

JUDICIAL COUNCIL MEETING

AGENDA

January 16, 2024

**Meeting held through Webex
and in person**

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

Chief Justice Matthew B. Durrant, Presiding

- | | | | |
|----|-----------|---|---|
| 1. | 9:00 a.m. | Welcome & Approval of Minutes
(TAB 1 - Action) | Chief Justice Matthew B. Durrant |
| 2. | 9:05 a.m. | Introduction of New Judges
(Information) | Ron Gordon |
| 3. | 9:15 a.m. | Chair's Report
(Information) | Chief Justice Matthew B. Durrant |
| 4. | 9:20 a.m. | State Court Administrator's Report
(Information) | Ron Gordon |
| 5. | 9:30 a.m. | Reports: Management Committee
Budget and Fiscal Management Committee
Liaison Committee
Policy, Planning, and Technology Committee
Bar Commission
(TAB 2 - Information) | Chief Justice Matthew B. Durrant
Judge Elizabeth Lindsley
Justice Paige Petersen
Judge Samuel Chiara
Margaret Plane, esq. |
| 6. | 9:40 a.m. | Budget and Grants
(TAB 3 - Action) | Karl Sweeney
Alisha Johnson
Jordan Murray
Chris Talbot |

- | | | | |
|------|------------|---|----------------------------------|
| 7. | 10:00 a.m. | Automatic Expungement Orders in Juvenile Court
(TAB 4 – Action) | Stacy Haacke |
| 8. | 10:15 a.m. | Recertification of Municipal Justice Courts
(TAB 5 – Action) | Jim Peters |
| | 10:30 a.m. | Break | |
| 9. | 10:40 a.m. | Certification of New Justice Court Judges
(Information – Action) | Jim Peters |
| 10 . | 10:50 a.m. | ARPA IT Update
(TAB 6 – Information) | Brody Arishita |
| 11. | 11:35 a.m. | Rules for Final Approval
(TAB 7 – Action) | Keisa Williams |
| 12. | 11:45 a.m. | Old Business / New Business | All |
| 13. | 11:55 a.m. | Interpreter Exam Fee Waiver
(Action) | Ron Gordon
Jessica Leavitt |
| 14. | 12:05 p.m. | Executive Session | |
| 15. | 12:20 p.m. | Adjourn | Chief Justice Matthew B. Durrant |

Consent Calendar

The consent calendar items in this section are approved without discussion if no objection has been raised with the Administrative Office of the Courts or with a Judicial Council member by the scheduled Judicial Council meeting or with the Chair of the Judicial Council during the scheduled Judicial Council meeting.

- 1) Rules for public comment: CJA 3-201, CJA 1-201, CJA Appendix F
(TAB 8)

Tab 1

**JUDICIAL COUNCIL MEETING
Minutes**

December 18, 2023

**Meeting held through Webex
and in person
Matheson Courthouse**

**450 S State Street
Salt Lake City, UT 84111**

9:00 a.m. – 2:00 p.m.

Chief Justice Matthew B. Durrant, Presiding

Members:

Chief Justice Matthew B. Durrant, Chair
Hon. David Mortensen, Vice Chair
Hon. Suchada Bazzelle
Hon. Brian Brower
Hon. Michael DiReda
Hon. Ryan Evershed
Hon. Paul Farr
Hon. James Gardner
Hon. Elizabeth Lindsley
Hon. Keith Barnes
Hon. Samuel Chiara
Hon. Thomas Low
Justice Paige Petersen
Judge Amber Mettler
Judge Jon Carpenter
Margaret Plane, esq.

Presenters:

Nathanael Player
Karl Sweeney
Jordan Murray
Meredith Mannebach
Katsi Pena
Nini Rich

AOC Staff:

Ron Gordon
Shane Bahr
Jim Peters
Guy with Jim Peters
Nick Stiles
Sonia Sweeney
Hilary Wood
Michael Drechsel

Excused:

Neira Siaperas
Keisa Williams

Guests:

Josh Peters

Tucker Samuelson
Brody Arishita
Alisha Johnson
Stacy Haacke
Daniel Meza Rincon

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

Chief Justice Matthew Durrant welcomed everyone to the meeting.

Motion: Judge Paul Farr made a motion to approve the November 20, 2023 meeting minutes. Judge Brian Brower seconded the motion, and the motion passed unanimously.

