the 2024 General Session. If approved by the legislature, the ongoing requests will then be added to the Court's FY 2025 base budget.

The process for creating the Legislative Budget Requests is laid out in [CJA 3-406](#)<sup>2</sup>. It involves all Court personnel including budget managers, Boards of Judges, committees and subcommittees collaborating to develop requests that focus on the Court's mission.

These same persons also manage the day-to-day operation of the budget. The financial efficiency of the Judiciary as a whole depends in large part upon their involvement as they execute the funding decisions made possible by the Judicial Council, the Governor, and the Legislature.

Participation in the budget process carries with it substantial responsibility. The continued good health of the organization depends upon sound management of local budgets. To that end, the Budget and Fiscal Management Committee was formed in 2019 by the Judicial Council to “review court budget proposals, recommend fiscal priorities and the allocation of funds, and make recommendations to the Council regarding budget management and budget development.” (CJA Rule 1-204)

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<sup>1</sup> Requests to the legislature are termed “Legislative Budget Requests” within the Courts. The Legislature also refers to these requests as “building blocks” or “business cases.”

<sup>2</sup> This is a redline version which was approved by the Judicial Council and will be updated in the next CJA update.

## FY 2024 BASE BUDGET

The appropriated budget for FY 2024 is **\$207.9M** (\$190.7M for FY 2023; a \$17.2M increase) and includes the following line items:

● Administration (\$171,296,100)

● Contracts and Leases (\$23,527,100)

● Grand Jury (\$800)

● Guardian ad Litem (\$10,505,600)

● Jury and Witness Fees (\$2,616,900)

- ❖ Administration is the core Judiciary budget and is detailed below. Administration has \$3.2M of non-lapsing carryforward.
- ❖ Contracts and Leases includes rents, leases, security, and operating costs. Contracts and Leases has \$500K of non-lapsing carryforward.
- ❖ Guardian ad Litem has \$500K of non-lapsing carryforward.

The Court's Administration (Main Line) budget for FY 2024 is **\$171.3M** and includes the following 11 items:

● Administrative Office (\$6,707,300)

● Court of Appeals (\$5,312,700)

● Courts Security (\$11,190,100)

● Data Processing (\$12,086,300)

● District Courts (\$73,281,500)

● Grants Program (\$1,999,700)

● Judicial Education (\$886,700)

● Justice Courts (\$1,455,300)

● Juvenile Courts (\$52,836,300)

● Law Library (\$1,507,000)

● Supreme Court (\$4,033,200)

The FY 2023 Administration budget was \$157.2M. The \$14.1M (9%) increase for FY 2024 was due primarily to payroll and benefit increases from the legislature that are effective 7/1/2023.

## JUDICIAL COUNCIL ANNUAL BUDGET APPROVAL PROCESS

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- 1) Legislative Budget Requests can be requested by any individual or group within the Courts. Most often requests come from AOC Departments (ex, IT, Education), Committees, TCEs, or Boards of District, Juvenile or Appellate Court Judges (*completed*).
- 2) Legislative Budget Requests are sent to and vetted by the State Court Administrator and AOC Finance to ensure the request is complete and addresses the GOPB questions in the write-up (*completed*).
- 3) AOC Finance circulates Legislative Budget Request to the Boards of District, Juvenile, and Appellate Court Judges (the Boards). The Boards also send their recommended prioritizations to the BFMC via AOC Finance (*completed*).
- 4) AOC Finance forwards Judicial Priority requests to the BFMC for their review and approval. Requestors present and answer questions (*completed*).
- 5) The BFMC considers the Boards prioritizations and then fulfills the requirements of the Code of Judicial Administration (CJA) Rule 1-204 and “review(s) court budget proposals (and) recommend(s) fiscal priorities...”(*completed*).
- 6) Legislative Budget Requests are presented to the Judicial Council by requestors (*to be completed at August 18, 2023 Judicial Council Budget Planning meeting*).
- 7) Preliminary prioritization of requests is presented by the BFMC to the Judicial Council (*to be completed at August 18, 2023 Judicial Council Budget Planning meeting*).
- 8) Council members discuss the relative merits of the requests. They may, by motion and vote, amend requested amounts (*to be completed at August 18, 2023 Judicial Council Budget Planning meeting*).
- 9) Council members, by motion and vote, finalize prioritization of requests that will be advanced during the 2024 Legislative process. The Council after listening to the presentation by the requesters, may recommend adjustments to (1) the request itself, (2) the requested amount, and/or (3) BFMC prioritization.

The requests approved for advancement to the Legislature will fall into one of the following four categories:

- a) **Legislative Budget Requests/Building Blocks**—Items requested that the Judicial Council elects to pursue through the legislative appropriations process. Building block requests are submitted to the Legislature and to the Governor.
- b) **Legislative Fiscal Note**—Items requested by a Board or Committee that the Judicial Council elects to pursue through legislation and an accompanying fiscal note (i.e. the addition of a new Judge requires legislation and, therefore, cannot be submitted via a building block and would be required to go through the legislative fiscal note process).
- b) **Supplemental Funding Request**— Items for which there are insufficient funds for the current fiscal year (FY 2024). Funding will be requested through the legislative appropriations process. Some items may be one-time expenditures. Other items may require continued funding in successive years, in which case a building block is listed



for the request year. Generally, these requests would first go through the carryforward funding process and would only reach this stage if carryforward funding was not available. The American Fork Lease request has a supplemental funding component.

- c) **Constitutional or other Obligation**—Items for which the judiciary has an existing obligation. Funding will be requested through the legislative appropriations process, but mandatory obligations will not be prioritized with other building blocks because they are required by statute (unfunded mandate) or the Utah Constitution. The JWI Fund request has a constitutional obligation—a part of which is also a supplemental funding request since it is for the current year.

*(To be completed at August 18, 2023 Judicial Council Budget Planning meeting.)*

10) Council members, by motion and vote, assign any requests not advanced as a Judicial Priority/Building Block or Legislative Fiscal Note into one the following two categories:

**a) Deferral or Alternative Funding**

- i. **Deferral**—Items which are removed from consideration for general fund money in the 2024 General Session and will be brought back to the Council in the spring or summer of 2024 for reconsideration of funding through (1) submission as a 2025 General Session Legislative Request, (2) FY 2024 year-end surplus funds (1x funds), (3) carryforward funds into FY 2025 (1x funds) or (4) ongoing turnover savings (ongoing funds generally used for personnel matters).
  - ii. **Alternative funding**—Items requested for which funding may be available from sources other than the Legislature including grants and items (2), (3) or (4) in 10 (a) (i) above.
- b) **Elimination**—Items requested that the Judicial Council elects not to pursue during the 2024 Legislative session are removed from consideration for general fund money and will not be automatically considered again.

*(To be completed at August 18, 2023 Judicial Council Budget Planning meeting.)*

## **2023 LEGISLATIVE SESSION BUDGET RESULTS FOR FY 2024**

During the 2023 General Session, the Legislature:

- Funded 5.0% COLA and 3.5% Targeted pay increases for non-Judicial Officer personnel; also funded 10% Judicial Officer pay increase. Combined amount totaling \$10.2M (see Exhibit A).
- Funded \$4.6M of ongoing funds for 8 of 9 Legislative Requests and \$978K of 1x IT funding (see Exhibit A).
- Provided just over \$1.0M of ongoing fiscal note funds and \$682K one-time funds (see Exhibit A).

## **SUPPLEMENT - CARRYFORWARD AND YEAR-END 1X TURNOVER SAVINGS**

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### **1. Carryforward Funds (1x)**

Carryforward funds are unused 1x funds from a fiscal year that will be carried into the next fiscal year by virtue of Legislative authorization to do so. These funds represent savings from employee turnover created by positions normally taking several months to fill (80%) and unspent budgeted operating funds (20%). The Courts have typically received at least \$2.5M in 1x carryforward authority. In recent years due partly to supply chain issues combined with higher than normal open positions (approx. 60 at any given time), the authorized carryforward amount has been increased to \$3.2M. See Exhibit B for details.

### **2. Fiscal Year-End 1x Funds**

AOC Finance uses various estimates based on the number of open positions (which generate 1x turnover savings) to forecast what total year 1x turnover savings will be. In addition, during January/February of each fiscal year, AOC Finance works with districts, administrators, and directors to create a forecast to determine if operational savings (savings from non-personnel related sources) combined with 1x turnover savings will result in carryforward funds exceeding our allowed carryforward amounts. If the forecasted amount of available funds at the end of the year exceeds the allowed carryforward funds, AOC Finance will seek requests from districts, administrators, and directors to spend the “excess” one-time funds prior to the end of the fiscal year so that they do not lapse. Some budget owners use savings in one area to offset extra expenses in another area. AOC Finance asks budget owners to think of the “greater good” as they forecast what non-personnel savings they can generate for use by other areas of the Courts. Typically, the Courts have generated approximately \$1.5M - \$2.0M in year-end 1x spending amounts in addition to the \$2.5M - \$3.2M in carryforward funds.

## **SUPPLEMENT - REQUESTING 1X OR ONGOING TURNOVER SAVINGS**

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Savings to budget arise from two primary sources – (1) personnel turnover and (2) program spending less than budget.

Two types of turnover savings occur each fiscal year:

- I. One-time turnover savings (1xTOS) occurs when a position is vacant for a period of time. 1xTOS can be used for both year-end (the current fiscal year) and carryforward (the next fiscal year) purposes.
- II. Ongoing turnover savings (Ongoing TOS) occurs when a position that has been vacated is filled with a new hire at a lower rate than budgeted. Budgets typically represent the base pay of the person currently in the role inclusive of retirement and medical coverage. Only general funds generate turnover savings; personnel paid out of specialty funds (ex., NJA) or grants do not generate turnover savings.

1xTOS are used for the “greater good” of the Courts and are combined with 1x non- personnel savings (caused by spending less than the budget on non-personnel items - see further description below) to

determine the total 1x carryforward and year end funds available. Turnover savings originate in every budgetary unit in the Courts and are used to fund various requests that are reviewed by the BFMC and approved by the Judicial Council who act as the final budgetary authority for the Courts.

In an average year, between \$4.5M and \$5.0M of combined 1xTOS + 1x non-personnel savings and between \$500K and \$750K of ongoing TOS are generated by the Courts.

1xTOS + 1x non-personnel savings can be requested to fund operational or personnel requests. Ongoing TOS are almost always used to fund personnel requests including performance raises and promotions. AOC Finance serves as the central point for requests to use either 1xTOS or Ongoing TOS as YE, Carryforward or ongoing requests. Annually, AOC Finance invites executive management, Boards and committees to submit requests to utilize the turnover and other savings. These submission documents are standardized and can be requested by emailing the Court's Director of Finance or Deputy Director of Finance.

Requests for the use of year-end 1x funds typically happen starting in September for things like performance bonus payments. Generally, requests to use these funds end by March since the lead time for purchases to be received by June 30 is normally 3 months.

Requests for the use of carryforward and ongoing funding typically happen in June for the following fiscal year. The estimated amount available and the requests are typically presented at the April, May, or June BFMC and June Judicial Council meetings where the BFMC prioritizes and recommends and the Judicial Council approves a spending plan for those funds in the next fiscal year.

### ***Requests to use 1xTOS and 1x Other Savings - for Non-personnel Items***

1xTOS and 1x non-personnel savings have been used to fund various types of expenses including the following (bold = personnel items further discussed below):

- IT special projects
- **employee bonuses and employee incentives** (payments for outstanding performance against annual performance goals, incentive awards (typically gift cards) ) (see 19-02.00 Employee Bonuses and 19-01.00 Employee Incentives in accounting manual).
- employee educational assistance reimbursements
- Court property refurbishments
- employee public transportation reimbursements
- IT replacement laptops, building furnishings replacements, etc.

Ongoing TOS has been used to fund the following items:

- **employee raises (see 19-03.00 in accounting manual)**
- **special adjustments (e.g. when an employee is hired above entry level)**
- **new positions**

For all non-bolded requests, a standard YE or Carryforward template can be used to request funds.

**Appropriated (Main Line Item, General Fund Only)**

Appropriated (Main Line Item, General Fund Only)					Requested		Comments
Available Funding	Funding Type	Funds Go To	One Time	Ongoing	One Time	Ongoing	
Legislative General Appropriations							
5% COLA, 3.5% targeted, Benefit increases (HB 8); Judges 10% (part of Internal Service Fund Adjustments (SB 8)	Appropriation	Various	\$ 461,200	\$ 9,603,800	N/A	N/A	
Judges 10% (part of \$3.475M) - Judicial Compensation (SB 3)	Appropriation	Various	N/A	\$ 116,900	N/A	N/A	
	Appropriation	District Courts	N/A	\$ 521,300	N/A	N/A	
			\$ 461,200	\$10,242,000			
Legislature Specific Court Requests - Appropriations							
3rd District Judicial Assistant Staff- Jury Department (SB 3)	Budget Request	District Courts	N/A	\$ 233,100	N/A	\$ 233,100	Legislature increases by
District Court Law Clerk Attorneys (SB 3)	Budget Request	District Courts	N/A	\$ 1,020,700	N/A	\$ 1,020,700	
Fourth District Juvenile Court Judge and Staff (SB 3)	Budget Request	Juvenile Courts	N/A	\$ 475,000	N/A	\$ 475,000	
Recruit and Retain - Non-Judicial Legal Expertise (SB 3)	Budget Request	District Courts	N/A	\$ 2,387,400	N/A	\$ 1,513,100	
Domestic Violence Program Manager (SB 2)	Budget Request	District Courts	N/A	\$ 110,000	N/A	\$ 110,000	
IT Essential Software (SB 2)	Budget Request	IT	\$ 978,000	\$ -	N/A	\$ 978,000	
Online Dispute Resolution Administrator (SB 2)	Budget Request	Law Library	\$ -	\$ 120,000	N/A	\$ 120,000	
Self-Help Center New Forms Attorney (SB 2)	Budget Request	Law Library	\$ -	\$ 127,000	N/A	\$ 127,000	
Tribal Outreach Program Coordinator (SB 2)	Budget Request	District Courts	\$ -	\$ 64,900	N/A	\$ 64,900	
			\$ 978,000	\$ 4,538,100		\$ 4,641,800	
Fiscal Notes					Identified		
Identified Purpose			One Time	Ongoing	One Time	Ongoing	
Business and Chancery Court Amendments (HB 216, funded in SB 3)	Fiscal Note	District Court / IT	\$ -	\$ 734,300	\$ -	\$ 734,300	\$671,900 to District BCC Judge / Staff in FY 2023 \$62,400 for IT in FY 2023
Traffic Violation Amendments (HB 192, funding in SB 3)	Fiscal Note	IT	\$ 70,500	\$ -	\$ 70,500	\$ -	
Firearm Possession Amendments (HB 225, funded in SB 3)	Fiscal Note	IT	\$ 88,400	\$ -	\$ 88,400	\$ -	
Sex/Kidnap/Child Abuse Offender Registry Amendments (HB 156, funded in SB 3)	Fiscal Note	IT	\$ 10,700	\$ -	\$ 10,700	\$ -	
Juvenile Justice Modifications - IT portion (HB 60, funded in SB 3)	Fiscal Note	IT	\$ 473,000	\$ 25,000	\$ 473,000	\$ 25,000	
Criminal Prosecution Amendments (SB887, funded in SB3)	Fiscal Note	IT	\$ 18,300	\$ -	\$ 18,300	\$ -	
Subtotal Identified Purpose			\$ 660,900	\$ 759,300	\$ 660,900	\$ 759,300	
Unobligated*					Unobligated*		
Criminal Prosecution Amendments (SB887, funded in SB3)	Fiscal Note	District Court	\$ -	\$ 3,300	\$ -	\$ 3,300	
Sex Offender Restriction Amendments (HB 99, funding in SB 3)	Fiscal Note	District Court	\$ -	\$ 300	\$ -	\$ 300	
Civil Commitment Amendments (HB 330, funded in SB 3)	Fiscal Note	District Court	\$ -	\$ 1,200	\$ -	\$ 1,200	
Enticement of a Minor Amendments (SB 169, funded in SB 3)	Fiscal Note	District Court	\$ -	\$ 5,500	\$ -	\$ 5,500	
Joint Resolution - Rules of Civil Procedure on Injunctions (HJR 2, funded in SB 3)	Fiscal Note	District Court	\$ 6,500	\$ -	\$ 6,500	\$ -	
Mentally Ill Offender Amendments (HB 385, funded in SB 3)	Fiscal Note	District Court	\$ -	\$ 9,700	\$ -	\$ 9,700	
Subtotal Prioritized for District Court			\$ 6,500	\$ 20,000			
Juvenile Justice Revisions (HB 304, funded in SB 3)	Fiscal Note	Juvenile Court	\$ -	\$ 33,300	\$ -	\$ 33,300	
Juvenile Court Modifications (SB 290, funded in SB 3)	Fiscal Note	Juvenile Court	\$ 14,800	\$ 14,900	\$ 14,800	\$ 14,900	
Juvenile Justice Modifications - Juvenile Court portion (HB 60, funded in SB 3)	Fiscal Note	Juvenile Court	\$ -	\$ 73,900	\$ -	\$ 73,900	
Child Welfare Modifications (SB 163, funded in SB 3)	Fiscal Note	Juvenile Court	\$ -	\$ 121,100	\$ -	\$ 121,100	
Subtotal Prioritized for Juvenile Court			\$ 14,800	\$ 243,200	\$ 21,300	\$ 263,200	
Total Unobligated for District and Juvenile Courts			\$ 21,300	\$ 263,200			
Grand Total Identified Purpose & Unobligated for District and Juvenile Courts			\$ 682,200	\$ 1,022,500			
*Total Funding Provided			\$2,121,400	\$15,802,600			

\*Unobligated amounts represents Funds available for discretionary purposes with priority to District or Juvenile Courts; any amounts not used by District or Juvenile Courts roll into carryforward (1x funds) or Ongoing funds that are prioritized by Judicial Council.

EXHIBIT B



# FY 2024 Carryforward Requests - Period 12 - Final

6/30/2023

## Funding Sources

	One Time	One Time
Actual Carryforward Amount from Fiscal Year 2023	\$ 3,225,000	\$ 3,225,000
Unobligated Fiscal Note Funds - District Court	\$ 6,500	\$ 6,500
Unobligated Fiscal Note Funds - Juvenile Court	\$ 14,800	\$ 14,800
Wellness Council Portion of Carryforward	\$ (2,991)	\$ (2,991)
Total Available Funding	\$ 3,243,309	\$ 3,243,309
One time component of an ongoing request	\$ 8,562	\$ 8,562
One time component of an ongoing request	\$ 4,000	\$ 4,000
Subtotal	\$ 12,562	\$ 12,562
Balance Remaining	\$ 3,230,747	\$ 3,230,747

## Carryforward Requests

	Presented	Judicial Council Approved
	One Time	One Time
1* Crisis Services - Pilot Program - Ron Gordon	\$ 35,000	\$ 35,000
2* Education Budget Shortfall - Lauren Andersen	\$ 224,700	\$ 224,700
3* Education Assistance - Alisha Johnson	\$ 85,000	\$ 85,000
4* Contract Court Sites - Shane Bahr	\$ 10,000	\$ 10,000
5* ICJ Annual Funding - Sonia Sweeney	\$ 26,950	\$ 26,950
6* Employee Incentive Awards - Bart Olsen	\$ 280,000	\$ 280,000
7* Applicant Tracking/Onboarding Software - Jeremy Marsh	\$ 24,000	\$ 24,000
8* Courts EcoPass Program - Chris Talbot & Melissa Taitano	\$ 60,000	\$ 60,000
9 AOC 2nd Floor Upgrade to Usable Workspace - Chris Talbot	\$ 135,000	\$ 135,000
10 Summit Deliberation Room - 2nd Request - Chris Talbot	\$ 204,000	\$ 204,000
11 American Fork Courthouse Rent Increase - Chris Talbot & Karl Sweeney	\$ 389,000	\$ 389,000
12* IT Staff Augmentation - Todd Eaton & Chris Talbot	\$ 50,000	\$ 50,000
13 IT Stipend for Technology Subject Matter Experts - Todd Eaton, Jace Kinder	\$ 78,000	\$ 78,000
14* IT Replacement Inventory - Todd Eaton	\$ 364,000	\$ 364,000
15* CISCO WebEx Virtual Hearing Improvement - Brody Arishita	\$ 150,000	\$ 150,000
16* IT - Retain Contract Developers Support - Brody Arishita	\$ 682,000	\$ 682,000
17 OCAP Support for MyCase Transition - Nathanael Player	\$ 52,000	\$ 52,000
18 ODR Contractor Transition Support - Nathanael Player	\$ 18,000	\$ 18,000
19* Secondary Language Stipend - Jonathan Puente	\$ 166,400	\$ 166,400
20 7th District - Courtroom Furniture & WebEx Booth Patron Document Stations- Travis Erickson	\$ 7,200	\$ 7,200
21 Provo Conference Room Hybrid Upgrade - Mark Urry & Shelly Waite	\$ 99,000	\$ 99,000
22 Internal Audit Department - Employee Training Overlap - Wayne Kidd	\$ 37,500	\$ 37,500
Subtotal	\$ 3,177,750	\$ 3,177,750
Balance Remaining After Judicial Council Approvals		\$ 52,997
+ Balance Remaining Inclusive of "Presented"	\$ 52,997	



## FY 2024 - Legislative Request Scoring Worksheet

		Maximum Score for each Factor = 10 before weighting															
#		Description										Evaluation		Evaluation			
Request Number	Description	Board of District Court Judges Ranking	Board of Juvenile Court Judges Ranking	Board of Appellate Court Judges Ranking	BFMC Ranking	Ongoing	One-time	One-time	Additional Description		Factor 1	Factor 2	Total	Final Recommendation			
						2025 Amount	2025 Amount	2024 Amount		Rankings Only	Weighting - 2x	Weighting - 1x					
1	Jury, Witness, Interpreter Fund	1 (due to constitutional nature)	1 (due to constitutional nature)	Unranked (due to constitutional nature)	1	\$1,901,000	\$1,000,000	\$800,000	Funding to meet the constitutionally required duty to provide interpreters to limited English proficient litigants.				-				
2	New District Court Judges, Commissioners, & JAs	1	2	3	2	\$4,087,800	\$1,695,800	\$0	To provide four District Court Judges, four District Court Commissioners, 16 Judicial Assistants, and two Law Clerk Attorneys. One time funding is to finish a shelled courtroom in the Tooele District courthouse. **Requires additional legislative action**				-				
3	3rd and 4th District Juvenile Court Judges	2	1	4	3	\$1,056,500	\$453,950	\$0	Funding for two new Judicial Officers, two Case Managers, two Judicial Assistant, ongoing operating expenses, and one time funding for buildout. **Requires additional legislative action**				-				
4	IT Essential Software Funding	3	3	2	4	\$1,366,000	\$0	\$0	Ongoing funding for essential software needs.				-				
5	Case Backlog - Senior Judges	1	6	7	5	\$0	\$2,000,000	\$850,000	One time funding in FY 2024 (\$850,000) and FY 2025 (\$2,000,000) to support the current practice of retaining Senior Judges and Time-Limited Judicial Assistants to reduce the case backlog caused by the COVID-19 Pandemic.				-				
6	Law Library Assistant	5	8	1	6	\$66,000		\$0	Ongoing funding to provide one new Law Library Assistant.				-				
7	4th District - Virtual Jury Services Personnel	6	7	5	7	\$215,700	\$0	\$0	Funding for 2.5 new JA positions responsible for virtual jury requests.				-				
8	Pay for Performance	4	4	6	8	\$2,000,000	\$0	\$0	Funding to create a Pay for Performance program within the Judicial Branch.				-				
9	American Fork Courthouse Rent Increase	8	5	9	9	\$0	\$447,000	\$389,000	One time funding in FY 24 (\$389,000) and FY 25 (\$447,000) to fund the rent increase required for the American Fork Courthouse				-				
10	7th District Training Coordinator	Not ranked (not available at the time of meeting)	Not ranked (not available at the time of meeting)	Not ranked (not available at the time of meeting)	10	\$94,600	\$0	\$0	To provide a Clerical Training Coordinator in the 7th District to support ongoing training, quality case management, and customer service.				-				
11	At-Will Conversion	7	9	8	11	\$2,000,000	\$0	\$0	Funding to incentivize conversion of all current career services Judicial Branch employees to at-will employment status.				-				
Total Legislative Requests						\$12,787,600	\$5,596,750	\$2,039,000									
											Factor 1 -	Factor 2 -					
											How essential to accomplishing Courts' mission	Expenditure provides good return on investment					
Note: All Boards use Scoring methodology of a simple.											Rules						
Mission - The mission of the Utah Courts is to provide a fair, efficient, and independent system for the advancement of justice under the law.											(1) Must award one submission with a "10" score for each factor						
											(2) Only one submission can earn a "10" for each factor						
											(3) After "10" score is awarded, multiple submissions can earn the same score.						