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

Chief Justice Durrant and Mr. Gordon attended the last JPEC meeting, and Chief Justice Durrant felt it was a productive meeting. JPEC asked if there are things they could do to better serve the Judicial Council, or better ways they could present information to make their product relevant and valuable to the Council. They also asked if they could assist with encouraging more staff to give input on the judges they work with.

3. STATE COURT ADMINISTRATOR: (Ron Gordon)

Ron Gordon presented the Governor's budget recommendations which include all but one of the Judiciary's requests, although some recommended funding amounts are different. The Governor's budget also includes a request for a new judge to preside over the "Home Court" as part of the efforts to address homelessness. Mr. Gordon asked Shane Bahr to head up a workgroup to work on some recommendations on where this Home Court judge could be located.

4. COMMITTEE REPORTS:

Management Committee Report:

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

Budget & Fiscal Management Committee Report:

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

Liaison Committee Report:

This committee will resume their meetings in January 2024, taking place every Friday.

Policy, Planning, and Technology Committee Report:

The Committee met and is working on a rule for reporting rulings 60 days under advisement, and have made some adjustments to that rule.

Bar Commission Report:

The "And Justice for All" program director has been selected to succeed Ann Milne. Pam Beets will be the new executive director and Megan Connolly will move into Ms. Beets' role. Spring Convention will be March 14-16, 2024 in St. George. NCVE has created a new national Bar exam that focuses on more practical skills and less on rote memorization. Wyoming is leading out in early 2025 and the rest of the states hope to learn from them. Family Law questions will no longer be on the exam since those are state specific. The Utah Bar and Court leadership are discussing whether to approve that new exam.

5. BUDGETS AND GRANTS: (Karl Sweeney, Alisha Johnson,)

Karl Sweeney and Alisha Johnson gave the budgets and grants presentation.

FY 2024 One-Time Turnover Savings

			Actual
#		Funding Type	Amount
1	One Time Turnover Savings (from actual payroll data versus budget as of PPE 11/10/2023)	Internal Savings	685,492.95
2	YTD Amount Anticipated to be Reimbursed through ARPA Funding (as of PPE 11/10/2023)	Reimbursements	349,560.14
3	Est. One Time Savings for 1,320 remaining pay hours (\$1,350 / pay hour)	Internal Savings (Est.)	1,782,000.00
Total Potential One Time Savings			2,817,053.09
Prior Report Totals (as of PPE 10/13/2023)			\$ 2,754,085.13

FY 24 Forecasted Available One-time Funds

Forecasted Available One-time Funds			
	Description	Funding Type	Amount
Sources of YE 2024 Funds			
*	Turnover Savings as of PPE 11/10/2023 (including anticipated ARPA reimbursement)	Turnover Savings	1,035,053
**	Turnover savings Estimate for the rest of the year (\$1,350 x 1,320 pay hours)	Turnover Savings	1,782,000
(a)	Total Potential One Time Turnover Savings		2,817,053
	<i>Operational Savings From TCE / AOC Budgets - Forecasted</i>	<i>Internal Operating Savings</i>	<i>750,000</i>
	<i>Reserve Balance (balance from FY 2023 Carryforward)</i>	<i>Judicial Council Reserve</i>	<i>52,997</i>
	<i>Anticipated Reserve Uses - including previously approved and pending requests</i>	<i>Jud. Council Reserve Uses</i>	<i>-</i>
(b)	Total Operational Savings and Reserve		802,997
(c)	Total of Turnover Savings & Operational Savings = (a) + (b)		3,620,050
Contingent Legislative Supplemental Funding:			
	American Fork Lease Increases	<i>Legislative Contingent</i>	389,000
	JWI Increase to 2 Hour Minimum	<i>Legislative Contingent</i>	275,000
	JWI Higher Pay for Rural Assignments	<i>Legislative Contingent</i>	146,500
	Senior Judge and Time Limited JA Funding Jan/Feb 2024	<i>Legislative Contingent</i>	160,000
(d)	Subtotal - Contingent Legislative Supplemental Funding		970,500
Uses of YE 2024 Funds			
(e)	Carryforward into FY 2024 (Anticipate request to Legislature for \$3,200,000)	Pre-Covid Carryforward	(2,500,000)
Total Potential One Time Savings = (c) + (d) less Carryforward (e)			2,090,550
Less: Judicial Council Requests Previously Approved			(1,263,950)
Less: Judicial Council Current Month Spending Requests			-
Remaining Forecasted Funds Available for FY 2024 YE Spending Requests			826,600
Less: Contingent Supplemental Funding			(970,500)
Remaining Forecasted Funds Available for FY 2024 YE Spending Requests if no Supplemental Funding is Received			(143,900)