# Tab 3





# GOVERNOR'S OFFICE OF Planning & Budget

## FY24 and FY25 Budget Reallocation Form

**Agency:** Judicial Branch (Courts)  
**Division or Program:** Reallocation of West Jordan Courthouse Construction Bond  
**Request Title:** Reallocation of West Jordan Courthouse Construction Bond  
*Please do not prioritize reallocation requests against standard budget requests.*  
**Requester:** Chris Talbot

**TABLE 1**

*Please add more rows if necessary.*

LINE ITEM	SOURCE (GF, ITF, USF, or OTHER)	FY24 ONE-TIME	FY25 ONGOING	FY25 ONE-TIME
BCAA	GF	\$0	\$974,930.12	\$0
BCAA	GF	\$0	(\$974,930.12)	\$0
<b>TOTAL</b> (MUST NET TO ZERO)		<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

If applicable, summarize other sources besides General Fund (GF), Income Tax Fund (ITF), and Uniform School Fund (USF). If reallocating from ARPA funds, please include a description of eligibility: None

### A. BACKGROUND & BUDGETARY DETAILS

1. Summarize the request, the specific problem it will solve, and how it will solve the problem.

The objective of this request is to reallocate the retiring construction bond annual rent payment (\$974,930.12) towards a new lease with Tooele County. The courthouse property reverts ownership to the County in FY26 per the site lease agreement signed in 2004. The Courts would either need to purchase the property or rent our existing occupied spaces (40,098 sf) from the County in the shared building.

Due to higher priority Capital Development projects, the Court has chosen to rent the courthouse from the County rather than request funding to purchase the courthouse, which could possibly be a +\$10M purchase.

2. Provide an itemized budget for the reallocated funding, including revenue and expenditure sources, to demonstrate how the funding will be used.

The reallocated annual bond payment would only be used to pay for the new future lease rent to be negotiated with the County in 2024. This reallocation request is also being made along with the separate Tooele retiring construction bond reallocation request (\$555,832.52 annually) to provide a total of \$1,530,762.64 that would be available towards the new lease rent.

3. *How will the line item or previously funded item from which funds are being reallocated be impacted?*

N/A

## B. CREATING VALUE

4. *What value will the reallocated resources create for Utah? If the reallocation is for a new program, what performance measures will be reported?*

N/A

5. *Provide the details, sources, research, and analysis which forms the evidence-basis for this request or the associated program (e.g, cost benefit analysis, program evaluation, results from pilot program, etc).*

Reallocating this annual bond payment to help fund a new lease for the existing courthouse will allow the Court to continue operations in Tooele.

## C. COORDINATION, STRATEGIC PLANNING, AND LONG-TERM VISION

6. *How does this reallocation further the Cox-Henderson Administration's priorities?*

See answer to #5. This request furthers the Court's mission to "provide an open, fair, efficient and independent system for the advancement of justice under the law".

7. *Provide the statutory and administrative rule references which allow or require the activity for which reallocated funding is requested. If this request requires statute or rule changes, describe required changes. Agencies must coordinate all legislation through the governor's general counsel and legislative director.*

N/A

8. *How does this request further your agency's strategic priorities? Include a direct citation of your agency's strategic plan and relevant goals, objectives and strategies and/or work plan.*

The Judicial Council's Facilities Master plan does not rank a new courthouse project for Tooele as a priority. Reallocating this retiring bond would provide funding towards a new 20-year lease and allow the Court to focus on more urgent facilities projects.

9. *If applicable, which other agencies or stakeholders have you coordinated with during development of this request? If the reallocation is for a new program, please describe why this activity should be executed by the requesting agency and not another agency, local government, or third party.*

N/A

10. *Does this request create any future funding obligations (operations and maintenance, multi-year scale up, etc)?*

There will be an annual rent payment owed to the County over the next 20 years or more.

#### **D. EXPANDING ACCESS AND OPPORTUNITY**

11. *Which populations or geographic areas will benefit most from this request (e.g., new state park users, individuals eligible for enrollment in new or existing programs, rural or urban communities, people from different cultural or racial backgrounds, or all Utahns)?*

Residents of Tooele County will continue to benefit from access to justice in their own community.

# Tab 4



# GOVERNOR'S OFFICE OF Planning & Budget

## FY24 and FY25 Budget Reallocation Form

**Agency:** Judicial Branch (Courts)  
**Division or Program:** Reallocation of Tooele Courthouse Construction Bond  
**Request Title:** Reallocation of Tooele Courthouse Construction Bond  
*Please do not prioritize reallocation requests against standard budget requests.*  
**Requester:** Chris Talbot

**TABLE 1**

*Please add more rows if necessary.*

LINE ITEM	SOURCE (GF, ITF, USF, or OTHER)	FY24 ONE-TIME	FY25 ONGOING	FY25 ONE-TIME
BCAA	GF	\$0	\$555,832.52	\$0
BCAA	GF	\$0	(\$555,832.52)	\$0
<b>TOTAL</b> (MUST NET TO ZERO)		<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

If applicable, summarize other sources besides General Fund (GF), Income Tax Fund (ITF), and Uniform School Fund (USF). If reallocating from ARPA funds, please include a description of eligibility: None

### A. BACKGROUND & BUDGETARY DETAILS

1. Summarize the request, the specific problem it will solve, and how it will solve the problem.

The objective of this request is to reallocate the retiring construction bond annual rent payment (\$555,832.52) towards a new lease with Tooele County. The courthouse property reverts ownership to the County in FY26 per the site lease agreement signed in 2004. The Courts would either need to purchase the property or rent our existing occupied spaces (40,098 sf) from the County in the shared building.

Due to higher priority Capital Development projects, the Court has chosen to rent the courthouse from the County rather than request funding to purchase the courthouse, which could possibly be a +\$10M purchase.

2. Provide an itemized budget for the reallocated funding, including revenue and expenditure sources, to demonstrate how the funding will be used.

The reallocated annual bond payment would only be used to pay for the new future lease rent to be negotiated with the County in 2024. This reallocation request is also being made along with the separate West Jordan retiring construction bond reallocation request (\$974,930.12 annually) to provide a total of \$1,530,762.64 that would be available towards the new lease rent.

3. *How will the line item or previously funded item from which funds are being reallocated be impacted?*

N/A

## B. CREATING VALUE

4. *What value will the reallocated resources create for Utah? If the reallocation is for a new program, what performance measures will be reported?*

N/A

5. *Provide the details, sources, research, and analysis which forms the evidence-basis for this request or the associated program (e.g, cost benefit analysis, program evaluation, results from pilot program, etc).*

Reallocating this annual bond payment to help fund a new lease for the existing courthouse will allow the Court to continue operations in Tooele.

## C. COORDINATION, STRATEGIC PLANNING, AND LONG-TERM VISION

6. *How does this reallocation further the Cox-Henderson Administration's priorities?*

See answer to #5. This request furthers the Court's mission to "provide an open, fair, efficient and independent system for the advancement of justice under the law".

7. *Provide the statutory and administrative rule references which allow or require the activity for which reallocated funding is requested. If this request requires statute or rule changes, describe required changes. Agencies must coordinate all legislation through the governor's general counsel and legislative director.*

N/A

8. *How does this request further your agency's strategic priorities? Include a direct citation of your agency's strategic plan and relevant goals, objectives and strategies and/or work plan.*

The Judicial Council's Facilities Master plan does not rank a new courthouse project for Tooele as a priority. Reallocating this retiring bond would provide funding towards a new 20-year lease and allow the Court to focus on more urgent facilities projects.

9. *If applicable, which other agencies or stakeholders have you coordinated with during development of this request? If the reallocation is for a new program, please describe why this activity should be executed by the requesting agency and not another agency, local government, or third party.*

N/A

10. *Does this request create any future funding obligations (operations and maintenance, multi-year scale up, etc)?*

There will be an annual rent payment owed to the County over the next 20 years or more.

#### **D. EXPANDING ACCESS AND OPPORTUNITY**

11. *Which populations or geographic areas will benefit most from this request (e.g., new state park users, individuals eligible for enrollment in new or existing programs, rural or urban communities, people from different cultural or racial backgrounds, or all Utahns)?*

Residents of Tooele County will continue to benefit from access to justice in their own community.





# Tab 5



# GOVERNOR'S OFFICE OF Planning & Budget

## FY24 and FY25 Budget Request Form

**Agency:** Judicial Branch (Courts)  
**Division or Program:** Language Access Program  
**Request Title:** Jury, Witness, Interpreter Fund  
**Request Priority:** #1 (per BFMC ranking and Constitutional)  
*(Please do not prioritize reallocation requests against standard budget requests.)*  
**Requester:** Jon Puente, Jessica Leavitt

**Amount Requested:** Summarize other sources besides General Fund (GF), Income Tax Fund (ITF), and Uniform School Fund (USF).

SOURCE	FY24 ONE-TIME	FY25 ONGOING	FY25 ONE-TIME	TOTAL REQUEST
GF, ITF, USF	\$800,000	\$1,901,000	\$1,000,000	\$3,701,000
OTHER	\$0	\$0	\$0	\$0
<b>TOTAL</b>	<b>\$800,000</b>	<b>\$1,901,000</b>	<b>\$1,000,000</b>	<b>\$3,701,000</b>

### A. BACKGROUND & BUDGETARY DETAILS

1. Summarize the request, the specific problem it will solve, and how it will solve the problem.

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

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

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

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

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

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

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

† Denotes two hour minimums

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

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

In FY 2023, despite the pay raises, the Language Access program managers are having difficulty finding sufficient certified interpreters to supply all of the needs of the Utah Courts.

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

2. Provide an itemized budget for the new funding, including revenue and expenditure sources, for how the funding will be used.

The new funds will be used for the following items:

	FY 2024 <u>1x</u>	FY 2025 <u>Ongoing</u>	FY 2025 <u>1x NL</u>
1. Fund the current JWI fund annual deficit (the deficit is caused primarily by increases in contract interpreter pay and hours worked)		\$440,000	
2. Fund higher contract interpreter pay estimated at a 10% increase to \$57 per hour (\$57 - \$52 = \$5 per hour x 12,500 contract interpreter hours)		\$62,500	
3. Purchase scheduling software that tracks court-wide interpretation needs and is used by all parties in the language access group (e.g., contract interpreters, employee interpreters, schedulers, etc.)		\$20,000	
4. Hire a new employee who will assist potential contract interpreters to obtain interpreter certification. This contractor will assist with recruitment, training, and proctoring certification examinations.		\$160,000	
5. Increase the supply of employee interpreters hiring 6 additional (would be 8 in total when combined with the 2 existing employee interpreters) full-time employee interpreters to give us a larger base of interpreters that we can direct to cover things like in-person interpretation hearings/trials.		\$350,000	
6. Use radio and TV/cable media to increase interpreter recruitment channels		\$30,000	
7. Adjust contract interpreter pay to match surrounding states @ 2-hour minimum per assignment	\$275,000	\$161,850	
8. Incentivize contract interpreters to take in-person rural assignmts.	\$146,500	\$146,500	
9. Provide 1x/ongoing funds for contingent events	\$378,500	\$530,000	
10. Restore 1x non-lapsing fund buffer			\$1.0M
<b>TOTAL</b>	<b>\$800,000</b>	<b>\$1.901M</b>	<b>\$1.0M</b>

3. Summarize the current budget for the project or program. If this is a new project or program, what resources are available for like-objectives within the agency?

See Table 1 for a 5-year actual JWI fund financial history and forecast.

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
<b>TOTAL AVAILABLE</b>	<b>\$2,604,396</b>	<b>\$2,718,267</b>	<b>\$2,915,172</b>	<b>\$2,832,788</b>	<b>\$3,726,217</b>	<b>\$3,656,606</b>	<b>\$3,312,224</b>
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							

Our base budget for FY 2024 is \$2,604,900. This covers expenses for juries, witnesses, interpreters as well as program staff including program manager, coordinators, and staff interpreters. Note the decrease in our non-lapsing balance between FY 2023 and FY 2024 is approximately \$440,000 (yellow highlighted area). There are 6 JWI full time employees at present whose titles are:

Court Program Manager  
 Court Program Coordinator  
 Staff Interpreter - Spanish  
 Staff Interpreter - Spanish  
 Judicial Assistant – arrange for contract interpreters in a given area of the court  
 Court Interpreter Coordinator – arrange for contract interpreters in a given area of the court  
 Total payroll salaries are \$681,000

4. *What has been done (or considered) to address this problem with existing resources? If this is a GF/ITF request, what non-GF/ITF resources have been considered? What were the results, including efficiencies or savings identified which could be redirected?*

As illustrated on Table 1 in Section 4, the 2018 JWI budget increase worked well through FY 2021. The conversion to a virtually-capable court interpreter world unleashed market forces for interpreter talent that now crossed state boundaries with impunity. Just as contract tech coders could freelance for any company in the world and created a "talent war", so did similar market factors do the same to the court interpreter talent pool. We have met frequently with our contract interpreters to discuss ways to make their jobs more satisfying. Our migration to a scheduling software is one response to their requests, as is the wage increase proposed for FY 2025.

5. *Is this project or program scalable if the Governor's Budget prioritizes a portion of the funding? Provide a description of the potential impact if a portion of the request is recommended. Consider multiple variations of a reduction in funding (10%, 50%, etc.).*

We have requested the amounts we feel are necessary to meet our constitutional responsibility which are under threat due to the nationwide talent war for court interpreters. The initiatives we are proposing to complete will build a more robust and nimble team of interpreters as summarized in Section 2. If we do not increase our supply of qualified contract interpreters in our pool and qualified employee interpreters, we will continually be on the edge of not supplying the minimum interpreters to provide non-English speakers access to justice. For these reasons, we do not believe our request is scalable.

## B. CREATING VALUE

6. *What value will additional resources create for Utah and how will this value be measured? List the performance measure(s) that will be used to track outcomes for this request.*

With the additional funds, we will be able to meet our constitutional duty to provide limited English proficient litigants the interpreters they need. This funding will help us meet our constitutional duty. In the past we had to go to the Board of Examiners to fund overspending in this area. Over the last couple of years the Legislature took one-time monies from the program, however, as the courts opened again after the pandemic our expenses rose and we need extra funding to meet our constitutional responsibilities.

7. *Provide the details, sources, research, and analysis which forms the evidence-basis for this request or the associated program (e.g, cost benefit analysis, program evaluation, results from pilot program, etc.).*

We are constitutionally required to provide these services.

## C. COORDINATION, STRATEGIC PLANNING, AND LONG-TERM VISION

8. *How does this request further the Cox-Henderson Administration's priorities?*

This request will help the Utah State Courts to be open, fair, efficient, and independent system for the advancement of justice under the law. Meeting our constitutional duty to historically disadvantaged communities is also a Cox-Henderson Administration priority.

9. *Provide the statutory and administrative rule references which allow or require the activity for which funding is requested. If this request requires statute or rule changes, describe required changes. (Agencies must coordinate all legislation through the governor's general counsel and legislative director.)*

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

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

10. *How does this request help implement your agency's strategic priorities? Include a direct citation of your agency's strategic plan and relevant goals, objectives and strategies and/or work plan.*

This request helps the people of Utah have access to justice and it helps the Courts meet its mission to be open, fair, efficient, and independent system for the advancement of justice under the law.

11. *Which other agencies or stakeholders have you coordinated with during development of this request? Please describe why this activity should be executed by the requesting agency and not another agency, local government, non-government entity or third party.*

None.

12. *Does this request create any future funding obligations (operations and maintenance, multi-year scale up, etc).*

No.

## **D. EXPANDING ACCESS AND OPPORTUNITY**

13. *Which populations or geographic areas will benefit most from this request (e.g., new state park users, individuals eligible for enrollment in new or existing programs, rural or urban communities, people from different cultural or racial backgrounds, or all Utahns)?*

This request will benefit Utah residents in all geographic areas who have need of interpreter services. It will specifically serve English Language learners who tend to historically be disadvantaged. Keeping in mind that Utah is considered a refugee-friendly state, we are experiencing a higher than usual spike in diverse language needs. All residents have the right to equitable access to justice and this request will ensure fair language representation.

# Tab 6





# GOVERNOR'S OFFICE OF Planning & Budget

## FY24 and FY25 Budget Request Form

**Agency:** Judicial Branch (courts)  
**Division or Program:** Board of District Court Judges  
**Request Title:** District Court Judicial Officers  
**Request Priority:** #2 (Per BFMC Ranking)  
*(Please do not prioritize reallocation requests against standard budget requests.)*  
**Requesters:** Judge James Brady, Shane Bahr

**Amount Requested:** Summarize other sources besides General Fund (GF), Income Tax Fund (ITF), and Uniform School Fund (USF).

SOURCE	FY24 ONE-TIME	FY25 ONGOING	FY25 ONE-TIME	TOTAL REQUEST
GF, ITF, USF	\$0	\$4,087,800	\$1,695,800	\$5,783,600
OTHER	\$0	\$0	\$0	\$0
<b>TOTAL</b>	<b>\$0</b>	<b>\$4,087,800</b>	<b>\$1,695,800</b>	<b>\$5,783,600</b>

### A. BACKGROUND & BUDGETARY DETAILS

1. Summarize the request, the specific problem it will solve, and how it will solve the problem.

The Board of District Court Judges requests \$4,087,800 FY25 ongoing funding for:

- 4 District Court Judges
- 4 District Court Commissioners
- 16 Judicial Assistant FTE
- 2 Law Clerk Attorney FTE

This request also includes \$1,695,800 FY25 in one-time funding to finish a shelled courtroom in the Tooele District Courthouse. This is the last remaining unfinished courtroom in the third district, and this courtroom will be needed to accommodate an additional judicial officer in the third district.

This request is rooted in access to justice. Time to case disposition continues to get longer and the pending cases backlog continues to grow. The delay in case processing has adverse impacts on defendants, their families and on the victims. This is especially true with defendants and victims in criminal cases, and with parents and children's needs in domestic cases. When the Courts operate without inadequate judicial and staff resources, access to justice is delayed and therefore denied.

The FY2023 District Court Judicial Weighted Caseload ("DCJWC" - see answer to Question #7) study shows a need for 8.6 judicial officers statewide. Funding this request will provide the necessary judicial officers and support staff to manage the district court caseload in a way that better meets the mission of the court and provides access to justice. *The mission of the Utah judiciary is to provide the people an open, fair, efficient, and independent system for the advancement of justice under the law.*

Based on a three-year average of case filings the FY2023 DCJWC study indicates there is a statewide need for 8.5 judicial officers. Compounding the need for additional judicial officers is the large case backlog<sup>1</sup> that is a result, in part, of the COVID-19 Pandemic.

Another major contributing factor to the current case backlog is not having enough judicial officers and court staff resources to dispose of cases within expected time goals. Data indicates that a backlog existed before the Pandemic and was exacerbated by the effects of the Pandemic. Now, on the back end of the Pandemic, the court is still understaffed and unable to keep pace with the demands associated with case filings.

The Court has used over \$2,000,000 in ARPA funding since FY2021 to enlist senior judges and time-limited judicial assistants to help manage the case backlog that was created by the COVID 19 Pandemic. Utilizing senior judges and time-limited support staff has been critical to slowing the increase in the backlog and has recently started reducing the backlog. ARPA funds will be depleted in December 2023. To fully reduce the backlog and manage the district court caseload long-term, staffing increases in line with the full amount of the numbers of judicial officers and support staff in the DCJWC study (and not just a portion thereof) is essential.

In consultation with the eight judicial districts and based on information provided by the FY 2023 DCJWC study the Board of District Court Judges requests eight judicial officers to be distributed as outlined in Table 1.

Table 1

District	Authorized Judicial Officers	Weighted Caseload Judicial Officer Need	Workload Burden Per Judicial Officer	Judicial Officer Request
First	4.6	0.2	.04	1 Commissioner*
Second	16.4	1.0	.06	
Third	36	4.3	.12	2 Judges 2 Commissioners
Fourth	15	1.2	.08	1 Judge
Fifth	7	1.3	.18	1 Judge
Sixth	2	0.5	.25	1 Commissioner
Seventh	3	-0.4	-.09	-
Eighth	3	0.4	.13	-
<b>State Total</b>	<b>87</b>	<b>8.6</b>	<b>.10</b>	<b>8</b>

\*1<sup>st</sup> and 2<sup>nd</sup> districts share a commissioner. Adding one commissioner will eliminate the need for a commissioner to split time between districts and will satisfy the need reflected in the weighted caseload study.

**2. Provide an itemized budget for the new funding, including revenue and expenditure sources, for how the funding will be used.**

**FY25 Ongoing**

Four Judges	\$1,350,000
Four Commissioners	\$1,050,200
Sixteen Judicial Assistants	\$1,304,800
Two Law Clerk Attorneys	\$232,800
Operating Expenses (travel, supplies, IT)	<u>\$150,000</u>
	\$4,087,800

**FY25 One-Time**

Finish Tooele Courtroom	\$1,655,800
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<sup>1</sup> The National Center for State Courts (NCSC) defines backlog as any case that has exceeded the expected time goal for that type of case and has not been resolved.

AV Upgrade

\$40,000  
\$1,695,800

**Total Request: \$5,783,600**

*3. Summarize the current budget for the project or program. If this is a new project or program, what resources are available for like-objectives within the agency?*

New Judge positions must be authorized by the legislature. The Judiciary can create commissioner positions but lacks funding resources to do so.

*4. What has been done (or considered) to address this problem with existing resources? If this is a GF/ITF request, what non-GF/ITF resources have been considered? What were the results, including efficiencies or savings identified which could be redirected?*

This legislative request includes funding for four Commissioner positions. The Judicial Council funded one of these commissioner positions effective July 1, 2023. As a matter of course, the judicial branch has not funded new judicial officers in the past and has always approached the legislature for funding. Given the urgent need for additional Judicial Officers, the Judicial Council approved funding for one commissioner position in the Third District. The Judicial Council is seeking legislative funding for this position to replenish the very limited amount of ongoing turnover funds in the judiciary budget.

The Court has used over \$2,000,000 in ARPA funds since FY2022 and some general funds to enlist the help of senior judges and time-limited judicial assistants to keep the backlog from getting bigger. Now that we are out of the Pandemic, the data shows the court needs additional judicial officers and judicial assistants to manage the current caseload and to keep the backlog from getting bigger.

*5. Is this project or program scalable if the Governor's Budget prioritizes a portion of the funding? Provide a description of the potential impact if a portion of the request is recommended. Consider multiple variations of a reduction in funding (10%, 50%, etc.).*

If this request receives reduced funding the court will use all judicial officers and support staff received to their fullest extent, but the court will still be understaffed, and court patrons will pay the price in delays in meeting our Utah constitutional duty for (1) a "speedy trial" (Article 1, Section 12) and (2) access to justice without "unnecessary delay" (Article 1, Section 11).

Because we believe the Utah constitution provides a promise to the people of Utah, and receiving anything less than the full request will not meet the needs of Utah's citizens and will further not ensure our judges and staff have reasonable workloads, we do not view this request as scalable. In addition, this request is not scalable because providing an additional judge in one district does not benefit other districts in the state.

## **B. CREATING VALUE**

*6. What value will additional resources create for Utah and how will this value be measured? List the performance measure(s) that will be used to track outcomes for this request.*

Receiving the judicial officers and support staff asked for in this request will allow the court to meet the needs of court patrons. As of June 30, 2023, the data shows there is a backlog of over 10,727 district court cases. The court has demonstrated that using senior judge resources has helped moderate, and to some

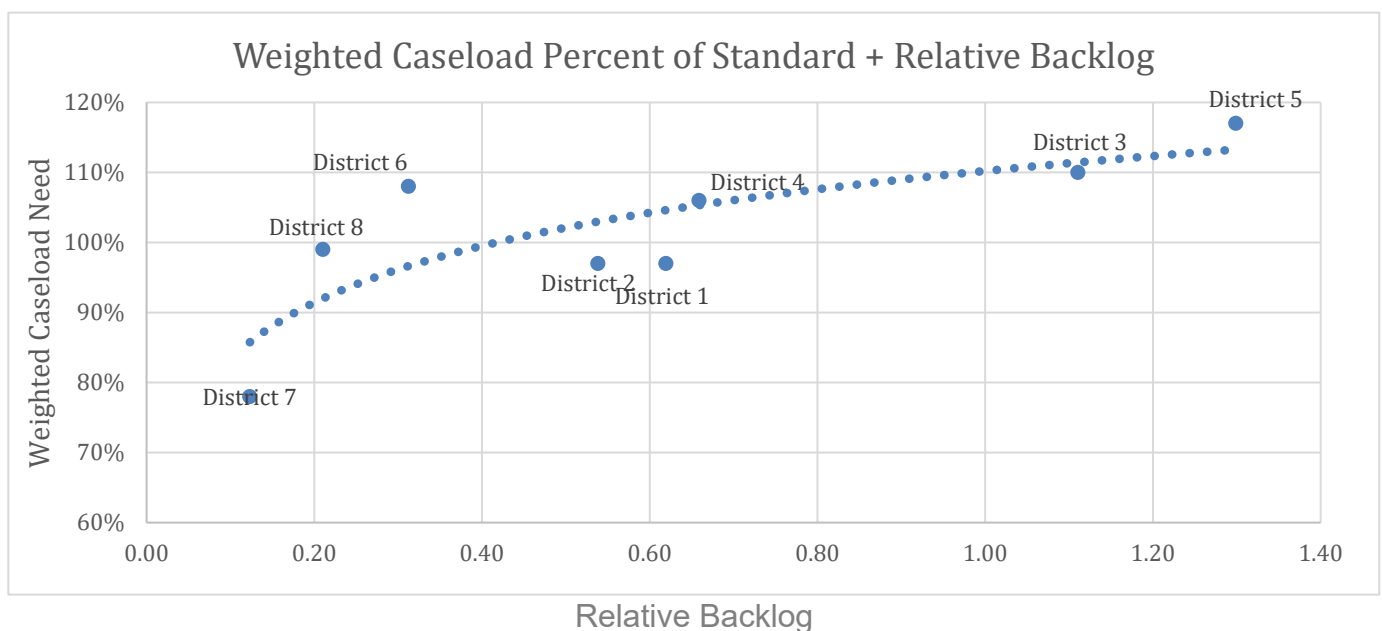
extent reduce, the case backlog. ARPA funding approved to pay for senior judge and time-limited court staff will be spent by December 31, 2023, and the court will be seeking additional one-time funding from the legislature to continue using these resources. This practice is not sustainable long-term. To effectively manage the workload in the court, additional ongoing judicial and staff resources will be necessary. The court uses several metrics by which outcomes are measured:

- Age and number of Case Pending Reports
- Time to Disposition Reports
- Backlog Tracking Reports
- Judicial and Clerical Weighted Caseload Studies

**7. Provide details, sources, research, and analysis to which forms evidence-basis for this request or the associated program (e.g, cost benefit analysis, program evaluation, results from pilot program, etc)**

The Judicial Data and Research Department (JDR) prepared Chart 1 showing the correlation between judicial hours and backlog on a district-by-district basis. JDR calculated a relative backlog by district, showing the ratio between that district's backlog and their quarterly filing counts, and found a strong correlation between the relative backlog and their Judicial Weighted Caseload need.

Chart 1



## District Court Judicial Weighted Caseload

The FY2023 DCJWC is the first caseload study completed since FY2019. The FY2019 DCJWC reported a need of 4.3 judicial officers. The FY2023 DCJWC shows a need of 8.6 district court judicial officers.

### District Court Judicial Weighted Caseload

FY23 - 3YA of Cases/Events Filed April 1, 2018-March 31, 2023 *excluding* April 1, 2020-March 31, 2021

Weighted Case - Total Hours Needed ( <i>Sum of (Wghts x Cases &amp; Events)</i> )						
District	FY17 (1-yr)	FY18 (1-yr)	FY19 (1-yr)	FY21 (3-yr)	FY23* (3-yr)	% Change
1	5,947	6,763	6,298	6,462	7,108	10%
2	23,803	24,388	24,775	23,963	26,554	11%
3	59,222	62,542	60,936	58,278	61,633	6%
4	23,211	24,267	23,773	23,061	24,567	7%
5	9,817	10,724	10,484	10,528	12,314	17%
6	2,814	2,866	2,950	2,978	3,451	16%
7	3,000	3,039	3,376	3,332	3,790	14%
8	4,602	4,593	4,100	4,164	4,679	12%
State	132,415	139,183	136,692	132,766	144,095	9%

Caseload as % of Standard ( <i>Total Hrs.Needed / Total Avail. Hrs.</i> )						
District	FY17 (1-yr)	FY18 (1-yr)	FY19 (1-yr)	FY21 (3-yr)	FY23* (3-yr)	% Change
1	91%	104%	97%	93%	103%	11%
2	93%	96%	97%	96%	106%	11%
3	117%	120%	110%	105%	112%	6%
4	105%	108%	106%	101%	108%	7%
5	109%	119%	117%	101%	118%	18%
6	103%	105%	108%	109%	127%	16%
7	69%	70%	78%	77%	88%	14%
8	111%	111%	99%	101%	114%	13%
State	106%	110%	105%	101%	110%	9%

Judicial Officers Needed ( <i>Total Hrs.Needed / Avail.Hrs. per Judicial Officer</i> )							
District	FY17 (1-yr)	FY18 (1-yr)	FY19 (1-yr)	FY21 (3-yr)	FY23* (3-yr)	Authorized Positions (Jdg & Commis)	Difference Authorized & Needed
1	4.0	4.5	4.2	4.3	4.8	4.6	-0.2
2	15.8	16.2	16.2	15.7	17.4	16.4	-1.0
3	39.4	41.6	39.7	37.9	40.3	36.0	-4.3
4	15.4	16.1	15.7	15.2	16.2	15.0	-1.2
5	6.5	7.1	7.0	7.0	8.3	7.0	-1.3
6	1.9	1.9	2.2	2.2	2.5	2.0	-0.5
7	2.0	2.0	2.3	2.3	2.6	3.0	0.4
8	3.1	3.1	3.0	3.0	3.4	3.0	-0.4
State	88.1	92.6	90.2	87.6	95.6	87.0	-8.6

## Case Backlog

The overall case backlog peaked for the state in FY21 Q3 at 12,874 cases. Progress at reducing it has been slow, with the number dropping to 10,727 in FY23 Q4. However, backlog reduction accelerated in FY23 Q3, as shown by Chart 2 below. JDR believes that progress is being made but is not confident in a forecast that the backlog would be significantly reduced without continuing additional resources.

Chart 2

### Backlog by Fiscal Quarter

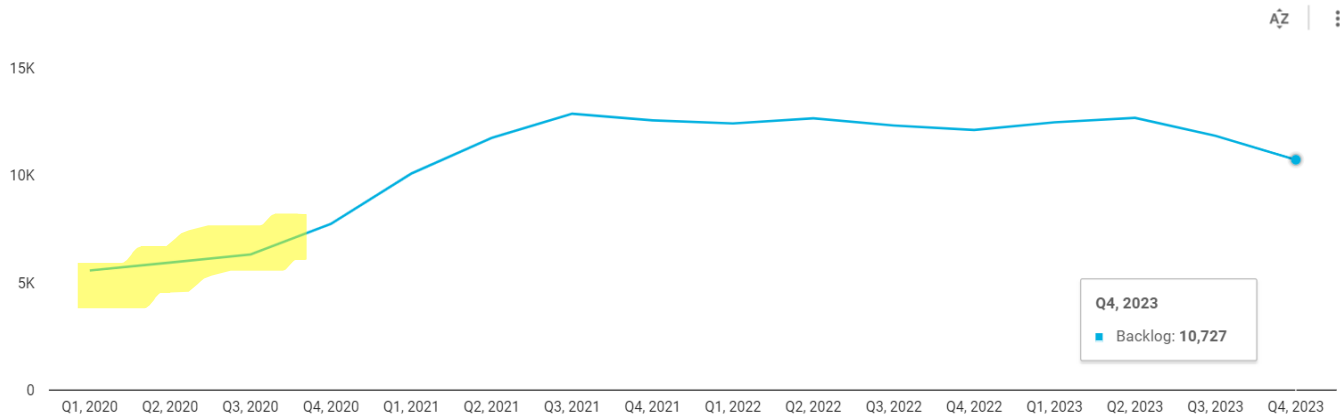


Chart 2 shows the impact the Pandemic had on caseloads at Q3, 2020 as the backlog grew exponentially. FY 2020 Q1 and Q2, while more subtle, shows the case backlog starting to grow before the Pandemic took hold. Suggesting that the court did not have enough judicial officers and court staff to keep pace with the case filings, even before the Pandemic.

## C. COORDINATION, STRATEGIC PLANNING, AND LONG-TERM VISION

### 8. How does this request further the Cox-Henderson Administration's priorities?

This request furthers the Courts mission to "provide an open, fair, efficient and independent system for the advancement of justice under the law".

### 9. Provide the statutory and administrative rule references which allow or require the activity for which funding is requested. If this request requires statute or rule changes, describe required changes. (Agencies must coordinate all legislation through the governor's general counsel and legislative director.)

UCJA 78A-5 Provided the general provisions and jurisdiction of the Utah District Court.

UCJA 78A-1-103. Number of district judges will need to be changed to reflect the number of district court judges allocated in each judicial district.

### 10. How does this request help implement your agency's strategic priorities? Include a direct citation of your agency's strategic plan and relevant goals, objectives and strategies and/or work plan.

This request furthers the Courts mission to "provide an open, fair, efficient and independent system for the advancement of justice under the law".

Receiving the necessary number of judges and court staff will allow the court to meet the needs of court patrons and will ensure our judges and staff have reasonable workloads.

*11. Which other agencies or stakeholders have you coordinated with during development of this request? Please describe why this activity should be executed by the requesting agency and not another agency, local government, non-government entity or third party.*

The Judicial Council is making this request, which originated with the Board of District Court Judges, in consultation with the Administrative Office of the Courts and all Judicial Districts. Other agencies have not been directly involved, but there are several other State and local agencies that would benefit from the addition of district court judges/commissioners, allowing cases to be heard in a more responsive manner.

*12. Does this request create any future funding obligations (operations and maintenance, multi-year scale up, etc.).*

This request is for ongoing funding for judges and court staff, and one-time funding to finish a shelled courtroom in the Tooele District Courthouse. There is no O&M or any multi-year scale up component related to this request.

#### **D. EXPANDING ACCESS AND OPPORTUNITY**

*13. Which populations or geographic areas will benefit most from this request (e.g., new state park users, individuals eligible for enrollment in new or existing programs, rural or urban communities, people from different cultural or racial backgrounds, or all Utahns)?*

Funding for this request will benefit all Utahns who have any involvement, directly or indirectly, with the Utah State Courts.

# Tab 7





# GOVERNOR'S OFFICE OF Planning & Budget

## FY24 and FY25 Budget Request Form

**Agency:** Judicial Branch (Courts)  
**Division or Program:** Board of Juvenile Court Judges  
**Request Title:** Juvenile Court Judicial Officers  
**Request Priority:** #3 (per BFMC ranking)  
*(Please do not prioritize reallocation requests against standard budget requests.)*  
**Requester:** Board of Juvenile Court Judges  
Judge Craig Bunnell, Judge Susan Eisenman, Judge Doug Nielsen,  
Sonia Sweeney

**Amount Requested:** Summarize other sources besides General Fund (GF), Income Tax Fund (ITF), and Uniform School Fund (USF).

SOURCE	FY24 ONE-TIME	FY25 ONGOING	FY25 ONE-TIME	TOTAL REQUEST
GF, ITF, USF	\$0	\$1,056,500	\$453,950	\$1,510,450
OTHER	\$0	\$0	\$0	\$0
<b>TOTAL</b>	<b>\$0</b>	<b>\$1,056,500</b>	<b>\$453,950</b>	<b>\$1,510,450</b>

### A. BACKGROUND & BUDGETARY DETAILS

1. Summarize the request, the specific problem it will solve, and how it will solve the problem.

#### **Ongoing Funding**

The Board of Juvenile Court Judges requests ongoing funding in the amount of **\$1,056,500** for an additional two juvenile court judges and judicial support personnel positions for Third and Fourth Judicial Districts in order to meet the needs of the communities as follows

- Two Judges
- Two Case Managers
- Two Judicial Assistants
- Travel and Operating Expenses

#### **One-Time Funding**

In addition, the BJCJ also requests **\$453,950** in FY25 one-time funding to turn an unfinished storage room in the American Fork Courthouse into an AV courtroom. An AV (audio visual) courtroom would have all the functionality of a standard courtroom and would be designed with very limited public gallery seating to reduce the square footage of the courtroom down to 1,000 SF. The American Fork Courthouse is a leased facility. The lease ends in September 2032 so the improvements would have a 7 year life.

2. *Provide an itemized budget for the new funding, including revenue and expenditure sources, for how the funding will be used.*

- **Cost detail of requested amount:**

**Ongoing Funding**

The Board of Juvenile Court Judges requests ongoing funding in the amount of **\$1,056,500** for an additional juvenile court judges and judicial support personnel positions for Third and Fourth Judicial Districts in order to meet the needs of the communities:

- Two Judges (\$337,500 x 2) \$675,000
  - Two Case Managers ( \$95,450 x 2) \$190,900
  - Two Judicial Assistants ( \$81,550 x 2) \$163,100
  - Travel and Expenses (\$10,000 Third/\$17,500 Fourth) \$27,500
- Ongoing Total     \$1,056,500**

**One-Time Funding**

In addition, the BJCJ also requests **\$453,950** in FY25 one-time funding to turn an unfinished storage room in the American Fork Courthouse into an AV courtroom. An AV (audio visual) courtroom would have all the functionality of a standard courtroom and would be designed with very limited public gallery seating to reduce the square footage of the courtroom down to 1,000 SF.

- Tenant Improvements \$338,950
  - FF&E \$75,000
  - AV system \$40,000
- One-Time Total     \$453,950**

**Total Request     \$1,510,450**

3. *Summarize the current budget for the project or program. If this is a new project or program, what resources are available for like-objectives within the agency?*

The current Third and Fourth District Juvenile Court general fund budgets do not have the internal funds available for new Judicial Officers, Judicial Assistants and Case Managers.

4. *What has been done (or considered) to address this problem with existing resources? If this is a GF/ITF request, what non-GF/ITF resources have been considered? What were the results, including efficiencies or savings identified which could be redirected?*

**Synopsis**

The FY23 Juvenile Judicial Weighted Caseload Study ("FY23 Study") specifies a need for an additional 3.2 judicial officers between Third and Fourth District Juvenile Courts. Despite our data demonstrating that we need three additional judges, the Board of Juvenile Court Judges ("BJCJ") is only **seeking two judicial officers** at this time, to try to meet our needs. Further, while requests for judicial officers are traditionally accompanied by a request for two judicial assistants as a matter of practice, the BJCJ is asking to deviate from that standard to meet the unique needs of both districts by requesting **one judicial assistant and one case manager per new judicial officer**. The traditional request of two judicial assistants costs \$163,100. Replacing one judicial assistant position with a case manager increases the cost to \$177,000, which is an additional \$13,900 annually.

### **Third District Specifics**

The FY23 Study specifies a need for an additional 1.3 judicial officers in the Third District Juvenile Court.

The FY23 Study indicates that the average workload for a judge in the Third District Juvenile Court has increased from 82% of standard in FY19 to 115% of standard in FY23. Between FY22 and FY23 alone there was an increase of 15%. This aligns with the ongoing increase in filings between FY21 and FY23 in the district with delinquency filings increasing by 22% and child welfare filings increasing by 7.5%. The Juvenile Judicial Weighted Caseload specifies a need for an additional 1.3 judicial officers in the district.

In addition to the increase in the caseload, the nature of the casework for judicial officers in the district is increasing in complexity. Felony filings between FY22 and FY23 increased by 39%, including a significant increase in homicide filings. With the increase in felony filings, there has been an increase in detained juveniles, whose cases need to be reviewed every seven days. Currently, 63% of Judges in the Third District have at least one pending homicide case. Additionally, as the case law has developed, the time spent drafting termination of parental rights' orders has increased, which affects all districts, including the Third. Over the last three years, over 200 termination of parental right's orders have been issued each year in the Third District. Further, the vast majority of these and other decisions are written by the judges without clerical assistance as the 31 Juvenile Court judges statewide share two law clerks.

As caseloads have steadily and dramatically increased, the workload has become untenable for our judicial officers to complete within the 7 daily hours of time designated in the Annual Judge Year for case-related work. This is evidenced by an increase in cases in the district where judicial officers are unable to meet statutorily mandated timelines. In particular, the number of 15-month permanency hearings which were outside of timeline compliance specifically due to "Judge/Calendar Unavailable" more than doubled over the last two years, from 14 % in FY22 to 31% in FY23. Permanency timelines are required by both State and Federal law and may affect federal funding for child welfare agencies. In order to ensure that the needs of litigants and statutorily required timelines are met and to prevent a backlog of cases, judicial officers are regularly dedicating a significant amount of time outside of business hours to prepare for and memorialize hearings, review warrants, and complete administrative tasks and committee work.

The counties and cities that the Third District Juvenile Court serves continue to grow. According to U.S. Census data, the population of Salt Lake County increased by 155,583 between 2010 and 2020. The Utah Long-Term Planning Projection Summary report prepared by the University of Utah Kem C. Gardner Policy Institute in February 2022 projects an annual population increase of approximately 1% per year in Salt Lake and Summit Counties and 3% per year in Tooele County. Over the next five years even these seemingly nominal increases amount to a projected population increase in the Third District of approximately 80,000 additional residents and 41,000 households.

### **Fourth District Specifics**

The FY23 Study specifies a need for an additional 1.9 judicial officers in the Fourth District Juvenile Court.

Over the last three years, Fourth District Juvenile Court has shown large increases in caseload, particularly in the critical and demanding area of child welfare. The increases in caseloads are impacting the court calendars of each current judicial officer. Each officer has increased calendaring time on the bench to avoid delays and keep within the timelines. If the increased caseload continues with no relief there will be delays. Delays directly impact public trust. According to the National Center for State Courts, "unnecessary delay causes injustice and hardship. It is a primary cause of diminished public trust and confidence in the court."

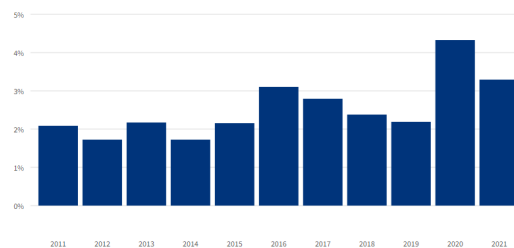
Based on the FY23 Study statistics, the average workload for a judge in the Fourth District Juvenile Court has increased from 113% of standard in FY 2018 to a present day 131% of standard. From FY22 to FY23 Fourth District Juvenile Court has experienced a 14% increase. While Fourth District Juvenile Court has thus far been able to meet appropriate timelines, it has not been without a cost. Hearings are double-booked, emergency hearings are frequently set during the lunch hour leaving minimal breaks for both judicial officers

and their judicial assistants. Judicial officers' time is largely spent on the bench; there is little time for work in the chambers. The duties of reviewing warrants, preparing for cases, issuing orders, and working on committee assignments is done either after hours or in between hearings.

The Fourth District Juvenile Court has six judges. The sixth judicial position was created this past legislative session. These judges serve Wasatch, Utah, Juab and Millard Counties. Three of the judges travel to serve the rural counties of Wasatch, Juab and Millard. The size and increase in travel for our judges directly impacts the time on calendars. Even with the judicial position created this past legislative session, the Fourth District Bench is operating at 131% of a typical caseload. The FY Study demonstrates that the Fourth District Juvenile Court bench has been operating at or above capacity for close to half of a decade.

The counties and cities that Fourth District Juvenile Court serves continue to grow. According to USA Facts, Utah County's population increased every year between 2010 and 2021. Its largest annual population increase was 4.3% between 2019 and 2020. Between 2010 and 2021 the county grew by an average of 2.5%. The U.S Census Bureau report said that Lehi is among the nation's fastest growing large cities. Lehi reported a 5.6% growth between July 2021 and July 2022. Saratoga Springs and Eagle Mountain added 10K residents in the year over year growth joining the large city list. The growth in Fourth District is going to continue to impact caseloads. All other Fourth District counties are experiencing an annual average growth rate increase with the exception of Millard county. Juab at 1.6% and Wasatch at 3.9% growth rate since 2010. Millard County has seen an annual average growth rate of .4% for those same years.

Annual population change in Utah County



To put the travel into perspective, if the judge leaves the Provo office to travel to Fillmore for court, the drive is just over 100 miles, which takes an hour and a half one way. Growth can also be demonstrated through the local school districts. In Utah County alone over the past five years, the following schools have been built or rebuilt to be larger: Alpine School District (North Utah County) has built one new high school, two new middle schools, six elementary schools, and two rebuilds of high schools. Provo school District has built a new middle school and rebuilt a high school. Nebo School District (South Utah County) has built three new middle schools, and is rebuilding three high schools.

### **Juvenile Court Judicial Weighted Caseload Findings**

This is the first workload study to account for the impacts of hybrid and remote hearings in a post-pandemic court world. It is extremely difficult to estimate which of these changes had the greatest overall impact on judicial need.

## Juvenile Court Judicial Weighted Caseload

Calculated using a 3-year average for April 1, 2019 - March 31, 2020 and April 1, 2021 - March 31, 2023

### Weighted Case - Total Hours Needed (Sum of (Weights x Referrals & Events))

District	FY18	FY19	FY21	FY22	FY23	% Change
1	2,664	1,955	3,284	3,265	3,545	9%
2	8,570	8,054	9,028	8,921	9,260	4%
3	15,143	12,470	14,596	15,172	15,475	2%
4	8,650	6,459	9,151	9,399	10,677	14%
5	3,373	2,924	3,560	3,642	3,588	-1%
6	910	727	1,663	1,627	2,059	27%
7	2,060	1,538	1,476	1,447	1,553	7%
8	1,926	1,693	1,948	1,975	2,174	10%
State	43,297	35,820	44,705	44,705	48,332	8%

### Caseload as % of Standard (Total Hours Needed / Total Available Hours)

District	FY18	FY19	FY21	FY22	FY23	% Change
1	91%	67%	115%	111%	125%	12%
2	95%	89%	101%	98%	104%	6%
3	100%	82%	108%	100%	115%	15%
4	113%	84%	134%	123%	131%	7%
5	75%	65%	86%	81%	87%	7%
6	77%	61%	158%	138%	99%	-28%
7	76%	57%	55%	53%	59%	10%
8	80%	70%	77%	82%	87%	6%
State	95%	78%	105%	98%	108%	10%

### Judicial Officers Needed (Total Hours Needed / Available Hours per Judicial Officer)

District	FY18	FY19	FY21	FY22	FY23	Authorized Positions (Judge & Commis)	Difference between Authorized & Needed
1	1.8	1.3	2.3	2.3	2.5	2.0	-0.5
2	5.7	5.3	6.0	6.0	6.2	6.0	-0.2
3	10.0	8.2	9.7	10.1	10.3	9.0	-1.3
4	5.9	4.4	6.7	6.8	7.9	6.0*	-1.9
5	2.3	2.0	2.6	2.5	2.6	3.0	0.4
6	0.8	0.6	1.6	1.5	2.0	2.0	0.0
7	1.5	1.1	1.1	1.1	1.2	2.0	0.8
8	1.6	1.4	1.5	1.6	1.7	2.0	0.3
State	29.5	24.4	31.6	31.9	34.4	32.0	-2.4

5. *Is this project or program scalable if the Governor's Budget prioritizes a portion of the funding? Provide a description of the potential impact if a portion of the request is recommended. Consider multiple variations of a reduction in funding (10%, 50%, etc.).*

The Juvenile Courts request for a new judge and judicial support personnel, is not a project or program that is scalable. The impact if not funded would create serious backlogs in cases and directly impact youth and families being delayed in the hearing of cases. The Districts are operating at a deficit and the growth rate is already impacting the ability to maintain the caseloads.

## B. CREATING VALUE

6. *What value will additional resources create for Utah and how will this value be measured? List the performance measure(s) that will be used to track outcomes for this request.*

The Juvenile Court utilizes a rehabilitative rather than punitive framework in alignment with best practice standards to facilitate healthy outcomes for youth and families. A juvenile judge's ability to establish rapport with juveniles and their families, in both delinquency and child welfare cases, is a key component to positive outcomes. This is the basis for the one-family-one-judge rule, established as a best practice standard by the National Council of Juvenile and Family Court Judges, and adopted by the Utah Juvenile Court. Juvenile judges' caseload sizes need to be such that they can implement this practice effectively to the benefit of the youth and families they serve. Moreover, judicial officers must have sufficient time available to avoid delays in hearing scheduling and to draft thorough decisions. Having an additional judge in the Third and Fourth District Juvenile Courts would:

- Reduce judicial caseloads toward the desired level of at or below 100% of standard.
- Growth is outpacing our ability to meet the case filing demands with current judicial workload. If additional judicial support is approved, it will allow the districts to meet the demands of the system in compliance with statutory requirements and the Court's mission.
- Court emergency cases and trials could be calendared to be held in a much timelier fashion.
- The wait time for a patron to see the judge would be reduced.
- Time spent with the youth and families in establishing a rapport would increase in every case type. In the Fourth District, it would allow for additional court times in all counties. Currently several judges only hear court cases a couple of times a month in two of the four counties in Fourth District. Court dates in the underserved counties could double, if needed.

7. *Provide the details, sources, research, and analysis which forms the evidence-basis for this request or the associated program (e.g, cost benefit analysis, program evaluation, results from pilot program, etc).*

See graphs above related to weighted caseload studies.