Updated 11/28/2023

FY 2024 Ongoing Turnover Savings

#		Funding Type	Actual	Forecasted
			Amount YTD	Amount @ YE
	Net Carried over Ongoing Savings (from FY 2023)	Internal Savings	(54,821)	(54,821)
	Ongoing Turnover Savings FY 2024 (actual year-to-date)	Internal Savings	468,604	468,604
1	Ongoing Turnover Savings FY 2024 (forecast \$50,000 / month x 7 months remaining)	Internal Savings	-	350,000
	TOTAL SAVINGS		413,783	763,783
2	2024 Hot Spot Raises Authorized - renews annually until revoked		(38,502)	(200,000)
	TOTAL USES		(38,502)	(200,000)
3	Total Actual/Forecasted Turnover Savings for FY 2024 as of 10/27/2023		\$ 375,281	\$ 563,783
Prior Report Totals (as of 10/26/2023, with the contingent amount removed)			\$ 244,337	\$ 482,839

ARPA funds remaining are **\$3,545,535.14**.

Grants

Jordan Murray gave an update on existing grants and a few new grants.

6. MARCH 2024 JUDICIAL COUNCIL MEETING: (Ron Gordon, Hilary Wood)

Hilary Wood provided information on the March 2024 Judicial Council meeting that will be held in St. George in conjunction with the Spring Bar Conference. The Judicial Council meeting will be on Thursday, March 14th, beginning at Noon. Ms. Wood will send out an email with the details of the meeting, asking for an RSVP with dates for the room reservations.

7. RULES FOR FINAL APPROVAL: (Stacy Haacke, Michael Drechsel)

There were some small changes made to rules CJA 3-108 and CJA 4-208 to include Juvenile Courts with the expungement process. The previous rules only included Justice and District Courts, but the Juvenile Court also has an automated expungement for non-judicial adjustments. Stacy Haacke stated the revised rules would be effective on 1/1/2024.

Ms. Haacke also presented information on some changes to rules CJA 4-202-02 and CJA 4-202-03, which address classification and access to court records. Juvenile Court will start having a similar MyCase process for patrons to access court records, and the legal team would like to make those rules clearer for court staff and patrons, with a requested effective date of January 1, 2024.

Michael Drechsel discussed a second component to the proposed changes to rule CJA 4-208. In 2019 the legislature passed a bill that stated that a court shall automatically expunge without petition certain types of court records; acquittals, dismissals with prejudice, and convictions that are of the clean slate variety, which is defined in statute. This process would be too arduous to be completed manually, so over the several years the Judicial Council, Policy & Planning Committee, and the Supreme Court with rule 42 of the rules of criminal procedure, all collaborated on creating an automated process to accomplish this work. In the formation of the rule that governs the automated process, it neglected to state that an automated or automatic expungement order couldn't be issued manually. As a result, there have been attorneys around the state who have asked judges to manually issue an expungement order outside of the process. This proposed change to rule 4-208 would say that no automatic expungement orders under the

automatic expungements section of the Utah code shall be issued outside of the automatic processes that the Council approves.

Motion: Judge Elizabeth Lindsley made the motion to approve the rules for final approval as presented, with expedited effective date of Jan 1, 2024. Judge James Gardner seconded the motion, and the motion passed unanimously.

Mr. Gordon added that many hours went into building the automatic expungement system and so the more than 400,000 automatic expungements represent an extraordinary investment of time from the IT department, from Mr. Drechsel, and from our District Court team to make this a great program.

8. VIRTUAL HEARINGS: (Michael Drechsel)

Mr. Drechsel summarized some of the comments he has received by a handful of legislators who, as practicing attorneys, reported experiencing inconsistent methods of court attendance modes within the same courthouse. There was a discussion about what is best for the public, and what is most efficient for the court process. There were several ideas proposed by the Council members, including reconstituting the Green Phase Committee, in order to obtain feedback on all sides of the issue. Mr. Drechsel discussed the level of difficulty in creating a space that efficiently accommodates non-conforming methods of practice in the court setting.

Mr. Gordon summarized the next steps, to include reconstituting the Green Phase Committee, gathering feedback from stakeholders, and exploring possible IT solutions. Justice Paige Petersen requested that someone from And Justice For All be included in the stakeholders, and Chief Justice Durrant added the importance of having someone who prefers “in-person” attendance so that that viewpoint is heard.