## C. COORDINATION, STRATEGIC PLANNING, AND LONG-TERM VISION

### 8. *How does this request further the Cox-Henderson Administration's priorities?*

This request furthers the Court's mission to "provide an open, fair, efficient and independent system for the advancement of justice under the law".

### 9. *Provide the statutory and administrative rule references which allow or require the activity for which funding is requested. If this request requires statute or rule changes, describe required changes. (Agencies must coordinate all legislation through the governor's general counsel and legislative director.)*

The juvenile courts are courts of record, created by statute, as authorized by Utah Constitution, Art. VIII, Sec. 1. The legislature has tasked the juvenile courts with the responsibility of adjudicating cases primarily related to child welfare, parental rights, juvenile delinquency, and other similar matters. These responsibilities are outlined in Utah Code Title 78A, Chapter 6 and Utah Code Title 80. Judges are necessary to adjudicate the cases and meet all other statutory obligations. The state's eight judicial districts are outlined in statute (Utah Code § 78A-1-102). The number of juvenile court judges appointed and confirmed to serve in each judicial district are also outlined in statute (Utah Code § 78A-1-104). For this funding request to be effectuated, Utah Code section 78A-1-104(3) and (4) must be modified, respectively, from "nine juvenile judges in the Third District Juvenile Court" to "ten juvenile judges in the Third District Juvenile Court" and from "six juvenile judges in the Fourth District Juvenile Court" to "seven juvenile judges in the Fourth District Juvenile Court."

### 10. *How does this request help implement your agency's strategic priorities? Include a direct citation of your agency's strategic plan and relevant goals, objectives and strategies and/or work plan.*

The purpose of this request is to obtain funding for additional, necessary juvenile court judges and judicial support personnel in the Third and Fourth District Juvenile Courts. With the addition of a judge and support personnel in each district, the Third and Fourth District Juvenile Courts will be better able to meet the mission of the court, which is to "provide an open, fair, efficient and independent system for the advancement of justice under the law." These new judicial positions will ensure that the Third and Fourth District Juvenile Courts are able to provide necessary juvenile court services with fairness and efficiency.

### 11. *Which other agencies or stakeholders have you coordinated with during development of this request? Please describe why this activity should be executed by the requesting agency and not another agency, local government, non-government entity or third party.*

The Judicial Council is making this request, which originated with the Board of Juvenile Court Judges, in coordination with the Third and Fourth District Juvenile Courts and the Administrative Office of the Courts. Other agencies have not been directly involved, but there are several other State and local agencies that would benefit from the addition of a new juvenile court judge, allowing cases to be heard in a more responsive manner and avoiding scheduling conflicts among the various counties.

*12. Does this request create any future funding obligations (operations and maintenance, multi-year scale up, etc).*

This request is for ongoing funding. There is no O&M or any multi-year scale up component related to this request.

The new judges and judicial support personnel are ongoing funding. The expectation is that these positions would be funded for as long as the case filings and judicial workload studies indicate the positions are necessary for effective operation of the juvenile court. The Administrative Office of the Courts will continue to conduct regular judicial weighted workload studies to determine the need for the number of judges across the state.

#### **D. EXPANDING ACCESS AND OPPORTUNITY**

*13. Which populations or geographic areas will benefit most from this request (e.g., new state park users, individuals eligible for enrollment in new or existing programs, rural or urban communities, people from different cultural or racial backgrounds, or all Utahns)?*

Funding for this request will benefit all Utahns who have any involvement, directly or indirectly, with the Utah State Courts. Additionally, the Third and Fourth District Juvenile Courts will be better able to meet the needs of youth and families in access to justice in the ever-growing population in Salt Lake, Summit, Tooele, Wasatch, Utah, Juab and Millard counties.



# Tab 8



# GOVERNOR'S OFFICE OF Planning & Budget

## FY24 and FY25 Budget Request Form

Agency: Judicial Branch (Courts)  
Division or Program: IT Essential Software Funding  
Request Title: IT Essential Software Funding  
Request Priority: #4 (per BFMC ranking)  
*(Please do not prioritize reallocation requests against standard budget requests.)*  
Requester: Brody Arishita, Todd Eaton

**Amount Requested:** Summarize other sources besides General Fund (GF), Income Tax Fund (ITF), and Uniform School Fund (USF).

SOURCE	FY24 ONE-TIME	FY25 ONGOING	FY25 ONE-TIME	TOTAL REQUEST
GF, ITF, USF	\$0	\$1,366,000	\$0	\$1,366,000
OTHER	\$0	\$0	\$0	\$0
<b>TOTAL</b>	<b>\$0</b>	<b>\$1,366,000</b>	<b>\$0</b>	<b>\$1,366,000</b>

### A. BACKGROUND & BUDGETARY DETAILS

1. Summarize the request, the specific problem it will solve, and how it will solve the problem.

To advance access to justice in the Utah Courts by improving & maintaining the Courts' information technology infrastructure and development through requesting ongoing funds for the licensing of critical IT software and, as necessary, expanding coverage. These requests will enable the Courts to move forward in our efforts to serve the people of the state of Utah in a way that protects them as they interact with the Courts in a post-COVID Court system.

The \$1,366,000 ongoing general fund will be used as follows (\*represents FY 2024 request funded by Legislature with 1x funds; amount may vary from last year request due to bundling of new services or an increase in number of users):

A	Microsoft Enterprise Agreement*	\$295,000*
B	Increased cost for Google Enterprise*	\$148,000*
C	Continued software licensing for Clean Slate Legislation (Senzing)*	\$25,000*
D	FTR (For the Record)*	\$220,000*
E	AEM (Adobe Experience Manager)*	\$150,000*
F	Adobe eSignatures*	\$300,000*
G	Appellate eFiling	\$40,000
H	Adobe Acrobat Pro Enterprise	\$128,000
I	PolicyPak	\$60,000
	<b>Total</b>	<b>\$1,366,000</b>

2. Provide an itemized budget for the new funding, including revenue and expenditure sources, for how the funding will be used.

**A. Microsoft Enterprise Agreement - \$295,000**

Through aggressive negotiations the courts were able to enter into an Enterprise Agreement (EA) with Microsoft bundling the Windows Enterprise Desktop operating system (OS), M365 for all court staff and Azure Active Directory (AD). Previously these were all separate renewals and separate requests for ongoing funding totaling \$425,000. For FY23 the courts received \$65,000 in ongoing funding from the legislature to move 580 users from perpetual MS Office licenses into the M365 cloud. For FY24 the courts received \$135,000 in one-time funding for the Windows Enterprise Desktop OS.

In recent negotiating with Microsoft, we were able to reduce the cost of our Windows Desktop OS plus M365 for the 630 remaining users saving about \$65,000 annually. We added Azure AD to this year's request because it allows us to manage and secure our Active Directory in the cloud. Cloud management is critical to our security with the large number of remote users the courts now have. This entire bundle ensures that all court devices are always running the most current and most secure versions of all Microsoft software.

Cost breakdown by product:

	Original Cost	Less: FY 23 Ongoing	Less: Bundle Savings	Net New \$
1. Windows Enterprise Desktop OS	- \$135,000		(\$35,000)	\$100,000
2. M365 increase to 1210 users from 580	- \$140,000	(\$65,000)	(\$30,000)	\$45,000
3. Azure AD - New	- \$150,000			\$150,000
	\$425,000	(\$65,000)	(\$65,000)	\$295,000

**B. Increased cost of Google licensing for Enterprise Plus - \$148,000**

The Courts migrated to Google in 2012. Since that time, we have paid the same amount annually for Google Basic licenses (approximately \$110,000). There have been no cost increases for 10 years. For FY24 Google notified us that G Suite Basic was no longer available and would be shut down in July 2022 and we must upgrade to G Suite Enterprise Plus. The Courts covered the additional first year costs of \$148,000 through one time funding from the Legislature for FY24. This request is to cover the future expenditures with ongoing funding.

**C. Continued software licensing for Clean Slate Legislation (Senzing) - \$25,000**

The clean slate programming was performed in partnership with Court IT and Code for America. We use the Senzing software to assist with the name matching. The key advantages of the Senzing solution were the name matching system that incorporated common sense and culturally aware name matching techniques on top of the standard machine learning algorithms best suited for handling spelling errors. Another key consideration was how the software handled clerical errors. We wanted to make sure the software was able to accommodate the inconsistencies inherent in long lifecycle data sources. This request is for ongoing funding to continue utilization of this valuable software.

**D. FTR (For the Record) Cloud - \$220,000**

Up to June 2022 the courts utilized the desktop version of FTR (For the Record) software to capture digital recordings of court procedures for 167 courtrooms. The individual desktops in the courtrooms were backed up to a local server in our Storage Area Network (SAN). This is the official court record. We have a 9-year retention policy for the court recordings. Maintenance of the desktop software placed a high demand on time for our support staff as did maintaining the 25+ TB of storage for

historical recordings. Any court proceedings currently captured via Webex recording requires local court staff to perform a manual process to convert and upload those recordings to the official repository.

In the first 6 months of FY23 IT migrated all these local recordings into the FTR Cloud. This request is for ongoing funds to cover the increased cost associated with maintaining the FTR Cloud platform.

This transition offers multiple benefits to the current process. With this now being a web interface rather than locally installed software the local support staff no longer must maintain versioning/patching of local software. Fulfilling a large portion of requests for copies of audio records is now simply done by sharing these recordings via the web portal which reduces staff time fulfilling these requests. Migrating this storage to the cloud eliminates future costs encumbered in maintaining the hardware for this storage need. Perhaps most importantly, FTR Cloud has much higher sound quality and much lower risk of loss of court recordings.

**E. AEM (Adobe Experience Manager) - \$150,000**

We are requesting ongoing funds for maintaining our Court's website and forms for the public, which is also going through a redesign. This request ties into the \$11M Court IT received for Access to Justice improvements from ARPA approved in the FY2021 Special Session. The Court website is an important communication tool for the public for access to the courts. Court users frequently report difficulty finding the information they need on the website. Our aging website needs a comprehensive rebuild to meaningfully serve the public. We anticipate a thorough process that identifies stakeholders, conducts user research to identify the most important information-seeking tasks, and simplifies the public navigation of our site.

We are planning an inclusive design to ensure that users accessing our online resources from their mobile devices have the same experience as users connecting from a laptop or desktop. Our website serves different stakeholders, including self-represented litigants, court staff, attorneys, the media, and the public. What we are building is a new design for the website that has an optimized user experience, improved search results, improved accessibility, ADA accommodations, responsiveness, improved consistency, and content quality. Regardless of who visits our website, we want them to be able to quickly find helpful and relevant information to meet their needs.

**F. Adobe eSignatures - \$300,000**

The request is to cover ongoing costs for AdobeSign. We have worked with Adobe to get the cost down from over \$1 per signature tentatively down to 30 cents a transaction (which may include multiple signatures). The cost of \$300,000 is calculated based on an annual maximum of 1 million documents we need signatures across all levels of courts. The Courts IT has been building tools such as MyCase to bring the courts to the public. MyCase offers the ability for pro se parties in District, Justice, and Juvenile court to be able e-File documents that would go to a clerical queue to review and accept or revise. With the ability to e-File documents we also need to include an efficient workflow for digitally signing which is what Adobe eSignatures provides. The ability to efficiently route the workflow for signing of documents digitally across all the different case types and document types and the various permutations of users on the documents from Judges, Commissions, Clerical, Attorneys, and the Public.

**G. Appellate eFiling - \$40,000**

We are requesting funding to cover ongoing support and maintenance costs for the new electronic filing system for the Utah Appellate Courts. This request ties into the \$11M IT received for Access to Justice expenditures paid for by ARPA and approved in the FY2021 Special Session. The Appellate e-Filing system would allow parties to e-File documents online, 24/7. It would also provide real-time updates to case records and would eliminate the need for clerical staff to manually enter documents into the system. The electronic filing system would make it easier for Utahns to access the appellate

courts and would improve the efficiency of the court system.

#### **H. Adobe Acrobat Enterprise - \$128,000**

The courts had 530 devices with Adobe Acrobat Pro 2017 installed which was End of Life (EOL) June 6, 2022. The cost to upgrade to the latest Adobe Pro perpetual licensing for our 530 devices at \$430 per device had a \$225,250 list price.

The ability to modify and combine PDF files is key to many court functions from creating the appellate binders for cases on appeal to organizing purchasing documents. The additional licenses we have been able to purchase allow for better separation of duties and also utilization of additional staff in processes which used to require a single staff member at a designated workstation.

Due to our existing partnership with Adobe the courts were able to engage in an enterprise agreement with Adobe allowing us to purchase 1,300 user licenses (covering up to 5 devices per user) for an annual cost of \$128,000 (~\$98 per user). Adobe prorated the first 6 months for \$64,000 which the courts covered internally with one-time funds. This request is for the ongoing costs in support of this software.

#### **I. PolicyPak - \$60,000**

PolicyPak is a cloud-based policy management tool for securely managing court owned devices and allowing for the secure installation of approved devices without the need of IT intervention. This will allow for court employees to install printers, scanners, and other approved court devices with ease. It will also allow for us to keep remote machines up to date with our network policies through cloud support while not attached to the court network, providing a key piece of security as identified in the Computer Information System protocols.

### **3. Summarize the current budget for the project or program. If this is a new project or program, what resources are available for like-objectives within the agency?**

The current general fund base budget for IT projects and development BAK 3101 is \$7,851,000. See also answers to Section #2 above.

### **4. What has been done (or considered) to address this problem with existing resources? If this is a GF/ITF request, what non-GF/ITF resources have been considered? What were the results, including efficiencies or savings identified which could be redirected?**

The mission of the Utah State Courts is to provide an open, fair, efficient, and independent system for the advancement of justice under the law. The Utah Courts are recognized nationally and internationally as a leader in both access to justice and use of technology to meet this mandate.

The Utah State Courts lead in many technology efforts to advance access to justice through a variety of initiatives. These initiatives include e-filing in the district and juvenile courts, the Online Court Assistance Program (OCAP), the Self-Help Center, and Online Dispute Resolution (ODR). The ongoing funding being requested will allow us to maintain and increase our current level of both productivity and security ensuring we are good stewards of the information provided to us and needed from us by the citizens of Utah. See further information on what has been done to address these requests with existing resources in section # 4.

### **5. Is this project or program scalable if the Governor's Budget prioritizes a portion of the funding? Provide a description of the potential impact if a portion of the request is recommended. Consider multiple variations of a reduction in funding (10%, 50%, etc.).**

All 9 items requested for ongoing funding are integral to our daily operations of the courts and our mission to provide each person in the State of Utah equal access to justice. Six of our nine requests were given one-time funding last year and at a minimum we seek ongoing funds for those 6 items. If you must substitute one-time funding again this year for any items, our recommendations would be items **I. Policy Pak** and **G. Appellate eFiling**.

## B. CREATING VALUE

6. *What value will additional resources create for Utah and how will this value be measured? List the performance measure(s) that will be used to track outcomes for this request.*

All requests are either to (1) replace critical software that is funded with one-time funds with ongoing funds, (2) expand utilization of critical software court-wide, or (3) address software price increases encountered in recent renewals. The Windows OS licensing and Google software are expenses to maintain the Courts' current license levels and allow us to continue providing value to the citizens of Utah. The new resources (e.g., Senzing, AEM, Adobe eSignatures, FTR, additional M365 licenses and Azure AD) allow the Court to continue to create new value and increased efficiencies for the public, the legal community and Court staff while maintaining the security of the information with which we are entrusted.

7. *Provide the details, sources, research, and analysis which forms the evidence-basis for this request or the associated program (e.g, cost benefit analysis, program evaluation, results from pilot program, etc).*

See answers to section # 2 above.

## C. COORDINATION, STRATEGIC PLANNING, AND LONG-TERM VISION

8. *How does this request further the Cox-Henderson Administration's priorities?*

This request furthers the Court's mission to "provide an open, fair, efficient and independent system for the advancement of justice under the law". These requests allow the Courts to continue to create enhanced access to justice, increased efficiency, improved security and maintaining our ability to fulfill the core mission of the courts.

9. *Provide the statutory and administrative rule references which allow or require the activity for which funding is requested. If this request requires statute or rule changes, describe required changes. (Agencies must coordinate all legislation through the governor's general counsel and legislative director.)*

Utah Constitution, Article V, Section 1 and Article VIII, Section 12.

Utah Code, Title 78A, Title 78B, and Title 80.

No statutory changes are necessary in connection with this request.

10. *How does this request help implement your agency's strategic priorities? Include a direct citation of your agency's strategic plan and relevant goals, objectives and strategies and/or work plan.*

The statewide purpose is to continue and enhance and maintain our current systems in pursuit of access to justice. The mission of the courts is to provide an open, fair, efficient, and independent system for the advancement of justice under the law. Insufficient attention to core IT requirements places every key element of this mission at risk: the open nature of the legal system, its ability to conduct business in a fair manner, its efficiency, and its ability to operate successfully as an independent branch of government.

*11. Which other agencies or stakeholders have you coordinated with during development of this request? Please describe why this activity should be executed by the requesting agency and not another agency, local government, non-government entity or third party.*

This request has been vetted and approved by the judiciary's Budget & Fiscal Management Committee and the Judicial Council. As an independent branch of government, no other entity but the judicial branch should be expected to submit this request nor execute implementation of outcomes.

The judiciary has also consulted with the Executive Branch's DTS to ensure it aligns with their strategy and approach.

*12. Does this request create any future funding obligations (operations and maintenance, multi-year scale up, etc).*

No.

This is an ongoing funding request and will continue past the 2-year budget window.

#### **D. EXPANDING ACCESS AND OPPORTUNITY**

*13. Which populations or geographic areas will benefit most from this request (e.g., new state park users, individuals eligible for enrollment in new or existing programs, rural or urban communities, people from different cultural or racial backgrounds, or all Utahns)?*

This request will benefit all court locations throughout the state.

# Tab 9





# GOVERNOR'S OFFICE OF Planning & Budget

## FY24 and FY25 Budget Request Form

**Agency:** Judicial Branch (Courts)  
**Division or Program:** Administrative Office of the Courts / Board of District Court Judges  
**Request Title:** Case Backlog – Senior Judge Funding  
**Request Priority:** #5 (per BFMC ranking)  
*(Please do not prioritize reallocation requests against standard budget requests.)*  
**Requester:** Judge James Brady, Shane Bahr

**Amount Requested:** Summarize other sources besides General Fund (GF), Income Tax Fund (ITF), and Uniform School Fund (USF).

SOURCE	FY24 ONE-TIME	FY25 ONGOING	FY25 ONE-TIME	TOTAL REQUEST
GF, ITF, USF	\$850,000	\$0	\$2,000,000	\$2,850,000
OTHER	\$0	\$0	\$0	\$0
<b>TOTAL</b>	<b>\$850,000</b>	<b>\$0</b>	<b>\$2,000,000</b>	<b>\$2,850,000</b>

### A. BACKGROUND & BUDGETARY DETAILS

1. Summarize the request, the specific problem it will solve, and how it will solve the problem.

#### Summary

This request is for \$850,000 FY24 one-time funding and \$2,000,000 FY25 one-time funding to support the current practice of retaining Senior Judges and Time-Limited Judicial Assistants to reduce the case backlog<sup>1</sup> caused by the Covid 19 Pandemic in addition to a judicial officer and court staff shortage.

At its peak in FY21 Q3, the district court case backlog reached 12,874 cases. The Judicial Council approved \$2,000,000 in American Rescue Plan ACT (ARPA) funding for senior judges and time-limited judicial assistants to help reduce the case backlog.

The work of senior judges and time-limited judicial assistants has helped stabilize backlog growth. According to the FY2023 District Court Weighted Caseload Report, district court is short 8.6 judicial officers needed to keep pace with the statewide caseload. Without additional resources, the backlog will continue to grow because the workload is greater than sitting judges and full-time judicial assistants can process within the established case resolution standards.

At the end of FY23 Q4 the backlog has dropped to 10,727 cases. At the current burn rate of \$103,000 every 4 weeks and supplemented by an additional \$300,000 in unspent ARPA funds redeployed from COVID supplies to case backlog, all remaining ARPA case backlog funds will be spent by the end of 2023.

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

Should the trend shown over FY2023 Q3 and Q4 continue, the backlog will reach its FY2020 Q3 level in 18-24 months, but without continued funding, progress in reducing the case backlog will come to a halt.

This funding will allow the court to continue the practice of using senior judges and time-limited judicial assistants in reducing the case backlog.

*2. Provide an itemized budget for the new funding, including revenue and expenditure sources, for how the funding will be used.*

We are seeking the following 2 sources of funding for case backlog work by senior judges and time-limited judicial assistants as follows:

**(1) FY24 One-Time**

\$375,000 – December 23, 2023 thru March 31, 2024.

Approximately \$51.7K run rate every pay period (2 weeks) x 14.5 weeks/7.2 pay periods.

The court is seeking reimbursement for this amount that will be paid with court 1x turnover savings.

\$475,000 – April 1, 2024 thru June 30, 2024

Approximately \$51.7K run rate every pay period (2 weeks) x 13.0 weeks/6.5 pay periods =

\$340,000 + \$135,000 for expanding senior judge pool of hours to hasten backlog decline.

**\$850,000 – Total FY24 Request**

**(2) FY25 One-Time**

\$2,000,000 – July 1, 2024 – June 30, 2025.

This is an estimated dollar amount accounting for potential salary raises and program expansion.

*3. Summarize the current budget for the project or program. If this is a new project or program, what resources are available for like-objectives within the agency?*

The court has historically maintained a senior judge annual budget amount of \$168,000. As the district court works to reduce the case backlog by utilizing senior judges and time limited judicial assistants, the annual budget will not cover the cost.

In FY21 the Judicial Council approved \$2,000,000 in ARPA funding to secure senior judges and judicial assistants to help reduce the backlog. More recently, the Council approved \$300,000 unspent COVID supplies ARPA funds be moved to the backlog effort and has also expended all annual senior budget funds. All ARPA dollars allocated to the court to address case backlog will be spent by the end of December 2023.

*4. What has been done (or considered) to address this problem with existing resources? If this is a GF/ITF request, what non-GF/ITF resources have been considered? What were the results, including efficiencies or savings identified which could be redirected?*

The Judicial Council approved \$2,000,000 in ARPA funding for senior judge and time-limited judicial assistants to help reduce the case backlog. From 2021 through May 2023, senior judges have worked 620 days and the backlog has been reduced by approximately 2,100 cases.

5. *Is this project or program scalable if the Governor's Budget prioritizes a portion of the funding? Provide a description of the potential impact if a portion of the request is recommended. Consider multiple variations of a reduction in funding (10%, 50%, etc.).*

These are one-time funds so we believe the need to scale to a lower level of funding should not be necessary.

The request for new 8 judicial officers will take most of FY 2025 to realize so the need to retain and use senior judges will extend through FY 2025. By granting these funds for FY 2024 and FY 2025, the legislature will ensure the Judiciary will be optimally staffed to meet our Utah constitutional duty for (1) a "speedy trial" (Article 1, Section 12) and (2) access to justice without "unnecessary delay" (Article 1, Section 11).

Because we believe the Utah constitution provides a promise to the people of Utah, and receiving anything less than the full request will not meet the needs of Utah's citizens and will further not ensure our judges and staff have reasonable workloads, we do not view this request as scalable.

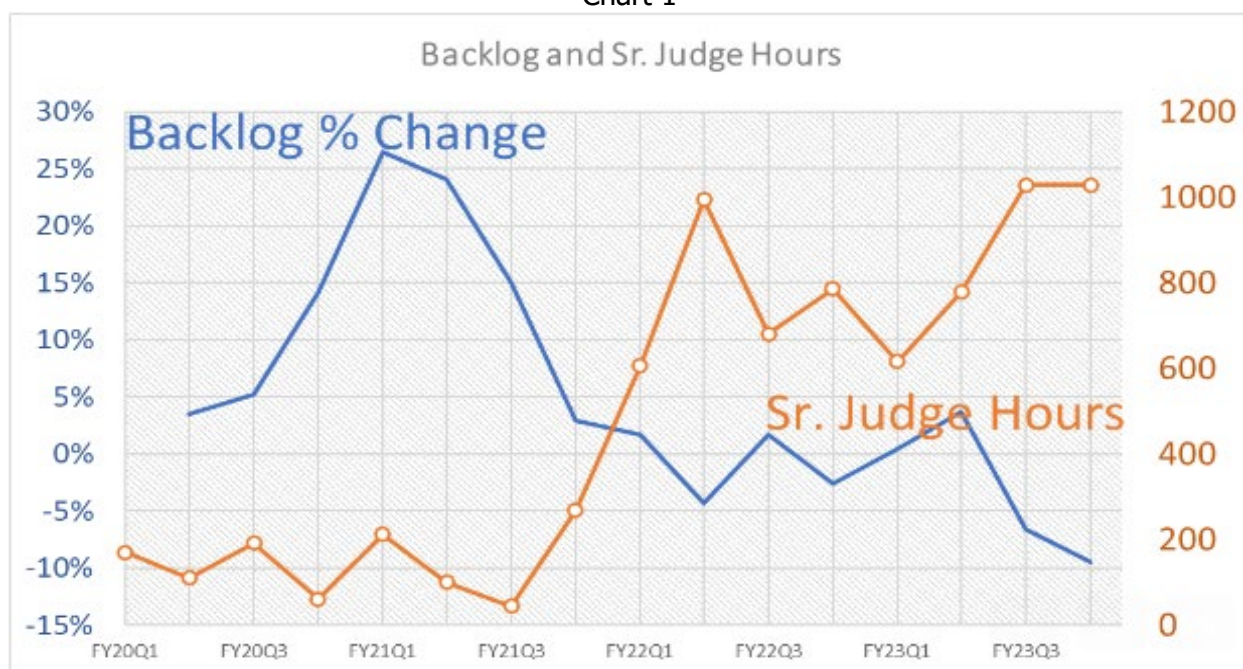
## B. CREATING VALUE

6. *What value will additional resources create for Utah and how will this value be measured? List the performance measure(s) that will be used to track outcomes for this request.*

This funding will allow the courts to continue the current practice of retaining senior judges and time-limited judicial assistants to reduce the case backlog caused by the Covid-19 Pandemic. By resolving case backlog, the court is resolving matters that are important to the citizens of Utah.