9. COURT DATA UPDATE: (Ron Gordon)

Tucker Samuelson gave a presentation on some of the projects his team has been working on to make data more easily accessible to the court staff through Power BI.

10. COMMUNITY VOICE IN THE JUDICIARY: (Nathanael Player, Katsi Pena)

Nathanael Player and Katsi Pena presented information on possible ways to improve the community voice in judicial administration, focusing on the Self-Help Center and the Office of Fairness and Accountability. Mr. Player explained that self-represented litigants are the majority of court users, for whom navigating the legal system can be very difficult. Most of the judicial committees include attorney members, and Mr. Player and Ms. Pena proposed the appointment of either self-represented litigants or their “helpers”, who interact with self-represented litigants, to represent the community voice. Ms. Pena has worked with many community groups who would like to be a part of improving court policies and processes.

There was a discussion on ideas for moving forward. Judge Jon Carpenter asked if there are ways to gather more information to more accurately identify who the “helpers” are representing those who need help and what the actual needs are. Mr. Player explained further that his team has added a feedback channel asking if the information given was helpful or not. Ms. Pena added that she and Mr. Player are working with their community partners to understand what data they are collecting, and if there is room for collaboration.

11. OLD BUSINESS/NEW BUSINESS: (All)

There was no old or new business.

12. SENIOR JUDGE APPLICATION: (Hilary Wood)

Motion: Judge Thomas Low made a motion to move to executive session. Margaret Plane seconded the motion, and the motion passed unanimously.

13. EXECUTIVE SESSION

There was an executive session.

Motion: Judge Carpenter motioned to approve Judge George Harmond’s senior judge application as discussed in executive session. Judge Farr seconded, and the motion passed unanimously.

15. ADJOURN

The meeting adjourned.

CONSENT CALENDAR ITEMS

- 1) Grand Jury Panel of Judges Appointment
- 2) CJA 3-104. Presiding judges
- 3) Model Utah Civil Jury Instructions – New Committee Members
- 4) Bilingual Notices - Juvenile Court (These forms will become mandatory due to the rules of the Juvenile Court, so we wanted to make the Council aware of them)

- Bilingual Notice to Responding Party for In-State Summons for Abuse, Neglect, and/or Dependency Petition
- Bilingual Notice to Responding Party for Out-of-State Summons for Abuse, Neglect, and/or Dependency Petition
- Bilingual Notice to Responding Party for In-State Summons for Petition for Termination of Parental Rights

- Bilingual Notice to Responding Party for In-State Summons for Petition for Termination of Parental Rights
- 5) Memo Regarding Form Layouts in MyCase Guided Interviews (requests in memo approved by council)
 - 6) Memo Regarding Form Updates Resulting from URCP 5 Changes Concerning Service (requests in memo approved by council)

DRAFT

Tab 2

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

**Minutes
December 4, 2023
Meeting held virtually through WebEx
12:00 p.m. – 12:20 p.m.**

Members Present:

Hon. Elizabeth Lindsley
Hon. Keith Barnes
Hon Brian Brower

Excused:

Margaret Plane, Esq.
Justice Paige Petersen
Mark Urry, TCE, Fourth District Court

Guests:

Brett Folkman
Erin Rhead

AOC Staff Present:

Sonia Sweeney
Shane Bahr
Brody Arishita
Todd Eaton
Nick Stiles
Tina Sweet
Kelly Moreira
Jordan Murray
Karl Sweeney
Alisha Johnson
Suzette Deans, Recording Secretary

1. WELCOME / APPROVAL OF MINUTES (Judge Elizabeth Lindsley – “Presenter”)

Judge Elizabeth Lindsley welcomed everyone to the meeting and asked for a motion to approve the minutes from the last meeting.

Motion: Judge Keith Barnes moved to approve the November 6, 2023 minutes, as presented. Judge Brian Brower seconded the motion, and it passed unanimously.

2. FY 2024 Financials / Turnover Savings / ARPA Update (Alisha Johnson – “Presenter”)

One-Time Turnover Savings/ FY 2024 YE Requests - One-time TOS are generated from position vacancies and reimbursements of payroll expenditures with ARPA funds. Alisha Johnson noted that our forecast of one-time TOS for FY 2024 (before any uses are deducted) is estimated to be \$2.8M. This is a substantially lower forecast when compared to FY 2023 actual primarily because there are between 40% and 50% fewer unfilled positions today than the average for FY 2023. However, as shown on the FY 2024 YE Requests schedule, the FY 2024 one-time TOS forecast does not include any forecasted operational savings - which ended up providing over \$1M of one-time savings for FY 2023. We have estimated \$750K of operational savings will be provided for FY 2024 as shown in the FY 2024 YE Spending Plan. We will have

a more accurate forecast of operational savings in January/February 2024 when the forecast is updated for FY 2024.