The Court's Judicial Data and Research Department (JDR) provides backlog progress reports to judges and administration each month. As shown in Chart 1, Senior Judge hours appear to have played a key stabilizing role. While Senior Judge hours have not eliminated the backlog by themselves, Chart 1 shows that they played a role in stemming the increase of the backlog. As senior judge hours increased, the backlog stabilized and decreased, instead of increasing further.

Chart 1

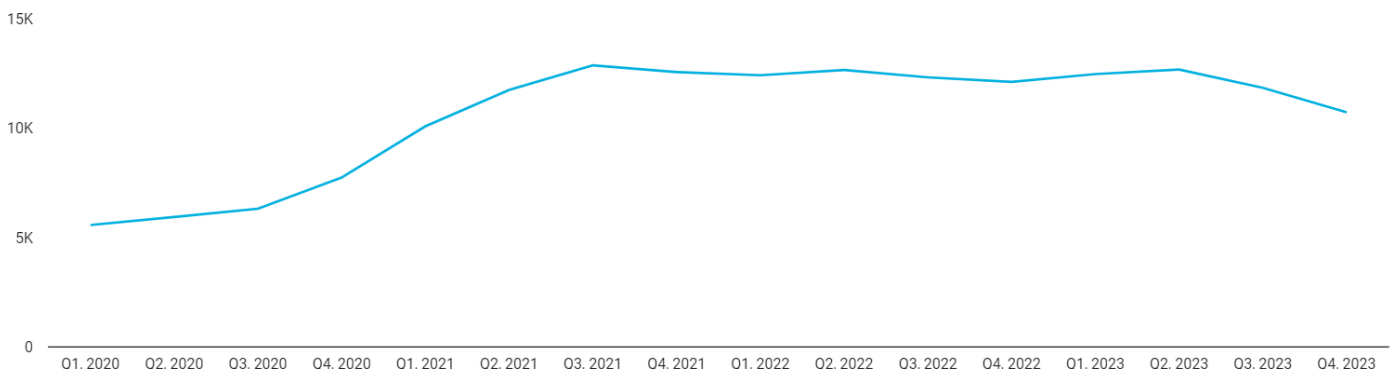


7. *Provide the details, sources, research, and analysis which forms the evidence-basis for this request or the associated program (e.g, cost benefit analysis, program evaluation, results from pilot program, etc).*

The overall case backlog peaked for the state in FY21 Q3 at 12,874 cases. Progress at reducing it has been slow, with the number only dropping to 12,677 in FY23 Q2 (almost 2 full years later). However, backlog reduction accelerated in FY23 Q3 and Q4, as shown by Chart 2 below. JDR believes that progress is being made but is not confident in a forecast that the backlog would be significantly reduced without continuing additional resources.

Chart 2

#### Backlog by Fiscal Quarter



### C. COORDINATION, STRATEGIC PLANNING, AND LONG-TERM VISION

8. *How does this request further the Cox-Henderson Administration’s priorities?*

This request furthers the Court’s mission to “provide an open, fair, efficient and independent system for the advancement of justice under the law”. This request also aligns with the priorities of the Cox-Henderson administration to emphasize “equality and opportunity” for those who are in the case backlog cohort to have access to justice.

9. *Provide the statutory and administrative rule references which allow or require the activity for which funding is requested. If this request requires statute or rule changes, describe required changes. (Agencies must coordinate all legislation through the governor’s general counsel and legislative director.)*

The legal maxim “justice delayed is justice denied” is enshrined in the Utah Constitution Article I Section 12 which states in part, “In criminal prosecutions the accused shall have the right to....a speedy public trial by an impartial jury...”.

*10. How does this request help implement your agency's strategic priorities? Include a direct citation of your agency's strategic plan and relevant goals, objectives and strategies and/or work plan.*

The mission of the Courts is to provide an open, fair, efficient, and independent system for the advancement of justice under the law. To achieve the Courts' mission, Judges and Judicial Assistants must effectively manage the courts caseload and process cases through the system at an acceptable pace. While the Courts did not shut down during the Pandemic, certain case types, such as jury trials, were continued until a future date when in-person hearings could be safely facilitated. Continuing cases caused a backlog of cases that is virtually impossible to reduce without assistance of senior judges and time limited judicial assistants.

*11. Which other agencies or stakeholders have you coordinated with during development of this request? Please describe why this activity should be executed by the requesting agency and not another agency, local government, non-government entity or third party.*

None.

*12. Does this request create any future funding obligations (operations and maintenance, multi-year scale up, etc).*

No.

#### **D. EXPANDING ACCESS AND OPPORTUNITY**

*13. Which populations or geographic areas will benefit most from this request (e.g., new state park users, individuals eligible for enrollment in new or existing programs, rural or urban communities, people from different cultural or racial backgrounds, or all Utahns)?*

We anticipate the continued funding of senior judges for case backlog will benefit all citizens of the State of Utah regardless of their specific population or geographic area as it ensures access to justice. To the extent people from underrepresented or disadvantaged groups may make up a higher proportion of those in the case backlog cohort, this initiative will benefit them in a proactive way by ensuring they do not wait longer than is necessary for their day in court.

# **Tab 10**



# GOVERNOR'S OFFICE OF Planning & Budget

## FY24 and FY25 Budget Request Form

**Agency:** Judicial Branch (Courts)  
**Division or Program:** Utah State Law Library  
**Request Title:** Utah State Law Library Assistant  
**Request Priority:** #6 (per BFMC ranking)  
*(Please do not prioritize reallocation requests against standard budget requests.)*  
**Requesters:** Nathanael Player, Kaden Taylor

**Amount Requested:** Summarize other sources besides General Fund (GF), Income Tax Fund (ITF), and Uniform School Fund (USF).

SOURCE	FY24 ONE-TIME	FY25 ONGOING	FY25 ONE-TIME	TOTAL REQUEST
GF, ITF, USF	\$0	\$66,000	\$0	\$66,000
OTHER	\$0	\$0	\$0	\$0
<b>TOTAL</b>	<b>\$0</b>	<b>\$66,000</b>	<b>\$0</b>	<b>\$66,000</b>

### A. BACKGROUND & BUDGETARY DETAILS

1. Summarize the request, the specific problem it will solve, and how it will solve the problem.

Provide funds to hire one new Law Library Assistant for the Utah State Law Library to allow us to support the increase in responsibilities for this position, which now include supporting the MyCase program, and better serving the public who come in increasing numbers to our desk as more proceedings take place at the Matheson Courthouse.

The Utah State Law Library serves the legal information needs of Utah's courts, executive agencies, legislature, attorneys, and the public. Nearly 90% of the library's patrons are the public. Housed in the Matheson Courthouse, library staff provide services in person, by phone, email and text messaging. Most of this assistance is provided by library assistants. They answer reference questions, do accounting and bookkeeping, process mail and check payments, maintain the library stacks, file new collection materials, manage circulation to check in and out library materials, manage any photocopier maintenance issues, order office supplies, manage appellate briefs, help with prisoner correspondence, assist with reviewing self-help webpages, and weed the library collection as needed.

In addition to their traditional roles, our two library assistants are now responsible for assisting patrons who have difficulty accessing MyCase and the two services under the system - Deferred Traffic Prosecution (DTP) and Online Dispute Resolution (ODR). MyCase is available statewide in district and justice courts for almost all case types, DTP is available statewide for eligible traffic court cases, and ODR is available in small claims cases – about 75% of small claims cases flow through ODR. Although MyCase and DTP automatically authenticate many users, patrons who have difficulty creating an account must contact the courts for assistance; logistical complexities with providing support to court patrons across the state mean that this



work must be centralized. Law Library Assistants currently handle these inquiries. In March 2023, our library assistants helped create 192 MyCase accounts. In order to create a MyCase account, library assistants often need to take several steps, including gathering case information from the patron, sending them dockets if they are unsure of their case number, authenticating the patron's identity, and verifying their contact information. Confirming the identity of the patron includes extra steps when the person has changed their name since the case was filed, such as locating name change orders in another case or requesting more proof from the patron. When patrons need help accessing ODR, library assistants often send instructions to access the system, and if necessary, send screenshots to help users who struggle using the technology. Help with ODR often involves coordination with Courts Information Technology (IT) and justice court administrators when there are problems with the system.

It is important that library assistants timely respond to all these requests. Some MyCase users assume this program is the only way for them to file documents or make a payment with the court, and this confusion may lead to severe consequences in their case. For example, if a tenant in an eviction case encounters difficulties creating a MyCase account on their last day to file an answer, they may potentially lose a case because they were not able to get an account to file their papers and were not aware of their other filing options. Additionally, plaintiffs and defendants in ODR cases face the threat of dismissal or default if they are not able to log in timely.

We expect that need for help with MyCase will increase because:

- Enhancements to MyCase are coming that will streamline service under URCP 5 and incentivize clerical staff to encourage parties to use the system.
- In the next several months, we plan to move guided interviews out of OCAP and into MyCase, increasing the need for basic support for court users.
- Generally, more people will know about the program we expect that MyCase use will grow through word of mouth.

Additionally, the Clerks of Court have asked us to issue a press release to raise awareness about the MyCase program. We have delayed doing this because we lack capacity to manage all the demand we anticipate this to generate. Our two library assistants cannot devote more time to responding to these requests without detriment to their other responsibilities to the library and public – especially when there are lines at our counter with people waiting in person for help. Hiring a new library assistant will allow the library to more adequately respond to these requests and to manage our workload.

Besides the new tasks our library assistants now fulfill to assist with MyCase, DTP, and ODR, foot traffic in the physical library is increasing due to more in-person hearings and trials being conducted in the Matheson Courthouse. Library assistants have less time to work on other projects when they must devote more time to the front counter. Our library assistants are also taking on new projects that have resulted from the court converting to new systems for our website, which has affected the court's forms tool and its connection to the MyCase program. Law Library Assistants aide in auditing webpages and forms for consistency and to ensure that forms in particular will function correctly within the MyCase program and eventually guided interviews within MyCase.

The current small staff of the library also hampers our operations generally. With only two library assistants and a reference librarian that are assigned to be at the public desk, when one employee is absent, either due to sickness or being away at a meeting or other event, this leaves only two people to assist patrons in library. This drops to one person during lunch hours, when the library is often busiest. This setup also limits how often staff can spend helping a patron with forms and is directly in tension with our capacity to devote more time to supporting MyCase, DTP, and ODR. Additionally, due to our small staff size, we are often unable to sit down with patrons and help them fill out a form, as they are needed to help cover the desk or to fulfill other projects. Hiring an additional library assistant will create more opportunities for service to court patrons that includes helping fill out forms and provide more meaningful help at our flagship courthouse. An additional Law Library Assistant would also allow us to handle more traditional library



functions, such as scanning and indexing historical minutes and agendas for various court committees so they are available to the public and helping to index and organize our growing body of digital information.

2. *Provide an itemized budget for the new funding, including revenue and expenditure sources, for how the funding will be used.*

All the funding included in this request would be towards paying and providing benefits for one new law library assistant.

3. *Summarize the current budget for the project or program. If this is a new project or program, what resources are available for like-objectives within the agency?*

The State Law Library currently has funding to pay two library assistants, a reference librarian, the Utah State Courts Law Librarian, and the Director. These positions are paid by the general fund. This request would add one additional staff member for the State Law Library.

The only other resources available to help with MyCase are either the IT tech support line (which is often extremely busy and is an internal resource), the Self-Help Center (also extremely busy and focused on legal help, not technical support), or JAs distributed throughout the courts, but they have limited capacity and, because new MyCase users could be from anywhere in the state, it is very challenging logistically to think about distributing the work in this manner.

4. *What has been done (or considered) to address this problem with existing resources? If this is a GF/ITF request, what non-GF/ITF resources have been considered? What were the results, including efficiencies or savings identified which could be redirected?*

The state Law Librarian regularly works to recruit interns to help patrons fill out forms while avoiding providing legal advice. However, interns have a part-time schedule and are not always available to help and recruitment has been challenging. The Law Library does not have other resources to handle this increase in work.

5. *Is this project or program scalable if the Governor's Budget prioritizes a portion of the funding? Provide a description of the potential impact if a portion of the request is recommended. Consider multiple variations of a reduction in funding (10%, 50%, etc.).*

The amount for this request is based on paying a new full-time library assistant within the salary range detailed for this position by the human resources department for the Utah State Courts. If this request is not funded in full, the law library would need to look at hiring part-time for this position. Due to the current job market and the difficulty the law library has experienced in the past with retaining full-time library assistants, we do not feel we would be successful in filling and retaining a part-time position that included the responsibilities that would be required for the position.

## B. CREATING VALUE

6. *What value will additional resources create for Utah and how will this value be measured? List the performance measure(s) that will be used to track outcomes for this request.*

This position will help court patrons throughout Utah. It will expand access to justice by helping court patrons access MyCase, DTP, and ODR; it will also increase the capacity of the State Law Library to help patrons needing help. This extra position will improve response times for MyCase and ODR requests to grant court patrons access to their cases. Through their forms work, a new library assistant will ensure the law library can provide correct, useful forms to court users statewide, which in turn, can be made available in the MyCase program, creating a benevolent cycle of increasing access.

Performance measures the Law Library can use to assess the success of this position include:

- monitoring the amount of account creations for MyCase as well as emails responded to for both MyCase and ODR issues
- monitoring form conversion as well as form updates statistics
- keeping statistics on patrons helped and specifically track help with filling out forms

*7. Provide the details, sources, research, and analysis which forms the evidence-basis for this request or the associated program (e.g, cost benefit analysis, program evaluation, results from pilot program, etc).*

Statistics on MyCase account creation are provided by the court's IT department. Recommendations on the need for another person to assist in MyCase emails is based on observations of current library assistants and monitoring the inbox of the MyCase and ODR email accounts. We have researched the possibility of purchasing a knowledge-based authentication system in partnership with IT, but the costs are too open-ended – they are based on use. Because we expect to dramatically expand services in MyCase, we do not feel we can accurately forecast demand for the system, and because we cannot forecast demand, a technology solution does not seem viable. Additionally, building such services would require us to use our limited ARPA funding, which would take us away from enhancing the system in other ways, such as allowing for e-filing within MyCase, and would still leave us with significant, yet uncertain, ongoing costs.

## **C. COORDINATION, STRATEGIC PLANNING, AND LONG-TERM VISION**

*8. How does this request further the Cox-Henderson Administration's priorities?*

The governor's priorities include support for disadvantaged families and domestic violence and sexual assault prevention. Funding for a library assistant directly addresses these issues. Most people coming to court represent themselves – this is true in cases where disadvantaged families are involved (97% of defendants in debt collection cases and 94% of defendants in eviction cases are self-represented) and true in domestic violence situations (59% of people seeking a protective order are self-represented). The primary work of the Law Library Assistant is to help people access the legal system by providing direct services, explaining legal concepts and providing forms, making the courts more accessible by helping people access the MyCase system so they can see their case information online and receive alerts of new filings, and eventually, use MyCase to access guided interviews and file documents. Library assistants also help to manage our online forms effectively, which, in turn, helps to make the MyCase system more accessible.

*9. Provide the statutory and administrative rule references which allow or require the activity for which funding is requested. If this request requires statute or rule changes, describe required changes. (Agencies must coordinate all legislation through the governor's general counsel and legislative director.)*

Utah Code 9-7-302 establishes that the State Law Library needs to be accessible by the public. This request will increase the services the State Law Library can provide to the public.

Utah Code 78A-2-501 references how the Utah Online Court Assistance Program (OCAP) provided by the court should “improve access to the courts” and “provide for informed use of the courts and the law by pro se litigants.” The MyCase program is important to fulfilling this responsibility as it will be the next evolution of OCAP with enhanced features, such as accessibility on mobile devices, helpful tool tips, and the ability to administer the program more agilely, meaning we will be able to build guided interviews with user-centered design principles in mind.

*10. How does this request help implement your agency’s strategic priorities? Include a direct citation of your agency’s strategic plan and relevant goals, objectives and strategies and/or work plan.*

The Utah State Courts have a mission “to provide an open, fair, efficient, and independent system for the advancement of justice under the law.” This request assists in providing an open and fair system that advances justice. The MyCase program allows patrons across the state and beyond to access their case, case history, view documents and more, which allows them to better participate in the court process. A new library assistant will better assist patrons needing to create accounts. This request will also improve the services of the State Law Library by providing an additional person to help with forms, explaining court processes, providing case information, and other services of the Law Library that also provide access to justice and the courts.

*11. Which other agencies or stakeholders have you coordinated with during development of this request? Please describe why this activity should be executed by the requesting agency and not another agency, local government, non-government entity or third party.*

The Chair of the Judicial Council’s Committee on Resources for Self-represented Parties is supportive of this request.

*12. Does this request create any future funding obligations (operations and maintenance, multi-year scale up, etc).*

No, we anticipate that one additional library assistant will provide the support needed for the library to fulfill all of its functions.

## **D. EXPANDING ACCESS AND OPPORTUNITY**

*13. Which populations or geographic areas will benefit most from this request (e.g., new state park users, individuals eligible for enrollment in new or existing programs, rural or urban communities, people from different cultural or racial backgrounds, or all Utahns)?*

MyCase and ODR are statewide programs, and this request will benefit patrons statewide and outside the state who need help accessing their Utah cases through these programs. Though the State Law Library is located in Salt Lake City and assists a majority of patrons in person at that location, the library also assists patrons throughout the state through phone and email. The services of a new library assistant will benefit any who contacts the Law Library for assistance.

# **Tab 11**



# GOVERNOR'S OFFICE OF Planning & Budget

## FY24 and FY25 Budget Request Form

**Agency:** Judicial Branch (Courts)  
**Division or Program:** Fourth District Court - Virtual Jury Department FTE Request  
**Request Title:** Fourth District Court - Virtual Jury Department FTE Request  
**Request Priority:** #7 (per BFMC ranking)  
*(Please do not prioritize reallocation requests against standard budget requests.)*  
**Requester:** Mark Urry

**Amount Requested:** Summarize other sources besides General Fund (GF), Income Tax Fund (ITF), and Uniform School Fund (USF).

SOURCE	FY24 ONE-TIME	FY25 ONGOING	FY25 ONE-TIME	TOTAL REQUEST
GF, ITF, USF	\$0	\$215,700	\$0	\$215,700
OTHER	\$0	\$0	\$0	\$0
<b>TOTAL</b>	<b>\$0</b>	<b>\$215,700</b>	<b>\$0</b>	<b>\$215,700</b>

### A. BACKGROUND & BUDGETARY DETAILS

1. Summarize the request, the specific problem it will solve, and how it will solve the problem.

The funding for this request will support the 13 judges and thousands of prospective jurors in the Fourth District Court in the virtual jury selection process. The Fourth District Court has the second largest volume of total cases statewide. Each month, the Fourth District Court jury staff distributes approximately 4,500 qualification forms, jury summons and questionnaires to prospective jurors for Utah County and Wasatch County, in addition to answering approximately 500 email inquiries and approximately 600 phone calls from prospective jurors.

Between March 2021 and May 2023, the Fourth District Court heard a total of 130 jury trials that involved virtual jury selections, the second highest amount of virtual jury selections in the State.

Unlike the Third District Court, the Fourth District Court has never had designated jury services staff who solely provided jury services functions. Prior to the pandemic, in-court judicial assistants provided in-person jury service needs in the Fourth District. When virtual jury selection began in March 2021, it quickly became apparent that separate time-limited staff funded through ARPA to support all virtual jury service requests were needed to prevent full-time staff from being pulled from their assigned duties to fulfill these new virtual jury selection responsibilities.

Prior to their similar request last fiscal year, the Third District had 1 Case Manager and 3 FTE's assigned to their centralized Jury Services Team. They received approval to add 3 additional FTE's to their Jury Services Team last year. The Third District hears approximately 200 jury trials annually and have 7.0 FTE's to process all jury services needs related to the jury trials. The Fourth District hears approximately 65 jury trials

annually (33% of 3<sup>rd</sup> District's jury trial volume) and would have 2.5 FTE's (36% of 3<sup>rd</sup> District's jury services personnel) to process all jury services needs related to the jury trials.

The Fourth District Court currently utilizes 4.5 time-limited ARPA-funded positions to support all virtual jury selection requirements in Utah and Wasatch Counties: 2.5 FTE's in Provo and 2.0 FTE's in American Fork.

Under this proposal, the 2.5 FTE's would be centralized at the Provo Courthouse to handle all virtual jury selection requirements for the Provo Courthouse, American Fork Courthouse, Spanish Fork Courthouse and Heber Courthouse in Wasatch County.

*2. Provide an itemized budget for the new funding, including revenue and expenditure sources, for how the funding will be used.*

Cost per full-time position: \$81,500 annually (\$21.20 hourly with benefits)

Cost per part-time position: \$52,700 annually (\$21.20 hourly with benefits)

**Total annual request for ongoing funds for 2.5 FTE positions: \$215,700**

*3. Summarize the current budget for the project or program. If this is a new project or program, what resources are available for like-objectives within the agency?*

Currently, there are 4.5 FTE time-limited judicial assistants assigned as jury clerks in the Fourth District Court. These positions have been funded with ARPA dollars since July 1, 2021 and are approved through September 2023.

The purpose of this request is to obtain ongoing funding for 2.5 FTEs, which will replace the 4.5 FTE time-limited judicial assistant positions currently being funded by ARPA, and would be proportionate to the percentage of jury trials and jury services staffing Fourth District would have to process virtual jury services needs versus the number of jury trials and jury services staff currently in the Third District.

Proportionate and percentage-wise, this is a similar request that was approved for the Third District last fiscal year.

The cost for each of these positions is approximately \$81,500 for each of the 2 full-time position and \$52,700 for the 1 part-time position, with the total annual cost of \$215,700 for 2.5 permanent (FTE) judicial assistant positions.

*4. What has been done (or considered) to address this problem with existing resources? If this is a GF/ITF request, what non-GF/ITF resources have been considered? What were the results, including efficiencies or savings identified which could be redirected?*

In March 2021, the Chief Supreme Court Justice of California appointed an Ad Hoc Workgroup on Post-Pandemic Initiatives to identify, refine, and enhance successful court practices that emerged during the COVID-19 pandemic to increase access to justice, modernize services, and promote uniformity and consistency in these practices going forward. The following is a brief summary of their report on virtual jury selection:

*The use of technology and innovative best practices for jury operations has been instrumental in enabling courts to continue to serve the public and provide access to justice during the pandemic. The courts have been successful in these efforts, as indicated by the widespread innovation they*

*have exhibited and creative strategies they have utilized to adapt their day-to-day operations and hold jury trials for various case types.*

*Virtual jury selection provides new paths to modernize and improve upon existing technology that can eliminate the need for most prospective jurors to appear in person, expedite voir dire, and lessen the disruption caused by jury service on jurors' daily lives. During the pandemic, several courts developed or expanded the use of virtual tools to select jurors using remote technology. Presenters to the workgroup described the ways that implementing or enhancing virtual juror selection has helped to save valuable time and resources for jurors, attorneys, and the court. These tools have allowed courts to convene juries in a timely manner, which has helped substantially in easing the backlog of cases many courts continue to face due to the pandemic. Virtual jury selection platforms also act as a uniquely and particularly powerful tool in handling challenges for cause, peremptory challenges, and any subsequent motions made regarding the exercise of such challenges.*

The innovative practices in jury selection mentioned above were reported to have substantially eased burdens on prospective jurors and assisted courts in lessening their growing case backlogs during the pandemic. Continued use of these practices may result in further efficiencies, increased access to the public, and greater diversity in juries across the state.