FY 2024 One Time Turnover Savings

Updated as of Pay Period Ending 11/10/2023 (760 out of 2,080 hours)

#		Funding Type	Actual Amount
1	One Time Turnover Savings (from actual payroll data versus budget as of PPE 11/10/2023)	Internal Savings	685,492.95
2	YTD Amount Anticipated to be Reimbursed through ARPA Funding (as of PPE 11/10/2023)	Reimbursements	349,560.14
3	Est. One Time Savings for 1,320 remaining pay hours (\$1,350 / pay hour)	Internal Savings (Est.)	1,782,000.00
Total Potential One Time Savings			2,817,053.09

Prior Report Totals (as of PPE 10/13/2023) \$ 2,754,085.13

- * Actual per hour turnover savings for the last 4 2024 pay periods (oldest to newest) are \$1,179.33, \$1,036.80, \$1,581.43, and \$1,940.33. The average per hour turnover savings YTD was \$1,361.91. These numbers do include ARPA reimbursements.
- * 1x Turnover Savings increased in PPE 11/10/2023 due to a transfer of expenses from the main line item personnel expense line to the JWI personnel expense line. Going forward, the expenses for this employee will be automatically charged to JWI.



FY 2024 Year End Requests and Forecasted Available One-time Funds - Period 5

Forecasted Available One-time Funds			#	One-time Spending Plan Requests	Current Requests Amount	Judicial Council Approved Amount
Description	Funding Type	Amount				
Sources of YE 2024 Funds			1	Employee Wellness Resources		107,450
* Turnover Savings as of PPE 11/10/2023 (including anticipated ARPA reimbursement)	Turnover Savings	1,035,053	2	JWI Centralized Scheduler Software		20,000
** Turnover savings Estimate for the rest of the year (\$1,350 x 1,320 pay hours)	Turnover Savings	1,782,000	3	JWI Media Outreach Interpreter Recruiting		10,000
(a) Total Potential One Time Turnover Savings		2,817,053	4	JWI Interpreter Trainer		65,000
Operational Savings From TCE / AOC Budgets - Forecasted	Internal Operating Savings	750,000	5	OFA Racial and Ethnic Disparity Data Project		30,000
Reserve Balance (Balance from FY 2023 Carryforward)	Judicial Council Reserve	52,997	6	JWI Increase to 2 Hour Minimum		275,000
Anticipated Reserve Uses - Including previously approved and pending requests	Jud. Council Reserve Uses		7	JWI Higher Pay for Rural Assignments		146,500
(b) Total Operational Savings and Reserve		802,997	8	Q1/Q2 Performance Bonuses		450,000
(c) Total of Turnover Savings & Operational Savings = (a) + (b)		3,620,050	9	Senior Judge and Time Limited JA Funding Jan/Feb 2024		160,000
Contingent Legislative Supplemental Funding:						
American Fork Lease Increases	Legislative Contingent	389,000				
JWI Increase to 2 Hour Minimum	Legislative Contingent	275,000				
JWI Higher Pay for Rural Assignments	Legislative Contingent	146,500				
Senior Judge and Time Limited JA Funding Jan/Feb 2024	Legislative Contingent	160,000				
(d) Subtotal - Contingent Legislative Supplemental Funding		970,500				
Uses of YE 2024 Funds						
(e) Carryforward into FY 2024 (Anticipate request to Legislature for \$3,200,000)	Pre-Covid Carryforward	(2,500,000)				
Total Potential One Time Savings = (c) + (d) less Carryforward (e)		2,090,550				
Less: Judicial Council Requests Previously Approved		(1,263,950)				
Less: Judicial Council Current Month Spending Requests		-				
Remaining Forecasted Funds Available for FY 2024 YE Spending Requests		826,600				
Less: Contingent Supplemental Funding		(970,500)				
Remaining Forecasted Funds Available for FY 2024 YE Spending Requests if no Supplemental Funding is Received		(143,900)				