5. *Is this project or program scalable if the Governor's Budget prioritizes a portion of the funding? Provide a description of the potential impact if a portion of the request is recommended. Consider multiple variations of a reduction in funding (10%, 50%, etc.).*

Because the requested 2.5 FTE's is the minimal number of staffing needed to support continuing, on-going virtual jury selection in the Fourth District Court, any reduction would prevent the Court from continuing to support virtual jury selection. This inability would adversely impact access to justice for potential jurors to participate in jury selection remotely, from the confines of their home, business, etc.

## **B. CREATING VALUE**

6. *What value will additional resources create for Utah and how will this value be measured? List the performance measure(s) that will be used to track outcomes for this request.*

The value of funding these 2.5 FTE positions with ongoing funding instead of ARPA funds are that it ensures the continuity of the virtual selection process. Ongoing funding will ensure the court's ability to provide a convenience to the citizens of the Fourth District Court as well as directly impacting the mission of the court to provide people with an open, fair, efficient and independent system for the advancement of justice under the law. The value may be measured by:

- Time savings and convenience in facilitating jury selection virtually versus in person.
- The 70% decrease in the number of FTAs and the associated administrative work required for notices and calendaring.
- A reduction in the cost of parking and public transportation that is charged to the State through Jury, Witness and Interpreter funds.
- The value to the community of those who were previously summoned and failed to appear because of the inability to miss hours of work or to secure child care.
- A reduction in the carbon footprint through use of a virtual appearance process by limiting the number of people required to drive to their respective court site to appear in person.
- High satisfaction by jurors, parties, attorneys, judges and staff with the virtual jury process.
- Reduced staff turnover by having permanent positions versus time-limited positions. Lower staff



turnover results in more seasoned staff being available to assist with the jury process as well as a reduction in time and resources for training new employees.

- Improvement in the juror selection process, including expanding participation by underrepresented groups.
- Increased juror participation in JPEC evaluations.
- Ability to assist other districts with virtual jury selection if needed.

*7. Provide the details, sources, research, and analysis which forms the evidence-basis for this request or the associated program (e.g, cost benefit analysis, program evaluation, results from pilot program, etc).*

Since March 2021, the Fourth District Court has been conducting virtual jury selections for all jury trials, both criminal and civil. Virtual jury selection has proven to be an efficient and tremendously successful process and will continue to be used in the Fourth District Court post-pandemic.

After conducting approximately 130 virtual jury selections since March 2021, virtual jury selection is more efficient and convenient, and results in fewer failures to appear (FTAs). The virtual jury selection process offers increased convenience to jurors, attorneys, parties, and to the courts. By appearing virtually, prospective jurors are not required to travel to their respective court sites for selection, locate parking, and for many, do not have to obtain childcare. Improving the juror experience increases individual willingness to serve as a juror, which may help to instill greater public confidence. Many attorneys prefer virtual jury selection because it is a uniform process, they are provided the juror questionnaires in advance, have the opportunity to interact with jurors in their own homes or work environments. Many Judges prefer this virtual process because it is more efficient and less work for their judicial assistants and bailiffs.

Currently, the 2.5 FTE Provo jury staff handles all Fourth District Court virtual jury selections at the Provo Courthouse, including summons and sending out jury questionnaires and preparing returned questionnaire responses into spread sheets for judges, staff and attorneys for all three Utah County courthouses and the Heber Courthouse in Wasatch County. The 2.0 FTE American Fork jury staff handle all virtual jury selections at the American Fork, Spanish Fork and Heber City courthouses. Since March 2021, the Fourth District Court has facilitated approximately 130 jury trials. The ability to facilitate this large number of jury trials has positively impacted the backlog of cases created by the pandemic. Due to the convenience and efficiency, most jurors, judges, attorneys, and parties are supportive of continuing virtual jury selection indefinitely.

The implementation of the virtual jury selection process has resulted in a significant decrease in the number of FTAs. Since March 2021, the average FTAs for jury service have dropped approximately 70%.

There is no centralized jury services team in the Fourth District Court, unlike other districts. The current 4.5 time-limited positions are critical to the operations of the virtual jury selection process. Without these positions, the court will not have adequate staffing to continue virtual jury selection. This reduction in these critical positions will directly impact the efficiency of the jury selection process.

Currently, these positions are classified as time-limited and the experience in recruiting and retention for these positions has proven to be difficult. Recruitment for time-limited positions is more difficult because many qualified candidates desire the security of a permanent, ongoing position. Due to the uncertainty of ongoing funding for time-limited positions, many hired into these types of positions ultimately choose to transfer to permanent positions when an opportunity arises. One of the court's goals is to have an experienced group of jury clerks who are able to improve and expand the jury selection process, particularly as it relates to underrepresented groups. The reduction from 4.5 turnover prone, time-limited FTEs today to 2.5 well-trained FTEs in the future is the primary reason for the reduction in headcount.



In addition, the creation of permanent positions will allow the court to continue to refine and improve the virtual jury selection process and share the knowledge and experience we have gained over the past two years with other districts throughout the state. We expect future improvements to include updating the Court website and making it more juror friendly, revising jury communications, exploring ways to expand juror participation by underrepresented groups, and providing training and other assistance to other districts in the state if needed.

## C. COORDINATION, STRATEGIC PLANNING, AND LONG-TERM VISION

### 8. *How does this request further the Cox-Henderson Administration's priorities?*

This request furthers the Court's mission to "provide an open, fair, efficient and independent system for the advancement of justice under the law".

The virtual jury selection process has streamlined and modernized the selection process. For years, hundreds of jurors would be summoned each week to appear in person and be at the court for hours waiting to be selected and/or released. Prior to the pandemic, an alternative way of juror selection had never been explored. The Fourth District Court and other courts around the country are functioning and thriving in the modern age of technology. This innovative process has increased the overall efficiency of jury selection in the Fourth District Court and allowed the Fourth District to conduct 130 virtual jury selections since January 2021, which has greatly impacted the COVID-19 backlog of jury trials and is the second highest number of jury trials in the state.

### 9. *Provide the statutory and administrative rule references which allow or require the activity for which funding is requested. If this request requires statute or rule changes, describe required changes. (Agencies must coordinate all legislation through the governor's general counsel and legislative director.)*

Utah Code 78B-1 Jury and Witness Act. This request does not require any statute changes.

### 10. *How does this request help implement your agency's strategic priorities? Include a direct citation of your agency's strategic plan and relevant goals, objectives and strategies and/or work plan.*

The statewide purpose of this project is to increase efficiency and accessibility in the jury selection process. Virtual jury selection meets all of the criteria of the court's mission by providing an open, fair and efficient process.

### 11. *Which other agencies or stakeholders have you coordinated with during development of this request? Please describe why this activity should be executed by the requesting agency and not another agency, local government, non-government entity or third party.*

The Court has coordinated with the Utah County Attorney's Office, the Utah County Public Defender's Office, the Wasatch County Attorney's Office and attorneys from large and small law firms as well as solo practitioners. These attorneys have expressed their desire to continue virtual jury selection indefinitely for almost all types of criminal and civil cases.

Jury selection is unique to court operations. Authorizing another agency, local government entity or third party to provide jury services would potentially compromise the fairness of the process.

*12. Does this request create any future funding obligations (operations and maintenance, multi-year scale up, etc.).*

This request is to reclassify the 4.5 time-limited judicial assistants assigned in the Fourth District Court to permanent full-time FTE positions. This will require an ongoing funding obligation for salaries and benefits.

The 4.5 FTE time-limited judicial assistants are critical to the Fourth District Court jury processing operations and the virtual jury selection process. This request is for ongoing funding for these positions.

#### **D. EXPANDING ACCESS AND OPPORTUNITY**

*13. Which populations or geographic areas will benefit most from this request (e.g., new state park users, individuals eligible for enrollment in new or existing programs, rural or urban communities, people from different cultural or racial backgrounds, or all Utahns)?*

All prospective jurors in Utah County and Wasatch County in the Fourth District Court (American Fork, Provo, Spanish Fork and Heber City), prosecutors, defense counsel, local bar members and the judiciary will benefit from this request.

In addition, as we are able to solidify the jury processing with experienced permanent employees, we will continue to explore ways to improve the jury selection process and expand participation by underrepresented groups.

By centralizing virtual jury selection with one jury team instead of jury selection being facilitated by the judges' individual judicial assistants, the Fourth District Court will be able to gather and analyze data regarding the efficiency and effectiveness of virtual selection. This will ensure the virtual jury selection process is not creating inequities and unintended distributional consequences.

# **Tab 12**



# GOVERNOR'S OFFICE OF Planning & Budget

## FY24 and FY25 Budget Request Form

**Agency:** Judicial Branch (Courts)  
**Division or Program:** Pay for Performance  
**Request Title:** Pay for Performance  
**Request Priority:** #8 (per BFMC ranking)  
*(Please do not prioritize reallocation requests against standard budget requests.)*  
**Requester:** Tina Sweet, Bart Olsen

**Amount Requested:** Summarize other sources besides General Fund (GF), Income Tax Fund (ITF), and Uniform School Fund (USF).

SOURCE	FY24 ONE-TIME	FY25 ONGOING	FY25 ONE-TIME	TOTAL REQUEST
GF, ITF, USF	\$0	\$2,000,000	\$0	\$2,000,000
OTHER	\$0	\$0	\$0	\$0
<b>TOTAL</b>	<b>\$0</b>	<b>\$2,000,000</b>	<b>\$0</b>	<b>\$2,000,000</b>

### A. BACKGROUND & BUDGETARY DETAILS

1. Summarize the request, the specific problem it will solve, and how it will solve the problem.

This request seeks legislative approval for the following:

1. To include state employees that work for the judicial branch (excluding court commissioners, judges, and justices) in appropriations intended to compensate state employees for performance-based pay beginning in fiscal year 2025 and each subsequent fiscal year moving forward; and
2. To fund approximately \$2M for state employees that work for the judicial branch commensurate with the amount appropriated for state employees that work for executive branch agencies during fiscal year 2024 of 2.5% intended to compensate state employees for performance-based pay, to be distributed at the beginning of fiscal year 2025.

In July 2021, several months before [HB104](#) passed in the 2022 General Legislative Session, the Judicial Branch officially moved away from an outdated and ineffective pay structure in favor of a performance-based pay plan. While the language in HB104 exempted the judicial branch, HB104's requirement that state agencies implement a performance-based pay plan was not necessary as the judicial branch had already made the change.

Although the judicial branch had already implemented the structure and processes of a performance pay plan, the 2023 General Legislative Session's appropriations for performance pay appear to have been directed entirely to the executive branch, excluding funding for state employees that work for the judicial branch. This may have resulted from the judicial branch not being included in the prior year's HB104. The Legislature has recognized the need to provide ongoing funding to successfully implement a performance-based pay plan. This request seeks to close what appears to be an unintentional gap that leaves the judicial

branch in a position of not being able to adequately compensate the state employees that work for the judicial branch for their performance.

The principles on which the judicial branch performance-based pay plan is based have produced many encouraging outcomes. However, internal ongoing turnover savings is currently the exclusive funding source of performance-based salary increases. Managers in the judicial branch have found it extremely difficult to reward high performing staff without spreading the funding so thinly that it jeopardizes the meaningful nature of the reward, or simply having to decide that several high performing staff will not receive a reward due to insufficient funds.

The Legislature's approval to match funding for executive branch agency performance-based pay plans would significantly boost the judicial branch's ability to succeed in the long-term implementation of its own performance-based pay plan. It would also eliminate an inequity that currently provides other state agencies the ability to draw from legislative funding sources in their efforts to retain the highest performing employees.

The request for funding will ensure that the Courts have the necessary resources to attract and retain talented individuals, promote employee engagement and motivation, and ultimately enhance the delivery of justice in an open, fair, and efficient manner. It will enable the Courts to align with industry standards and best practices for performance-based compensation, contributing to the overall effectiveness and success of the Judicial Branch and of Utah's State Government as a whole.

*2. Provide an itemized budget for the new funding, including revenue and expenditure sources, for how the funding will be used.*

\$2,000,000 in ongoing General Funds will be used to fund \$2,000,000 of additional personnel expenses (pay and benefits) associated with a 2.5% pay-for-performance program.

*3. Summarize the current budget for the project or program. If this is a new project or program, what resources are available for like-objectives within the agency?*

Internal ongoing turnover savings of \$635,000 is the entire funding source of the judicial branch performance-based pay plan. For a state employee population hovering around 1,000 FTEs, the budget is quickly depleted. To further enhance the program's impact and ensure its long-term success, additional resources and funding are necessary. This will allow the Courts to provide meaningful increases, maintain a competitive compensation structure, and effectively recognize and reward the performance and contributions of their employees.

*4. What has been done (or considered) to address this problem with existing resources? If this is a GF/ITF request, what non-GF/ITF resources have been considered? What were the results, including efficiencies or savings identified which could be redirected?*

As mentioned in the summary above, the Courts have historically funded 100% of performance pay increases from internally generated ongoing turnover savings. These funds vary somewhat year-by-year but in a good year we generate approximately \$635,000 in pay-for-performance ongoing turnover savings and in a leaner year we generate approximately \$450,000. With the higher amount, it is sufficient to fund a \$1.00 per hour performance-based increase for ¼ of the eligible personnel - meaning a modest performance raise every 4 years. At this rate, it would take many years to move to the 3rd or 4th quartile in a pay grade.

5. *Is this project or program scalable if the Governor's Budget prioritizes a portion of the funding? Provide a description of the potential impact if a portion of the request is recommended. Consider multiple variations of a reduction in funding (10%, 50%, etc.).*

Yes, the Pay for Performance program is designed to be scalable, allowing for flexibility in funding allocation based on the Governor's Budget priorities. If the Governor's Budget prioritizes a reduced portion of the funding, the potential impact on the Pay for Performance program would vary depending on the level of reduction. Let's consider multiple variations of a reduction in funding:

1. **10% Reduction in Funding:** With a 10% reduction in funding, the Pay for Performance program can still be maintained with relatively minor adjustments. Some performance incentives may be slightly reduced, resulting either in fewer employees being rewarded for their high performance or a smaller reward amount being allocated. Both of those potential ways of reducing would have an impact on the overall ability to move employees through the quartiles of their salary ranges, so the program's effectiveness in retaining high performers may be more at risk. However, the program's overall effectiveness in motivating employees and improving performance may remain largely intact with only a 10% reduction in funding.
2. **50% Reduction in Funding:** A 50% reduction in funding would have a more significant impact on the Pay for Performance program. It may lead to significant and unavoidable adjustments in the number of employees eligible for incentives or the incentive amounts offered. Some performance goals may need to be prioritized or modified. The effectiveness of a program intended to retain high performers might be greatly reduced. Despite the reduction, the program can continue to recognize and reward high-performing employees, but its scope and scale may be constrained compared to full funding.

By maintaining a portion of the requested funding, the Pay for Performance program can continue to drive employee motivation, improve performance, and align with the judiciary's mission and goals and allow the Judicial branch to remain competitive with other branches of state government. While adjustments may be necessary, retaining a portion of the funding ensures that the program's core principles and benefits are sustained to support a skilled and motivated workforce in the Courts.

## B. CREATING VALUE

6. *What value will additional resources create for Utah and how will this value be measured? List the performance measure(s) that will be used to track outcomes for this request.*

The allocation of additional resources in support of the Courts' mission to provide an open, fair, efficient, and independent system for the advancement of justice under the law will create significant value for Utah. This value will be measured through various performance measures that align with the SMART framework and are well-defined and aligned with the strategic priorities of the Courts.

The performance measures that will be used to track outcomes for this request include:

**Specific Goals:** The allocation of additional resources will enable the establishment of specific goals for employees that are aligned with the mission of the Courts. Performance will be tracked based on the achievement of these specific goals, such as reducing case processing times, improving customer satisfaction, enhancing court efficiency, and increasing access to justice.

**Measurable Outcomes:** The impact of the additional resources will be assessed through measurable

outcomes, such as increased case disposition rates, reduced case backlog, improved timeliness in delivering court services, and higher rates of successful case resolution. These quantifiable measures will provide data to evaluate the effectiveness of the resources in improving judicial operations.

**Achievable Targets:** The Courts will set achievable targets for employee performance, taking into consideration available resources and workload. Employee performance will be measured against these targets to ensure that expectations are realistic and that employees can effectively contribute to the Courts' objectives.

**Relevant Objectives:** The additional resources will support the pursuit of relevant objectives that align with the strategic priorities of the Courts. Performance will be assessed based on the progress made towards these objectives, such as enhancing access to justice, promoting fairness and equity in court proceedings, and improving the quality and consistency of judicial decisions.

**Time-bound Expectations:** The allocation of resources will facilitate the establishment of time-bound expectations for employee performance. Performance will be evaluated based on the timely completion of tasks and projects, leading to improved efficiency and productivity within the Courts.

By utilizing the SMART framework and aligning performance measures, the value created by the additional resources will be effectively evaluated and reported. These performance measures provide a structured approach to assess employee performance and judicial outcomes, thereby demonstrating the positive impact of the resources on the overall functioning of the Courts and the advancement of justice in Utah. The performance data collected through these measures will enable the Courts to continuously improve and optimize their operations, better serving the citizens and upholding the principles of justice under the law.

7. *Provide the details, sources, research, and analysis which forms the evidence-basis for this request or the associated program (e.g, cost benefit analysis, program evaluation, results from pilot program, etc).*

The passage of [HB104](#) in the 2022 General Legislative Session and [HB8](#) in the 2023 General Legislative Session mandated the implementation and funding of a performance-based pay system for executive branch agency employees. These pieces of legislation demonstrate the legislature's support of a performance-based pay structure in state government.

## C. COORDINATION, STRATEGIC PLANNING, AND LONG-TERM VISION

8. *How does this request further the Cox-Henderson Administration's priorities?*

A funding source for ongoing pay increases in a performance-based pay plan is both critical to advancing the mission of the Courts and well aligned with the six priorities outlined in Governor Cox's "One Utah Roadmap" in the following ways:

**Economic Advancement:** The performance-based pay plan contributes to economic advancement by promoting a high-performing and motivated workforce within the Courts. By incentivizing employees to excel in their roles and achieve performance targets, the program enhances productivity and efficiency. A skilled and motivated workforce ultimately translates into improved service delivery, benefiting businesses and individuals across the state.

**Talent Attraction and Retention:** Governor Cox's plan emphasizes the importance of attracting and



retaining top talent in Utah. The performance-based pay plan plays a vital role in this aspect by offering incentives for exceptional performance. It provides a means to attract skilled individuals to the Courts and incentivizes existing employees to stay and grow within the organization. This supports the Governor's goal of fostering a talented and diverse workforce in the state.

**Effective Governance:** The performance-based pay plan promotes effective governance by establishing clear performance measures and expectations for employees. It encourages accountability and results-driven decision-making, aligning with the Governor's emphasis on effective governance and responsible resource allocation.

**Results-Oriented Approach:** Governor Cox's plan emphasizes a results-oriented approach to policy and governance. The performance-based pay plan aligns with this approach by linking incentives to measurable outcomes and performance targets. By focusing on results and rewarding employees accordingly, the program supports a culture of performance and continuous improvement within the Courts.

**Innovation and Efficiency:** The performance-based pay plan encourages innovation and efficiency by incentivizing employees to find innovative solutions, improve processes, and enhance service delivery. It fosters a culture of continuous improvement, aligning with the Administration's priority of promoting innovation and efficiency across state agencies.

The program directly contributes to economic advancement, talent attraction and retention, effective governance, a results-oriented approach, and fostering innovation and efficiency. It aligns with the Administration's vision of a prosperous, innovative, and well-governed Utah.

9. *Provide the statutory and administrative rule references which allow or require the activity for which funding is requested. If this request requires statute or rule changes, describe required changes. (Agencies must coordinate all legislation through the governor's general counsel and legislative director.)*

The statutory and administrative rule references that allow and require the Pay for Performance activity in the Courts are as follows:

Utah Code [78A-2-107\(4\)](#) - This statute empowers the State Court Administrator to formulate and administer policies and procedures for the efficient operation of the courts. This authority includes the establishment of a compensation system that aligns with the goals and mission of the judiciary.

Utah Code of Judicial Administration (UCJA) [Rule 3-402](#) - Assigns the responsibility to the Court Administrator and the HR department to establish an effective compensation system for court employees. The rule specifically mentions the importance of employee retention based on performance that enhances and advances the mission of the judiciary.

These statutory and administrative rule provisions provide the legal framework and mandate for the establishment of a performance-based pay system in the Courts. No additional statute or rule changes are required to implement the Pay for Performance program.

10. *How does this request help implement your agency's strategic priorities? Include a direct citation of your agency's strategic plan and relevant goals, objectives and strategies and/or work plan.*

This request for funding directly supports our agency's strategic priorities as outlined in our mission statement, which focuses on providing "an open, fair, and efficient system for the advancement of justice under the law." We have identified two key ways in which this funding will help implement our strategic priorities:



**Advancing Justice and Fairness:** The increase in our Pay for Performance structure will significantly enhance the fairness and equity within our workforce. By implementing Pay for Performance, we can recognize and reward employees based on their individual and team achievements, ensuring that performance-based outcomes align with our mission of advancing justice. This approach promotes a sense of fairness and motivates employees to excel in their roles, ultimately contributing to the overall delivery of justice under the law.

**Enhancing Efficiency and Service Delivery:** The requested funding will empower us to strengthen our performance-based compensation system, leading to increased efficiency within our organization. By aligning incentives with performance through Pay for Performance, we can improve productivity and optimize resource allocation. This, in turn, contributes to an efficient and effective judicial system, enabling us to provide timely and high-quality services to the people we serve.

Our funding request is directly in line with our agency's strategic priorities, as it seeks to foster fairness, efficiency, and the advancement of justice under the law. Through the investment in our employee population through Pay for Performance, we are taking proactive measures to fulfill our mission and meet the expectations of the people we serve. This strategic approach will enable us to further our commitment to delivering justice in an open, fair, and efficient manner, while continually striving for improvement and excellence in our operations.

*11. Which other agencies or stakeholders have you coordinated with during development of this request? Please describe why this activity should be executed by the requesting agency and not another agency, local government, non-government entity or third party.*

During the development of our Pay for Performance legislative request, we coordinated with subject matter expert representatives from the Department of Government Operations' Division of Human Resource Management. They provided helpful information regarding their upcoming Pay for Performance structure, scheduled to go into effect on 7/1/2023, to gather insights, best practices, and lessons learned.

The activity of implementing and executing the Pay for Performance program should be carried out by the requesting agency, which in this case is the Courts. Here are the reasons why:

**Agency-specific Needs:** The Courts have a unique workforce and organizational structure, with specific requirements and considerations related to the administration of justice. By executing the Pay for Performance program internally, the Courts can tailor it to their specific needs and align it with their mission of providing an open, fair, efficient, and independent system for the advancement of justice under the law.

**Judicial Independence:** The Courts operate independently to ensure fair and impartial justice. By implementing the Pay for Performance program within the agency, the Courts can maintain control over the performance evaluation criteria and ensure that it remains unbiased and reflective of the judiciary's specific requirements, without any undue influence from external entities.

**Seamless Integration:** As the Courts have their own distinct goals, strategies, and values, executing the Pay for Performance program internally allows for seamless integration with existing organizational objectives. This ensures that performance measures and incentives are directly aligned with the mission and values of the Courts.

**Accountability and Transparency:** By implementing the program within the requesting agency, the Courts can maintain a high level of accountability and transparency. They can establish clear evaluation criteria, ensure fairness in the allocation of performance-based incentives, and provide transparent reporting on the outcomes of the program to stakeholders and the public.

Considering these factors, it is most appropriate for the Courts, as the requesting agency, to execute the Pay

for Performance program. While we have sought insights from the Division of Human Resource Management's upcoming Pay for Performance structure, the Courts' unique needs and mission warrant an internal implementation that aligns with their specific requirements and ensures the independence and effectiveness of the judiciary.

*12. Does this request create any future funding obligations (operations and maintenance, multi-year scale up, etc).*

While the ongoing legislative funding for Pay for Performance does not create direct future funding obligations, it is important to note that the sustainability of the program may require continued funding in subsequent budget cycles. As this initiative is designed to reward and incentivize exceptional performance, it is anticipated that ongoing funding will be necessary to maintain the effectiveness and integrity of the program. This funding will ensure that employees continue to be motivated and appropriately rewarded for their achievements.

## D. EXPANDING ACCESS AND OPPORTUNITY

*13. Which populations or geographic areas will benefit most from this request (e.g., new state park users, individuals eligible for enrollment in new or existing programs, rural or urban communities, people from different cultural or racial backgrounds, or all Utahns)?*

The populations and geographic areas that will benefit most from this funding request for increased Pay for Performance include:

**All Utahns:** The primary goal of our funding request is to enhance the overall functioning and efficiency of the judicial system, benefiting all residents of Utah. By implementing increased Pay for Performance funding through legislative support, we aim to improve the quality and timeliness of services provided to the public. As a result, all Utahns, regardless of their background or geographic location, will benefit from a more effective and responsive judicial system.

**Underrepresented or Disadvantaged Groups:** Our initiatives to promote fairness and equity within our workforce indirectly benefit underrepresented or disadvantaged groups. By implementing Pay for Performance, we create opportunities for employees to be rewarded based on their performance, irrespective of their background or status. This fosters a performance-based environment that can contribute to the advancement of individuals from underrepresented or disadvantaged groups within the organization.

**Rural and Urban Communities:** Both rural and urban communities across Utah will benefit from our funding request. By implementing Pay for Performance, we incentivize employees to enhance their skills and improve service delivery, which will have a positive impact on the communities we serve. This includes improved access to justice, timely case resolution, and increased fairness in court proceedings.

**Judicial System Users:** The funding request indirectly benefits individuals who interact with the judicial system, such as litigants, attorneys, and other stakeholders. By enhancing the efficiency, fairness, and effectiveness of our organization through Pay for Performance, we can provide a better experience and improved outcomes for those seeking justice under the law.

While these populations and geographic areas will benefit most directly from our funding request, the positive impact of our initiatives has the potential to extend to a broader range of stakeholders within the state. The implementation of Pay for Performance will lead to a more accountable, effective, and accessible judicial system, ultimately benefiting the entire Utah community.

# Tab 13



# GOVERNOR'S OFFICE OF Planning & Budget

## FY24 and FY25 Budget Request Form

**Agency:** Judicial Branch (Courts)  
**Division or Program:** American Fork Courthouse Rent Increase  
**Request Title:** American Fork Courthouse Rent Increase  
**Request Priority:** #9 (per BFMC ranking)  
*(Please do not prioritize reallocation requests against standard budget requests.)*  
**Requester:** Chris Talbot

**Amount Requested:** Summarize other sources besides General Fund (GF), Income Tax Fund (ITF), and Uniform School Fund (USF).

SOURCE	FY24 ONE-TIME	FY25 ONGOING	FY25 ONE-TIME	TOTAL REQUEST
GF, ITF, USF	\$389,000	\$0	\$447,000	\$836,000
OTHER	\$0	\$0	\$0	\$0
<b>TOTAL</b>	<b>\$389,000</b>	<b>\$0</b>	<b>\$447,000</b>	<b>\$836,000</b>

### A. BACKGROUND & BUDGETARY DETAILS

1. Summarize the request, the specific problem it will solve, and how it will solve the problem.

Our original 20 year lease expired in September 2022 and significant rent increases (\$12.67 per square foot (psf) old lease to \$24 psf new lease) were required by the City of American Fork (the "City") as part of the new lease effective for January 2023. Due to the lengthy lease renegotiation period (caused by slow responses by the City), the Courts were unable to request 1x funds from the legislature for the March 2023 session. There are additional rent increases of approximately 8% annually over the next several years.

This request seeks to cover the increase in monthly rent for FY 2024 which is an annual increase of \$389,000 and, due to an 8% contractual rent increase in the new lease, \$447,000 for FY 2025. These requests for 1x funds cover the increases in base rent. The Courts will continue to fund the old rent and O&M amounts (\$446,000 annually) from funding provided by the Court Complex dedicated credit.

In the 2025 legislative session for FY 2026, we will submit an ongoing legislative funding request for the final 7 years of the lease based on the reduced square footage that will require \$157,000 of incremental annual additional rent.

2. Provide an itemized budget for the new funding, including revenue and expenditure sources, for how the funding will be used.

See Exhibit A below.

Exhibit A - Schedule of Payments											Fiscal Year	
	Year	Rent PSF	O&M PSF	Leased SF	Annual Rental Payment - Lease Year	Annual Rental Payment - Fiscal Year	Fiscal Year Rental Increase	O&M Fiscal Year Increase	FY Cumulative Rental & O&M Increase	Rental Monthly Payment	Annual O&M Payment	Total Rent and O&M
	Original Lease	\$ 12.675	\$ 3.50	27,558	\$ 349,298					\$ 29,108		\$ 445,751
1	1/23 - 9/23	\$ 24.00	\$ 3.50	28,784	\$ 690,816	\$ 520,057	\$ 170,759	\$ 2,146	\$ 172,905	\$ 57,568		
2	10/23 - 9/24	\$ 26.00	\$ 3.50	28,784	\$ 748,384	\$ 733,992	\$ 213,935	\$ 2,146	\$ 388,985	\$ 62,365		
3	10/24 - 9/25	\$ 28.00	\$ 3.50	28,784	\$ 805,952	\$ 791,560	\$ 57,568	\$ -	\$ 446,553	\$ 67,163		
4	10/25 - 9/26	\$ 30.00	\$ 3.50	16,358	\$ 490,740	\$ 569,543	\$ (222,017)			\$ 40,895	\$ 57,253	\$ 626,796
5	10/26 - 9/27	\$ 30.90	\$ 3.50	16,358	\$ 505,462	\$ 501,782	\$ (67,761)			\$ 42,122	\$ 57,253	\$ 559,035
6	10/27 - 9/28	\$ 31.83	\$ 3.50	16,358	\$ 520,626	\$ 516,835	\$ 15,053			\$ 43,386	\$ 57,253	\$ 574,088
7	10/28 - 9/29	\$ 32.78	\$ 3.50	16,358	\$ 536,245	\$ 532,340	\$ 15,505			\$ 44,687	\$ 57,253	\$ 589,593
8	10/29 - 9/30	\$ 33.77	\$ 3.50	16,358	\$ 552,332	\$ 548,310	\$ 15,970			\$ 46,028	\$ 57,253	\$ 605,563
9	10/30 - 9/31	\$ 34.78	\$ 3.50	16,358	\$ 568,902	\$ 564,760	\$ 16,449			\$ 47,409	\$ 57,253	\$ 622,013
10	10/31 - 9/32	\$ 35.82	\$ 3.50	16,358	\$ 585,969	\$ 581,702	\$ 16,943			\$ 48,831	\$ 57,253	\$ 638,955
												\$ 4,216,043
											Average	\$ 602,292
											Base	\$ 445,751
											Increase	\$ 156,541

3. Summarize the current budget for the project or program. If this is a new project or program, what resources are available for like-objectives within the agency?

See answer to #2 – Exhibit A.

4. What has been done (or considered) to address this problem with existing resources? If this is a GF/ITF request, what non-GF/ITF resources have been considered? What were the results, including efficiencies or savings identified which could be redirected?

Due to the rent increases required by the City, we will be moving the two district courtrooms in the American Fork courthouse to Provo after we build out the shelled courtrooms in Provo over the next 2.5 years. This will allow us to give back approximately 40% of our tenant space and reduce rent payments starting in October 2025. We will also use the remaining term of the lease (through September 2032) to consider other locations to house the remaining juvenile court facilities that are currently in the American Fork courthouse. The City has expressed a desire to utilize this space; we do not intend to remain in this location. If an earlier exit can be arranged, we will do so.

5. Is this project or program scalable if the Governor's Budget prioritizes a portion of the funding? Provide a description of the potential impact if a portion of the request is recommended. Consider multiple variations of a reduction in funding (10%, 50%, etc.).

If the additional lease amount is not funded, the Court would have to fund the increase internally, which will take funding away from other potential projects in FY 2024 and FY 2025.

## B. CREATING VALUE

6. What value will additional resources create for Utah and how will this value be measured? List the performance measure(s) that will be used to track outcomes for this request.

This request allows the Juvenile Court to maintain a presence in American Fork for the next 10 years and a District Court presences over the next 3 years until new courtrooms are built out in Provo. Maintaining Juvenile Court and Probation in American Fork provides much easier access to services for the juveniles in the community.

Performance will be measured by the attendance of juveniles to their court mandated responsibilities. Moving the Juvenile Courts to Provo would create undo hardship to those who are required to appear for court or community service

*7. Provide the details, sources, research, and analysis which forms the evidence-basis for this request or the associated program (e.g, cost benefit analysis, program evaluation, results from pilot program, etc).*

See answer to #2 – Exhibit A.

### C. COORDINATION, STRATEGIC PLANNING, AND LONG-TERM VISION

*8. How does this request further the Cox-Henderson Administration's priorities?*

This request furthers the Court's mission to "provide an open, fair, efficient and independent system for the advancement of justice under the law". This request also aligns with the priorities of the Cox-Henderson administration. Juvenile courts seek to help families resolve conflicts in healthy ways. Juvenile courts also directly address the health and well-being of children throughout the state.

*9. Provide the statutory and administrative rule references which allow or require the activity for which funding is requested. If this request requires statute or rule changes, describe required changes. (Agencies must coordinate all legislation through the governor's general counsel and legislative director.)*

The juvenile courts are courts of record, created by statute, as authorized by Utah Constitution, Art. VIII, Sec. 1. The legislature has tasked the juvenile courts with the responsibility of adjudicating cases primarily related to child welfare, parental rights, juvenile delinquency, and other similar matters. These responsibilities are outlined in Utah Code Title 78A, Chapter 6 and Utah Code Title 80. Judges are necessary to adjudicate the cases and meet all other statutory obligations. The state's eight judicial districts are outlined in statute (Utah Code § 78A-1-102). The number of juvenile court judges appointed and confirmed to serve in each judicial district are also outlined in statute (Utah Code § 78A-1-104).

There are numerous statutory and rule-driven deadlines with which the district court must comply, making the ability to schedule hearings crucial. Examples include (but are not limited to):

- Evictions: See U.C.A. 78B-6-810, generally
- Protective Orders: U.C.A. 78B-7-604
- Temporary restraining orders/preliminary injunction: Rule 65A of the Utah Rules of Civil Procedure

*10. How does this request help implement your agency's strategic priorities? Include a direct citation of your agency's strategic plan and relevant goals, objectives and strategies and/or work plan.*

The purpose of this request is to obtain incremental funding to continue the Courts operations in American Fork in space leased from the City. This lease enables the Courts to meet the mission of the court, which is to provide an open, fair, efficient and independent system for the advancement of justice under the law as caseloads continue to increase in the future.

*11. Which other agencies or stakeholders have you coordinated with during development of this request? Please describe why this activity should be executed by the requesting agency and not another agency, local government, non-government entity or third party.*

The Judicial Council is making this request in coordination with the Administrative Office of the Courts. Other agencies have not been directly involved, but the City would benefit from continuation of services.

*12. Does this request create any future funding obligations (operations and maintenance, multi-year scale up, etc).*

This is a renegotiation of an existing Court facility in American Fork. For FY 2026 when the lease payment amount becomes more stable (by then our reduction in square footage will have gone into effect), we will be submitting an ongoing request for \$157,000 for the remaining term of the lease (2032).

#### **D. EXPANDING ACCESS AND OPPORTUNITY**

*13. Which populations or geographic areas will benefit most from this request (e.g., new state park users, individuals eligible for enrollment in new or existing programs, rural or urban communities, people from different cultural or racial backgrounds, or all Utahns)?*

Funding for this request will benefit Utah County residents as well as all Utahans who have any involvement, directly or indirectly, with the Utah State Courts.

# Tab 14





# GOVERNOR'S OFFICE OF Planning & Budget

## FY24 and FY25 Budget Request Form

**Agency:** Judicial Branch (Courts)  
**Division or Program:** Seventh District and Juvenile Courts  
**Request Title:** Seventh District and Juvenile Courts – Training Coordinator Position  
**Request Priority:** #10 (per BFMC ranking)  
*(Please do not prioritize reallocation requests against standard budget requests.)*  
**Requester:** Travis Erickson

**Amount Requested:** Summarize other sources besides General Fund (GF), Income Tax Fund (ITF), and Uniform School Fund (USF).

SOURCE	FY24 ONE-TIME	FY25 ONGOING	FY25 ONE-TIME	TOTAL REQUEST
GF, ITF, USF	\$0	\$94,600	\$0	\$94,600
OTHER	\$0	\$0	\$0	\$0
<b>TOTAL</b>	<b>\$0</b>	<b>\$94,600</b>	<b>\$0</b>	<b>\$94,600</b>

### A. BACKGROUND & BUDGETARY DETAILS

1. Summarize the request, the specific problem it will solve, and how it will solve the problem.

The Seventh District and Juvenile Courts has a bench of 3 District and 2 Juvenile Court Judges. The Judges preside over court hearings throughout Carbon, Emery, Grand, and San Juan Counties. Judges and patrons are supported in court hearings and in person and remotely at public court counters by 17 Judicial Support Managers and Assistants.

Owing to the large geographic area that is encompassed by the Seventh District and Juvenile Courts, each Judicial Support team member must be proficient in all court hearing types for both Juvenile and District Court and have a knowledge of all court processes & procedures. The development and maintenance of this level of proficiency requires ongoing training and coaching.

The creation of a Clerical Training Coordinator Position will allow the district to focus on ongoing training updates and refreshers. This approach will encourage consistency throughout the district and will ensure that the attention of other members of the Judicial Support leadership team are not distracted from their duties to monitor timeline and procedural compliance and ensure quality case management and customer service to court patrons.

2. *Provide an itemized budget for the new funding, including revenue and expenditure sources, for how the funding will be used.*

This recommendation is for a general funds supported staff position. Although the proposed position is not expected to increase revenue, the additional training resource is expected to increase performance and reduce errors which should improve the efficiency of all staff supporting operations and patrons of the Seventh District and Juvenile Courts.

Estimated annual cost = \$94,600 at \$26 / hour plus tier 2 retirement and family health and dental benefits.

3. *Summarize the current budget for the project or program. If this is a new project or program, what resources are available for like-objectives within the agency?*

The Seventh District and Juvenile Personnel budget is limited to existing positions. The District attempted to repurpose a leadership position to meet training needs and reorganize to redistribute supervision and coordination duties among Case Managers, but found it unsustainable. Thus the district does not have funds available to create this position.

4. *What has been done (or considered) to address this problem with existing resources? If this is a GF/ITF request, what non-GF/ITF resources have been considered? What were the results, including efficiencies or savings identified which could be redirected?*

In previous years, a Judicial Support Leadership (Case Manager) position was converted to fulfill the Training Coordinator role. This change required organizational restructuring, to provide needed supervision and leadership. However, after piloting the altered organizational structure, the district found cause to revert the position to its previous Case Manager status to ensure fulfillment of basic operational needs.

Following this reversion in organizational structure the team has experimented with various training efforts both virtual and in person. In the absence of a Training Coordinator Position, these efforts have necessarily shifted responsibilities collectively to all members of the Judicial Support leadership team.

This approach has proven unsustainable in the long term.

5. *Is this project or program scalable if the Governor's Budget prioritizes a portion of the funding? Provide a description of the potential impact if a portion of the request is recommended. Consider multiple variations of a reduction in funding (10%, 50%, etc.).*

Unfortunately, previous attempts to fulfill this role with less than a full-time person have been unsuccessful. This position is unlikely to lend itself to partial funding opportunities.

## **B. CREATING VALUE**

6. *What value will additional resources create for Utah and how will this value be measured? List the performance measure(s) that will be used to track outcomes for this request.*

The creation of a Training Coordinator Position for the Seventh District will enhance the efficiency and consistency of court processes throughout the Seventh District. These positions have been found in other districts to increase productivity for Judicial Assistant staff at all phases of the career path.

Onboarding Judicial Assistants that work closely with a Training Coordinator make fewer missteps and receive more timely instruction and feedback to become proficient and independently productive at court processes more rapidly. Shortening overall training time.

Experienced staff also benefit from the presence of a Training Coordinator. The Training Coordinator acts as a specialist and can provide on the spot clarification to all staff when infrequent filing types arise, or unexpected questions are encountered.

There is also a benefit to Judicial Support leadership. The Training Coordinator assists in disseminating updated training information about changes to CORIS and CARE, JVJST & DCJST documents, and to address process changes that respond to statutory and rule updates. By so doing, the Training Coordinator helps to alleviate some of the administrative burdens on the Case Managers, Team Manager, and Clerk of Court. This allows the leadership team to dedicate more time to problem solving and strategic planning and implementation.

Juvenile and District Judges also benefitted from a Training Coordinator position. The bench can receive timely individual training updates for programming changes to CARE / CORIS. They will encounter fewer delays in court given that the Judicial Assistant staff will receive more frequently refresher trainings and can overall provide a more positive and productive court experience to patrons.

*7. Provide the details, sources, research, and analysis which forms the evidence-basis for this request or the associated program (e.g, cost benefit analysis, program evaluation, results from pilot program, etc).*

The Training Coordinator position exists in most, if not all, other districts throughout the State and has demonstrated similar results.

## C. COORDINATION, STRATEGIC PLANNING, AND LONG-TERM VISION

*8. How does this request further the Cox-Henderson Administration's priorities?*

This request increases access to justice for Utahns living in the Seventh Judicial District (Carbon, Emery, Grand and San Juan Counties). Additionally, this request will provide increased retention for Utah State Courts in the same counties. A more highly trained, effective team is less likely to become burned out or dissatisfied with their contributions.

*9. Provide the statutory and administrative rule references which allow or require the activity for which funding is requested. If this request requires statute or rule changes, describe required changes. (Agencies must coordinate all legislation through the governor's general counsel and legislative director.)*

UCJA Rule 3-403 (Judicial branch education) indicates the importance of providing education to all judicial officers and court staff. In addition to frequent procedural training opportunities, the requested Training Coordinator position will collaborate with courts education and other training coordinators throughout the state to assist in the planning, development, and delivery of required and other training to staff.

*10. How does this request help implement your agency's strategic priorities? Include a direct citation of your agency's strategic plan and relevant goals, objectives and strategies and/or work plan.*

Simply put, the mission of the Utah Courts is to provide the people an open, fair, efficient and independent system for the advancement of justice under the law. The requested position will enhance the service provided to the public by providing increased resources for consistent training and staff procedural feedback. Staff members will become more efficient and effective in their roles and will be able to better serve the public.

*11. Which other agencies or stakeholders have you coordinated with during development of this request? Please describe why this activity should be executed by the requesting agency and not another agency, local government, non-government entity or third party.*

The requested Training Coordinator role does not lend itself readily to a shared or third party position.

*12. Does this request create any future funding obligations (operations and maintenance, multi-year scale up, etc).*

This request is for an ongoing full time with benefits employee – a Training Coordinator position and thereby creates an ongoing funding need.

#### **D. EXPANDING ACCESS AND OPPORTUNITY**

*13. Which populations or geographic areas will benefit most from this request (e.g., new state park users, individuals eligible for enrollment in new or existing programs, rural or urban communities, people from different cultural or racial backgrounds, or all Utahns)?*

Utahns in Carbon, Emery, Grand and San Juan Counties will most benefit from this request.

# **Tab 15**



# GOVERNOR'S OFFICE OF Planning & Budget

## FY24 and FY25 Budget Request Form

**Agency:** Judicial Branch (Courts)  
**Division or Program:** At-Will Conversion Incentive  
**Request Title:** At-Will Conversion Incentive  
**Request Priority:** #11 (per BFMC ranking)  
*(Please do not prioritize reallocation requests against standard budget requests.)*  
**Requester:** Tina Sweet, Bart Olsen

**Amount Requested:** Summarize other sources besides General Fund (GF), Income Tax Fund (ITF), and Uniform School Fund (USF).

SOURCE	FY24 ONE-TIME	FY25 ONGOING	FY25 ONE-TIME	TOTAL REQUEST
GF, ITF, USF	\$0	\$2,000,000	\$0	\$2,000,000
OTHER	\$0	\$0	\$0	\$0
<b>TOTAL</b>	<b>\$0</b>	<b>\$2,000,000</b>	<b>\$0</b>	<b>\$2,000,000</b>

### A. BACKGROUND & BUDGETARY DETAILS

1. Summarize the request, the specific problem it will solve, and how it will solve the problem.

This is a request for ongoing funds in the amount of \$2M to incentivize conversion of all current career service judicial branch employees to at-will employment status.

Utah established a career service employment system applicable to most state, county, and municipal employees in 1965. Although the legislature did not simultaneously require the judicial branch to implement a career service system for its employees, it was not long after that the judicial branch followed this lead in its own employment rules. This included the establishment of an independent grievance review board to sit as a "... quasi-judicial body and review any action taken under the authority of the judiciary's human resource policies ..." [see [UCJA Rule 3-402\(6\)](#)].

In ways very similar to other Utah government entities, the judicial branch did benefit from providing the protections of a career service system for quite some time. In the mid-1960s, many important employment laws in effect today were either in their infancy (such as the Civil Rights Act of 1964) or did not yet even exist (consider the Age Discrimination in Employment Act of 1967, the Pregnancy Discrimination Act of 1978, Americans with Disabilities Act of 1990 and its Amendments Act of 2008, the Family and Medical Leave Act of 1993, and so on).

However, career service systems have faced increasing scrutiny in recent years for a host of valid reasons. The judicial branch's career service system now poses unnecessary limitations and barriers to fostering an agile and adaptable workforce. It restricts our ability to streamline personnel decisions, respond swiftly to changing market conditions, and optimize resource allocation efficiently.

Additionally, 2022's HB104 and its accompanying funding provided an opportunity for Utah's executive branch agencies to incentivize conversion to at-will status for existing career service employees with an ongoing salary increase for choosing to convert. Those who chose to convert received the accompanying salary incentive, but career service employees in the judicial branch did not - creating what is likely an unintended but real negative morale impact which can contribute to retention problems for the judicial branch.

A monetary incentive for current career service employees in the judicial branch to convert to at-will status will minimize or remove the negative impact or retention problem this situation created and better enable judicial branch management to focus personnel decisions on business needs and employee performance while reducing bureaucratic inefficiencies.

*2. Provide an itemized budget for the new funding, including revenue and expenditure sources, for how the funding will be used.*

The judicial branch has approximately 900 employees eligible to convert from career service to at-will status. The incentive would be offered as a 3% salary increase to convert to an at-will status. Eligibility would be limited only to those in career service status at the time an incentive is offered and accepted. The Administrative Office of the Courts would offer eligible employees an opt-in period of no more than 12 months, following the lead of the executive branch in its HB 104 implementation, and grant a salary increase to eligible employees who opt into at-will status conversion.

*3. Summarize the current budget for the project or program. If this is a new project or program, what resources are available for like-objectives within the agency?*

While an at-will conversion incentive has been implemented for employees in the executive branch through 2022's [HB104](#), the judicial branch has not received dedicated funding for a similar initiative. Similar to executive branch agencies, the judicial branch does not generate nearly enough internal turnover savings to fund an effective at-will conversion effort without legislative funding.

*4. What has been done (or considered) to address this problem with existing resources? If this is a GF/ITF request, what non-GF/ITF resources have been considered? What were the results, including efficiencies or savings identified which could be redirected?*

The judicial branch abandoned the independent review board years ago due to funding strains and difficulties retaining qualified panel members. In its place, an internal grievance review panel in the Administrative Office of the Courts was established with policies in place to provide as impartial a review as possible for career service grievances.

Additionally, the judicial branch formally moved away from creating and filling career service positions effective July 1, 2022. When a career service employee departs for any reason, the vacant position automatically converts to an at-will position.

Notwithstanding these efforts, the vast majority of the judicial branch workforce remains in this career service system that has ultimately become an antiquated, labor-intensive, and costly system to maintain.



5. *Is this project or program scalable if the Governor's Budget prioritizes a portion of the funding? Provide a description of the potential impact if a portion of the request is recommended. Consider multiple variations of a reduction in funding (10%, 50%, etc.).*

Yes, this project could be scalable. For example, the legislature could grant funding to allow a 2.5% salary increase or a 2% salary increase rather than the requested 3%. Any such option would still be helpful; however, the requested 3% is already lower than the 5% salary increase incentive granted to executive branch agencies. The only reason the judicial branch is not requesting an equal amount of 5% in this request is because of the accompanying salary compression issues this would create for the majority of teams and units where most of the career service employment population currently sits. A 3% salary increase would avoid most, if not all, potential salary compression issues.

## B. CREATING VALUE

6. *What value will additional resources create for Utah and how will this value be measured? List the performance measure(s) that will be used to track outcomes for this request.*

The allocation of additional resources for at-will conversion funding will create significant value for Utah and the Courts. The anticipated benefits include:

**Cost Reduction and Efficiency:** By incentivizing conversion to at-will status, the internal costs associated with labor-intensive processes under the career service system are expected to decrease. The time saved can be reinvested in efforts more closely aligned with the advancement of the Courts' mission, resulting in a more efficient and effective judicial system.

**Leadership Talent Attraction and Retention:** With more employees transitioning to at-will status, the Courts can implement comprehensive strategies to address employee concerns about losing their career service status when pursuing leadership positions. This will foster a pool of qualified and capable individuals from within the organization, improving the Courts' ability to fill critical leadership positions and successfully carry out mission-critical efforts.

**Improved Organizational Performance:** As more employees advance to at-will leadership positions, the Courts will have the opportunity to fill key positions with highly qualified individuals eager to contribute to the organization's success. This is expected to lead to improved organizational performance, increased productivity, and enhanced service delivery to the public.