Updated 11/28/2023

- * Actual turnover savings as calculated on a pay period basis through 10/13/2023. Data can be found in the Budget Summary Excel workbook on the Personnel tab.
- ** Actual per hour turnover savings for the last 4 2024 pay periods (oldest to newest) are \$1,179.33, \$1,036.80, \$1,581.43, and \$1,940.33. The average per hour turnover savings YTD was \$1,361.91. These numbers do include ARPA reimbursements.
- 1x Turnover Savings increased in PPE 11/10/2023 due to a transfer of expenses from the main line item personnel expense line to the JWI personnel expense line. Going forward, the expenses for this employee will be automatically charged to JWI.
- (b) \$750,000 Operational Savings from TCE / AOC Budgets is a conservative estimate. The number will be updated with information from the field in January/February 2024.
- (d) Governor's Office of Planning and Budget may recommend substituting ARPA funds for the JWI and Senior Judge requests if ARPA funds are available.

Ongoing Turnover Savings ("OTS")/FY 2025 Carryforward and Ongoing Requests – Alisha Johnson reviewed the period 5 financials and gave an update on OTS. After adding in all of the FY 2023 personnel actions that had health insurance chosen in FY 2024, the ending FY23 balance in OTS improved to only a \$54,821 deficit. OTS for FY24 actual YTD is \$468,604. Forecasted FY24 OTS is \$350,000 (\$50,000 per month x 7 remaining months in FY 2024) and when combined with the negative \$54,821 carried over from FY23, the forecasted YE 2024 OTS is conservatively estimated to be \$763,783.

As of 11/27/2023, the OTS schedule shows \$200,000 of hot spot raises as uses that have been pre-authorized by delegated authority from the Judicial Council to the State Court Administrator and Deputy and that is expected to be used by the end of FY 2024. AOC Finance is forecasting that we will have \$563,783 in OTS available for discretionary use. The FY 2025 Carryforward and Ongoing Requests show the \$450,000 in approved performance raises as the only deduction leaving \$113,000 of OTS for other uses.



FY 2024 Ongoing Turnover Savings as of 11/27/2023

#	Funding Type	Actual Amount YTD	Forecasted Amount @ YE
	Net Carried over Ongoing Savings (from FY 2023)	Internal Savings (54,821)	(54,821)
	Ongoing Turnover Savings FY 2024 (actual year-to-date)	Internal Savings 468,604	468,604
1	Ongoing Turnover Savings FY 2024 (forecast \$50,000 / month x 7 months remaining)	Internal Savings -	350,000
	TOTAL SAVINGS	413,783	763,783
2	2024 Hot Spot Raises Authorized - renews annually until revoked	(38,502)	(200,000)
	TOTAL USES	(38,502)	(200,000)
3	Total Actual/Forecasted Turnover Savings for FY 2024 as of 10/27/2023	\$ 375,281	\$ 563,783

Prior Report Totals (as of 10/26/2023, with the contingent amount removed) \$ 244,337 \$ 482,839

- * Ongoing turnover savings only happens when a vacant position is filled at a lower rate and / or with lower benefits.
- * There are currently 30 positions that have turned over within the past 90 days that are currently listed as having unknown benefits. As those employees select their benefits, if they select lower benefits, there will be additional savings.
- * Currently, 30.85 FTE are vacant.
- 1 We are currently estimating \$50,000 of ongoing savings a month for the remainder of the fiscal year.
- 2 Authority was delegated from the Judicial Council to the State Court Administrator/Deputy in October 2022 to expend up to \$200,000 annually.
- 3 The Judicial Council funded one Commissioner position in 3rd Dist. effective 7/1/2023. A Legislative Request for ongoing funding for that position will also be presented during the upcoming Legislative Session. If approved, that will increase our available amount by \$262,550. That amount was shown on previous forecasts but has now been removed as the probability of receiving these funds is slim.



FY 2025 Carryforward and Ongoing Requests - as of FY 2024 Period 5

11/27/2023

Funding Sources

	One Time	Ongoing
OTS carried over from FY 2023		\$ (54,821)
Forecasted YE OTS from FY 2024*		\$ 818,604
Subtotal		\$ 763,783
Less: Judicial Council Delegated to State Court Admin for discretionary use		\$ (200,000)
Expected Carryforward Amount from Fiscal Year 2024	\$ 2,500,000	\$ -
Total Available Funding	\$ 2,500,000	\$ 563,783

Ongoing Requests

	Presented		Judicial Council Approved	
	One Time	Ongoing	One Time	Ongoing
1 Performance Raises		\$ 450,000		\$ 450,000
Subtotal	\$ -	\$ 450,000	\$ -	\$ 450,000
Balance Remaining Inclusive of Presented	\$ 2,500,000	\$ 113,783		
Balance Remaining After Judicial Council Approvals			\$ 2,500,000	\$ 113,783
+ Balance Remaining Inclusive of "Presented"	\$ 2,500,000	\$ 113,783		

LEGEND

Highlighted items are currently being presented to the Budget and Fiscal Management Committee.