### **Performance Measures to track outcomes for this request include:**

**Leadership Vacancy Application Rates:** Tracking the number of internal employees applying for at-will leadership positions before and after incentivizing at-will conversion will indicate the effectiveness of the program in attracting qualified candidates for leadership roles.

**Employee Feedback and Satisfaction:** Conducting surveys or feedback mechanisms to measure employee satisfaction, engagement, and perceptions of the at-will conversion program will provide insights into the impact of the additional resources on employee morale and commitment.

By utilizing these performance measures, the Courts can demonstrate the value created by the additional resources allocated for at-will conversion funding. This will ensure transparency and accountability while showcasing the positive impact on employee advancement, talent retention, and overall organizational performance in service of the Courts' mission to provide an open, fair, efficient, and independent system for the advancement of justice under the law in Utah.



7. *Provide the details, sources, research, and analysis which forms the evidence-basis for this request or the associated program (e.g, cost benefit analysis, program evaluation, results from pilot program, etc).*

The evidence-basis for the at-will conversion incentive request in the Courts can be derived from the existing legislative approval and funding provided to incentivize conversion to at-will status for career service employees in the executive branch through 2022's HB104. This legislation serves as a strong foundation for the Courts' funding request, indicating legislative support to move away from antiquated and ineffective career service structures and procedures, while simultaneously recognizing that employees need some sort of incentive to encourage voluntary movement away from a system purported to provide additional employment protection.

## C. COORDINATION, STRATEGIC PLANNING, AND LONG-TERM VISION

8. *How does this request further the Cox-Henderson Administration's priorities?*

The request to fund at-will service conversion advances the mission of the Courts and aligns with the priorities of the Cox-Henderson Administration in several ways:

**Workforce Flexibility and Efficiency:** The Cox-Henderson Administration prioritizes enhancing flexibility and efficiency within government agencies. By transitioning to at-will service, the courts will gain greater flexibility in managing their workforce, allowing for more efficient allocation of resources and improved responsiveness to changing demands. This aligns with the administration's goal of creating a more agile and effective government.

**Talent Attraction and Retention:** The administration emphasizes attracting and retaining talented individuals within the public sector. By offering at-will conversion, the Courts can provide increased earning capacity to existing career service employees, enhancing its ability to retain talented employees that perform well advancing the Courts' mission. This aligns with the administration's objective of building a capable and motivated workforce across all branches of government.

**Streamlined Operations and Service Delivery:** The request for at-will service conversion aims to streamline court operations and enhance service delivery. By optimizing workforce management and aligning personnel with workload demands, the Courts can operate more efficiently and effectively. This is in alignment with the administration's commitment to improving government services and ensuring timely access to justice for all Utahns.

**Innovation and Modernization:** The Cox-Henderson Administration emphasizes the need for innovation and modernization in government operations. Transitioning to at-will service reflects a proactive approach to human resource management within the Courts, enabling them to adapt to changing needs and leverage the skills and expertise of their employees. This aligns with the administration's goal of fostering innovation and efficiency in public service.

By furthering these priorities, the request for at-will service conversion contributes to the overall success of government in the State of Utah in alignment with objectives of the Cox-Henderson Administration in creating a more efficient, responsive, and effective government that serves the needs of Utah's residents.

9. *Provide the statutory and administrative rule references which allow or require the activity for which funding is requested. If this request requires statute or rule changes, describe required changes. (Agencies must coordinate all legislation through the governor's general counsel and legislative director.)*

Utah Code [§78A-2-107\(1\)\(d\)](#) requires the State Court Administrator to "formulate and administer a system of personnel administration ..." The Code of Judicial Administration [Rule 3-402](#) provides more detail about career service and at-will employment, protections that are afforded to all employees regardless of career service status, and the requirement to establish "equitable and adequate compensation based upon current job market data" among other relevant provisions. One very relevant piece of local job market data today is the at-will incentivization provided to executive branch agencies. The absence of funding for similar incentivization in the judicial branch has an impact on the branch's management teams in retaining skilled employees who successfully advance the mission of the Courts.

10. *How does this request help implement your agency's strategic priorities? Include a direct citation of your agency's strategic plan and relevant goals, objectives and strategies and/or work plan.*

This request for funding to support at-will service conversion aligns directly with our agency's strategic priorities and mission to provide an open, fair, efficient, and independent system for the advancement of justice under the law. Our strategic plan emphasizes the importance of creating an equitable and efficient work environment that promotes professionalism, accountability, and excellence in the delivery of judicial services.

Specifically, this funding request helps implement the following strategic priorities:

**Promoting Fairness and Equal Opportunities:** By incentivizing at-will service conversion, we aim to accelerate the progress towards a more consistent employment system that promotes fairness and equal opportunities for career advancement and professional growth. This aligns with our strategic goal of ensuring a fair and equitable work environment for all employees, where they are evaluated based on their performance and merit, fostering a culture of openness and fairness.

**Enhancing Efficiency and Effectiveness:** At-will service provides greater flexibility in workforce management, enabling us to optimize resource allocation and streamline operations. This directly supports our strategic goal of improving efficiency and effectiveness in delivering judicial services in a timely and efficient manner, meeting the needs of the public more effectively.

**Fostering a Culture of Accountability:** By encouraging employees to take ownership of their roles and responsibilities in advancing the mission of the Courts, at-will service fosters a culture of enhanced accountability. This is aligned with our strategic objective of promoting professionalism, integrity, and accountability in our operations, contributing to the independence and impartial administration of justice.

Our strategic plan serves as a roadmap to guide our actions and decisions, and this funding request directly addresses key goals and objectives outlined in the plan. By implementing at-will service conversion, we demonstrate our commitment to achieving our strategic priorities and fulfilling our mission of providing a system of justice that is open, fair, efficient, and accountable to the people of Utah.

*11. Which other agencies or stakeholders have you coordinated with during development of this request? Please describe why this activity should be executed by the requesting agency and not another agency, local government, non-government entity or third party.*

None, at this time.

*12. Does this request create any future funding obligations (operations and maintenance, multi-year scale up, etc).*

The requested singular ongoing legislative funding for the conversion to at-will career status does not create future funding obligations directly related to operations and maintenance. Once the conversion process is completed, the financial implications for maintaining at-will employment would be incorporated into the regular operational budget of the organization.

#### **D. EXPANDING ACCESS AND OPPORTUNITY**

*13. Which populations or geographic areas will benefit most from this request (e.g., new state park users, individuals eligible for enrollment in new or existing programs, rural or urban communities, people from different cultural or racial backgrounds, or all Utahns)?*

We anticipate a transition to at-will service will benefit all employees within the courts, regardless of their specific population or geographic area. The benefits of at-will service apply uniformly to individuals across different demographic groups and geographic locations within Utah. This request aims to create a more equitable and inclusive work environment for all court employees, promoting career advancement, professional growth, and increased job satisfaction.

# Tab 16



# Administrative Office of the Courts

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

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

## MEMORANDUM

**To:** Judicial Council / Liaison Committee  
**From:** Michael C. Drechsel, Assistant State Court Administrator  
**Date:** Tuesday, August 1, 2023  
**Re:** Exploring a Recommendation to Increase Juror Fees

During its July 17, 2023 meeting, the Judicial Council briefly discussed the current statutory fee rate for jury service, including inquiring about the history of the amount of this fee and expressing a desire to explore what it might entail fiscally to recommend to the Legislature that the current fee amounts be increased. This memo outlines the history of the juror fee and provides some guidance regarding the fiscal impact on the state if the current fee amounts were increased.

## HISTORY

The current juror fee amounts are **\$18.50 for the first day of service, and \$49.00 for every subsequent day of service**, plus one-way mileage at 25¢ per mile starting after 50 miles of travel.<sup>1</sup> Those current rates have been in place for 25 years (since 1998). **Figure 1** provides a high-level overview of the history of juror fee rates in state trial courts since 1943.<sup>2</sup>



**Figure 1** – History of juror fee amounts since 1943.

<sup>1</sup> Utah Code § 78B-1-119(1) at [https://le.utah.gov/xcode/Title78B/Chapter1/78B-1-S119.html?v=C78B-1-S119\\_2017050920170509](https://le.utah.gov/xcode/Title78B/Chapter1/78B-1-S119.html?v=C78B-1-S119_2017050920170509).

<sup>2</sup> Specific additional details for each statute, payment type, fee rate can be reviewed by court type in Appendix A.

## JUROR FEE EXPENSES IN STATE COURTS

The three-year average total for juror fee payments in state courts using current fee rate amounts is approximately **\$625,000 per year to 18,600 unique jurors**.<sup>3</sup> 86% of these jurors (which includes all of those who report for jury duty as part of the jury pool, even if not ultimately selected) serve only one day, and 99% of jurors serve five days or less. Based upon these three-year averages, **Figure 2** outlines the anticipated costs associated with four illustrative fee increase alternatives.<sup>4</sup>

	Option A: Unify Rates	Option B: Double "First Day"	Option C: Double Both Rates	Option D: Report vs. Select
First Day	<b>\$49.00</b>	<b>\$37.00</b>	<b>\$37.00</b>	<b>\$25.00 / \$49.00</b>
Subsequent Days	<b>\$49.00</b>	<b>\$49.00</b>	<b>\$100.00</b>	<b>\$100.00</b>

Juror Type	Option A	Option B	Option C	Option D
1-Day	₺783,216	₺591,408	₺591,408	<b>\$409,200</b>
2-Day	₺114,856	₺100,792	₺160,564	<b>\$174,628</b>
3-Day	₺103,194	₺94,770	₺166,374	<b>\$174,798</b>
4-Day	₺73,108	₺68,632	₺125,701	<b>\$130,177</b>
5-Day	₺47,285	₺44,969	₺84,341	<b>\$86,657</b>
6-Day	₺19,698	₺18,894	₺35,979	<b>\$36,783</b>
7-Day	₺17,493	₺16,881	₺32,487	<b>\$33,099</b>
8-Day	₺7,840	₺7,600	₺14,740	<b>\$14,980</b>
9-Day	₺14,994	₺14,586	₺28,458	<b>\$28,866</b>
10-Day	₺6,860	₺6,692	₺13,118	<b>\$13,286</b>
11-Day	₺1,617	₺1,581	₺3,111	<b>\$3,147</b>
12-Day	₺2,352	₺2,304	₺4,548	<b>\$4,596</b>
TOTAL	<b>\$1,192,513</b>	<b>\$969,109</b>	<b>\$1,260,829</b>	<b>\$1,110,217</b>
CURRENT	<b>-\$625,000</b>	<b>-\$625,000</b>	<b>-\$625,000</b>	<b>-\$625,000</b>
NEW FUNDING	<b>\$567,819</b>	<b>\$344,415</b>	<b>\$636,135</b>	<b>\$485,523</b>

**Figure 2 – Cost of juror fee rate increase alternatives on state budget.**

**“Option A”** (unifying both the “first day” and “subsequent day” rates at ₺49.00) is premised on the assumption that the “first day” rate needs more attention than the “subsequent days” rate. This increase would nearly double current juror fee expenses, and may overcompensate jurors who report

<sup>3</sup> The three-year average was calculated using data from FY2019, FY2022, and FY2023. Data from FY2020 and FY2021 was heavily impacted by COVID-19 operational disruptions and therefore did not provide an accurate understanding of actual costs under typical operations.

<sup>4</sup> The full table—including all fiscal year values to calculate the three-year average—is available in Appendix B. In addition, the table and increase options are also available for further adjustment in an online spreadsheet at: [https://docs.google.com/spreadsheets/d/1E2BURJT11M3Y5\\_3Lt\\_MPz\\_3zgR8HMPBRVvgF2p4Ytjc/edit#gid=134948751](https://docs.google.com/spreadsheets/d/1E2BURJT11M3Y5_3Lt_MPz_3zgR8HMPBRVvgF2p4Ytjc/edit#gid=134948751)

<sup>5</sup> There is no certain method for deriving the number of jurors who are of the “1-Day” juror type (see **Figure 2** above) who actually serve (as opposed to those who report, but do not serve). Our best estimate for this number is approximately 400 jurors who are selected and serve on a “1-Day” jury, with 15,584 jurors who report but are not selected for service.

for jury duty, but who are not ultimately selected to serve on a jury (particularly in jurisdictions using virtual jury selection, where jurors are not required to travel to the courthouse unless they are selected to serve).

**“Option B”** (doubling the “first day” rate) is a less expensive option than Option A that would only increase the “first day” rate to roughly match inflation on the current \$ 18.50 amount set back in 1998.

**“Option C”** (doubling both rates) would adjust both the “first day” and “subsequent days” rates to roughly match inflation since 1998.

**“Option D”** (differentiating between jurors who only report vs. jurors who are selected on the “first day”) would provide an incremental fee rate increase for all jurors who report for jury duty, but would focus on a more significant increase for those who are actually selected for jury service since those jurors will be more impacted by jury service than those who are not selected.

## WHAT ABOUT WITNESS PAYMENTS?

Witnesses have been paid the same rates as jurors since 1989. Although historically addressed in four different statutes, the legislature combined all juror and witness payments for all trials courts (of record and not of record) into a single unified statute in 1992. Because juror and witness payments have both been unified for all courts under a single statute and rate for more than 30 years, and absent a compelling reason to differentiate between these two groups, the Council should anticipate that a request to increase the juror fee rate would likely trigger a similar increase for the witness fee rate.

Data limitations related to witness payments makes exact estimates impossible.<sup>6</sup> Even so, **Figure 3** details approximations that may be helpful in gauging the state fiscal impact of increasing the fee amounts:

	FY2019	FY2022	FY2023	AVERAGES
<b>Recipients</b>	6,941	2,848	3,491	4,427
<b>Payments</b>	9,436	3,462	4,506	5,801
<b>TOTAL AMOUNT</b>	\$ 246,985	\$ 121,417	\$ 150,992	\$ 173,131

Approximate additional fiscal impact if Option A, B, C, or D is applied to Witnesses: <sup>7</sup>	<b>Option A</b>	<b>\$157,500</b>
	<b>Option B</b>	<b>\$95,200</b>
	<b>Option C</b>	<b>\$176,600</b>
	<b>Option D</b>	<b>\$134,300</b>

**Figure 3** – Approximate additional fiscal impact for witness payments.

<sup>6</sup> Some witness payments involve fees for multiple witnesses. Some institutional recipients receive multiple payments in a given fiscal year. For these reasons, it is impossible to quantify the number of unique witnesses that receive payments each year or for how many days of testimony.

<sup>7</sup> Although rough around the edges, these approximate amounts were estimated based upon increase ratios derived from the juror payment increases outlined in **Figure 2**. Based on how these amounts were derived, it is likely that the amounts over-estimate the anticipated fiscal impacts. This is because the average criminal jury trial takes approximately two days to complete, while nearly all witnesses will only testify on a single day.

## FISCAL IMPACTS OF INCREASE ON LOCAL GOVERNMENTS

The Judicial Council should also be cognizant that any increase to the statutory fee rates for juror service will have direct fiscal impacts on local government entity budgets. We do not have reliable aggregate juror payment information from justice courts since those payments are processed at each local government entity. We also are unable to accurately identify how many jury trials collectively occur in justice courts statewide each year. After speaking with numerous justice court judges from around the state, it seems prudent to assume that there are presently approximately 175 criminal jury trials in justice courts each year. The typical justice court jury pool will average 25 potential jurors, with the majority of justice court juries ultimately comprised of four jurors.<sup>8</sup> Based upon these assumptions, **Figure 4** estimates the aggregate fiscal impact on local government entities if juror fee rates were increased:

	Option A: Unify Rates	Option B: Double "First Day"	Option C: Double Both Rates	Option D: Report vs. Selected <sup>9</sup>
First Day	<b>\$49.00</b>	<b>\$37.00</b>	<b>\$37.00</b>	<b>\$25.00 / \$49.00</b>
Subsequent Days	<b>\$49.00</b>	<b>\$49.00</b>	<b>\$100.00</b>	<b>\$100.00</b>

Juror Type	Option A	Option B	Option C	Option D
1-Day	₺171,500	₺129,500	₺129,500	₺101,612
2-Day	₺14,700	₺12,900	₺20,550	₺22,350
TOTAL	<b>\$186,200</b>	<b>\$142,400</b>	<b>\$150,050</b>	<b>\$123,962</b>
CURRENT	<b>-\$74,875</b>	<b>-\$74,875</b>	<b>-\$74,875</b>	<b>-\$74,875</b>
NEW FUNDING	<b>\$111,325</b>	<b>\$67,525</b>	<b>\$75,175</b>	<b>\$49,087</b>

**Figure 4** – Aggregate cost of juror fee rate increase alternatives on local government budgets.

<sup>8</sup> Some judges will regularly include an alternate juror, bringing the total number of jurors in those cases to five. In order to avoid under-estimating the fiscal impact of these fee increases, these estimates are calculated assuming that 80% of justice court juries are comprised of four jurors, while 20% involve five jurors. The numbers also assume that 96% of justice court juries will only require one day to resolve.

<sup>9</sup> There is no certain method for deriving the number of jurors who are of the "1-Day" juror type (see **Figure 2** above) who actually serve (as opposed to those who report, but do not serve). Our best estimate for this number is approximately 400 jurors who are selected and serve on a "1-Day" jury, with 15,584 jurors who report but are not selected for service.



# **APPENDIX A**

HISTORY OF JUROR AND WITNESS FEES: 1943-PRESENT

STATE COURTS	Juror	\$4 / day + 20¢ / mile (one-way)  Utah Code 28-5-1			\$17 / day + 25¢ / mile (one-way over 50) Utah Code 21-5-1 and 78-46-18	\$17 / day + 25¢ / mile (one-way over 50)  Utah Code 21-5-4	\$18.50 / first day + \$49 / subsequent day + 25¢ / mile (one-way over 50)  Utah Code 21-5-4 78-46-28 (2001) 78B-1-119 (2008)	???
	Witness	\$3 / day + 20¢ / mile (one-way)  Utah Code 28-5-4	\$6 / day + 20¢ / mile (one-way)  Utah Code 28-5-4	\$14 / day + 30¢ / mile (one-way)  Utah Code 21-5-4	\$17 / day + 25¢ / mile (one-way over 50)  Utah Code 21-5-4			
JUSTICE COURTS	Juror	\$1.50 / day + 20¢ / mile (one-way)  Utah Code 28-5-9			\$17 / day + 25¢ / mile (one-way over 50) Utah Code 21-5-9			
	Witness	\$1.50 / day + 20¢ / mile (one-way)  Utah Code 28-5-10		\$6 / day + 30¢ / mile (one-way) Utah Code 21-5-10	\$17 / day + 25¢ / mile (one-way) Utah Code 21-5-9			
INFLATION ADJUSTED:		\$4	\$6 (1943)	\$14 (1943)	\$29 (1943)	\$32 (1943)	\$38 (1943)	\$71 (1943) \$35 (1998)

# **APPENDIX B**

ESTIMATED COST OF JUROR FEE INCREASE

ESTIMATED COST OF JUROR FEE INCREASE

THREE-YEAR AVERAGES (FY19, FY22, FY23)  
INCREASE OPTIONS

Juror Type	Count	% of Total	Amount	Option A Unify Rates	Option B Double "First Day"	Option C Double Both Rates	Option D Report vs. Selected
1-Day	15,984	85.9%	\$295,704	\$783,216	\$591,408	\$591,408	\$409,200
2-Day	1,172	6.3%	\$79,110	\$114,856	\$100,792	\$160,564	\$174,628
3-Day	702	3.8%	\$81,783	\$103,194	\$94,770	\$166,374	\$174,798
4-Day	373	2.0%	\$61,732	\$73,108	\$68,632	\$125,701	\$130,177
5-Day	193	1.0%	\$41,399	\$47,285	\$44,969	\$84,341	\$86,657
6-Day	67	0.4%	\$17,655	\$19,698	\$18,894	\$35,979	\$36,783
7-Day	51	0.3%	\$15,938	\$17,493	\$16,881	\$32,487	\$33,099
8-Day	20	0.1%	\$7,230	\$7,840	\$7,600	\$14,740	\$14,980
9-Day	34	0.2%	\$13,957	\$14,994	\$14,586	\$28,458	\$28,866
10-Day	14	0.1%	\$6,433	\$6,860	\$6,692	\$13,118	\$13,286
11-Day	3	0.0%	\$1,526	\$1,617	\$1,581	\$3,111	\$3,147
12-Day	4	0.0%	\$2,230	\$2,352	\$2,304	\$4,548	\$4,596
TOTALS	18,618		\$624,695	\$1,192,513	\$969,109	\$1,260,829	\$1,110,217
DIFFERENCE FROM CURRENT:				\$567,819	\$344,415	\$636,135	\$485,523

	CURRENT	Option A	Option B	Option C	Option D
First Day	\$18.50	\$49.00	\$37.00	\$37.00	\$25.00
Subsequent Days	\$49.00	\$49.00	\$49.00	\$100.00	\$100.00
First Day – Selected *	* Estimate = 400 jurors serve on "First Day"				\$49.00



# Tab 17



## FY 2024 - Legislative Request Scoring Worksheet

											Maximum Score for each Factor = 10 before weighting			Final Recommendation
											Evaluation	Evaluation		
#	Description		Board of District Court Judges Ranking	Board of Juvenile Court Judges Ranking	Board of Appellate Court Judges Ranking	BFMC Ranking	Ongoing	One-time	One-time	Additional Description	Factor 1	Factor 2	Total	
Request Number		Presenter	1 (due to constitutional nature)	1 (due to constitutional nature)	Unranked (due to constitutional nature)		2025 Amount	2025 Amount	2024 Amount		Rankings Only	Weighting - 2x	Weighting - 1x	
1	Jury, Witness, Interpreter Fund	Jon Puente				1	\$1,901,000	\$1,000,000	\$800,000	Funding to meet the constitutionally required duty to provide interpreters to limited English proficient litigants.				-
2	New District Court Judges, Commissioners, & JAs	Judge James Brady & Shane Bahr	1	2	3	2	\$4,087,800	\$1,695,800	\$0	To provide four District Court Judges, four District Court Commissioners, 16 Judicial Assistants, and two Law Clerk Attorneys. One time funding is to finish a shelled courtroom in the Tooele District courthouse. **Requires additional legislative action**				-
3	3rd and 4th District Juvenile Court Judges	Judge Douglas Nielsen, Judge Susan Eisenman, Judge Doug Nielsen, and Sonia Sweeney	2	1	4	3	\$1,056,500	\$453,950	\$0	Funding for two new Judicial Officers, two Case Managers, two Judicial Assistant, ongoing operating expenses, and one time funding for buildout. **Requires additional legislative action**				-
4	IT Essential Software Funding	Brody Arishita and Todd Eaton	3	3	2	4	\$1,366,000	\$0	\$0	Ongoing funding for essential software needs.				-
5	Case Backlog - Senior Judges	Judge James Brady & Shane Bahr	1	6	7	5	\$0	\$2,000,000	\$850,000	One time funding in FY 2024 (\$850,000) and FY 2025 (\$2,000,000) to support the current practice of retaining Senior Judges and Time-Limited Judicial Assistants to reduce the case backlog caused by the COVID-19 Pandemic.				-
6	Law Library Assistant	Nathanael Player	5	8	1	6	\$66,000		\$0	Ongoing funding to provide one new Law Library Assistant.				-
7	4th District - Virtual Jury Services Personnel	Mark Urry	6	7	5	7	\$215,700	\$0	\$0	Funding for 2.5 new JA positions responsible for virtual jury requests.				-
8	Pay for Performance	Tina Sweet and Bart Olsen	4	4	6	8	\$2,000,000	\$0	\$0	Funding to create a Pay for Performance program within the Judicial Branch.				-
9	American Fork Courthouse Rent Increase	Chris Talbot	8	5	9	9	\$0	\$447,000	\$389,000	One time funding in FY 24 (\$389,000) and FY 25 (\$447,000) to fund the rent increase required for the American Fork Courthouse				-
10	7th District Training Coordinator	Travis Erickson	Not ranked (not available at the time of meeting)	Not ranked (not available at the time of meeting)	Not ranked (not available at the time of meeting)	10	\$94,600	\$0	\$0	To provide a Clerical Training Coordinator in the 7th District to support ongoing training, quality case management, and customer service.				-
11	At-Will Conversion	Tina Sweet and Bart Olsen	7	9	8	11	\$2,000,000	\$0	\$0	Funding to incentivize conversion of all current career services Judicial Branch employees to at-will employment status.				-
Total Legislative Requests							\$12,787,600	\$5,596,750	\$2,039,000					

Note: All Boards use Scoring methodology of a simple ranking with #1 the highest score.  
Mission - The mission of the Utah Courts is to provide the people an open, fair, efficient, and independent system for the advancement of justice under the law.

Factor 1 -  
How essential  
to accomplishing  
Courts' mission

Factor 2 -  
Expenditure  
provides good  
return on  
investment

Rules  
(1) Must award one submission with a "10" score for each factor  
(2) Only one submission can earn a "10" for each factor  
(3) After "10" score is awarded, multiple submissions can earn the same score.