Highlighted items have been approved by the BFMC and are on track for being presented to the Judicial Council.

Highlighted items have been previously approved by the Judicial Council.

Highlighted items that are Fiscal Note Funds

* - items have been presented and approved in prior years.

+ - One-time balance remaining is available to go into Judicial Council reserve. Ongoing balance remaining will be included in the beginning balance for ongoing turnover savings.

* - The Judicial Council funded one Commissioner position in 3rd Dist. effective 7/1/2023. A Legislative Request for ongoing funding for that position will also be presented during upcoming Legislative Session. If approved, that will increase our available amount by \$262,550. That amount was shown on previous forecasts but has now been removed as the probability of receiving these funds is slim.

BFMC approval to submit request to Judicial Council does not imply Judicial Council must approve the recommendation.
If more funds are available than the total of requests received, prioritization is optional.

ARPA Expenditures – We have expended \$11.4M of ARPA funds as of November 27, 2023. This leaves an available balance of \$3.5 of the \$15 million that was awarded to the courts.



ARPA Expenses as of 11/27/2023 (prior to the close of period 5)

	A Judicial Council Approved	B Actual FY 2022 Expended	C Actual FY 2023 Expended	D Actual FY 2024 Expended	E Total Expended Amount	F Balance Available
IT Access to Justice - Part I + II	12,373,400	3,042,467.67	4,613,254.75	1,523,805.37	9,179,527.79	3,193,872.21
Courts Case Backlog - Part I + II	2,302,100	707,963.11	1,007,135.35	351,829.66	2,066,928.12	235,171.88
Legal Sandbox Response to COVID	324,500	-	171,636.48	36,372.47	208,008.95	116,491.05
TOTAL	15,000,000	3,750,430.78	5,792,026.58	1,912,007.50	11,454,464.86	3,545,535.14

Expenditures added since last report: \$ 669,977.43

ARPA funds expended cut off date is 12/31/2026

BKLG FY 2024 Details

FY 2024 Expenses as of PPE 11/10/2023	
Personnel Expenses: \$	349,560.14
Mileage Expenses: \$	1,344.16
Sr. Judge Travel Expenses: \$	925.36
	\$ 351,829.66
COVID Testing Kit purchase: \$	-
	\$ 351,829.66

BKLG Run Rate Calculation

Usage for Last 3 Pay Periods		
10/13/2023	10/27/2023	11/10/2023
\$29,584.54	\$31,598.46	\$42,946.68
Average last 3 Pay Periods:		\$34,709.89
Balance Available (from table above): \$		235,171.88
Remaining Pay Periods at Last 3 Average:		7
Anticipated Last Pay Period End Date:		2/16/2024
Prior report anticipated last pay period:		2/16/2024

Historical Trends (period 5 not yet closed)

IT Access to Justice Use - Last 3 Periods			
Period 3	Period 4	Period 5	
\$ 303,758.06	\$ 775,519.04	\$ 108,579.19	
BKLG - Last 3 Periods			
Period 3	Period 4	Period 5	
\$ 104,603.06	\$ 72,410.99	\$ 74,597.22	
Legal Sandbox - Last 3 Periods			
Period 3	Period 4	Period 5	
\$ -	\$ 19,572.47	\$ 9,484.92	
New Expenses for Period 5: \$		192,661.33	
True Up for Period 4: \$		477,316.10	
TOTAL INCREASE FROM PRIOR: \$		669,977.43	

3. Q1 FY 2024 Grant Report (Jordan Murray – “Presenter”)

Jordan Murray gave an update on grants. Two new grants were awarded between July and September 2023.

- The Eviction Diversion Initiative (EDI) – National Center for State Courts (\$105,191)
- Appellate Court’s Pilot Pro Bono Program – Utah Bar Foundation (\$10,000)

One grant renewal was approved for submission between July and September, 2023:

- State Asset Forfeiture Grant – Commission on Criminal & Juvenile Justice (\$25,000)

Old Business/New Business

None

Adjourned at 12:20 p.m.

Next meeting January 5, 2024

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

Webex video conferencing
December 1, 2023 – 12 p.m.

MEMBERS:

PRESENT

EXCUSED

Judge Samuel Chiara, <i>Chair</i>	•	
Judge Suchada Bazzelle	•	
Judge Jon Carpenter	•	
Judge Michael DiReda	•	
Judge James Gardner	•	

GUESTS:

Michael Drechsel
Daniel Meza Rincon
Keri Sargent
Paul Barron
Stacy Haacke
Nick Stiles

STAFF:

Keisa Williams
Brody Arishita
Minhvan Thach

(1) Welcome and approval of minutes:

Judge Gardner welcomed committee members to the meeting. The committee considered the minutes from the November 3, 2023, meeting. With no changes, Judge Gardner moved to approve the minutes as presented. Judge Carpenter seconded the motion. The motion passed unanimously.

(2) CJA 4-208. Automated case processing procedures

Under Utah Code § 77-40a-201(7), the Judicial Council and Supreme Court are authorized to make rules governing the process for automatic expungements. Rule 4-208 complements Rule 42 of the Rules of Criminal Procedure. The proposed amendments to CJA rule 4-208 clarify that an automatic expungement can only occur through the automated processes established and approved by the Judicial Council. Currently, the rule does not prohibit a judge from manually issuing an automatic expungement order and certain judges have done so upon request. When a judge manually issues an automatic expungement order, it causes a significant amount of friction for BCI to process the order outside of the established workflows for all other automated orders.

The committee noted that prohibiting judges from issuing automatic expungement orders appears to conflict with 77-40a-201(7)(b), which grants presiding judges the authority “to issue an expungement order for any case when the requirements for automatic expungement are met.” However, preceding subsection (a) states that the rules created by the Judicial Council and Supreme Court govern the process for automatic expungements and those rules “may authorize” presiding judges to issue such orders. Arguably, the Council can by rule determine how automated orders are issued. For individuals who need an expungement order more quickly than the automated process would permit, the petition-based process is available.

Following a discussion, the committee recommended that CJA 4-208 be included on the Management Committee and Judicial Council's December agendas and requested that Mr. Drechsel be present to lead the discussion during those meetings. If the proposed amendments are approved by the Council, Mr. Drechsel requested that the rule be approved on an expedited basis with a January 1, 2024 effective date, followed by a 45-day comment period.

Additional amendments would authorize juvenile court presiding judges to sign automatic expungement orders in qualifying juvenile court cases.

With no further discussion, Judge DiReda moved to recommend to the Judicial Council that following an in-depth discussion, CJA rule 4-208 be approved as final with an expedited effective date of January 1, 2024, as well as be published for a 45-day public comment period. Judge Gardner seconded the motion. The motion passed unanimously.

CJA 3-108. Judicial assistance.

The proposed amendments in paragraph (4)(C) extend the rule to juvenile court cases, granting the presiding officer of the Council the authority to appoint a juvenile court presiding judge as the signing judge for automatic expungement orders in juvenile court cases related to non-judicial adjustments.

With no further discussion, Judge Gardner moved to recommend to the Judicial Council that CJA rule 3-108 be approved as final with an expedited effective date of January 1, 2024, as well as be published for a 45-day public comment period. Judge DiReda seconded the motion. The motion passed unanimously.

(3) CJA 4-202.02. Records classification

CJA 4-202.03. Records access

Juvenile court staff are working on updates to CARE record classifications in preparation for the launch of a juvenile court version of "MyCase." The proposed amendments are intended to clarify the classification of and access to juvenile court records for court staff and court patrons. The purpose behind each amendment, and any modifications made by the committee, are as follows:

CJA 4-202.02:

(2)(II) – added language allowing the juvenile court to reclassify records as non-public upon a finding of good cause as provided in Utah Code § 78A-6-209(4)(b). The committee modified the last sentence to read, "Upon a finding of good cause on the record, the juvenile court may reclassify these records as non-public."

(6)(D) – added dispositional reports to the list of juvenile court social records consistent with language in URJP 45.

(6)(I) – added nonjudicial adjustment records to the list of juvenile court social records because there is no court adjudication when a youth enters a nonjudicial adjustment agreement with probation, and therefore, no legal records.

(6)(J) – added records filed with the court that are received under the Utah Interstate Compact

for Juveniles (ICJ) to the list of juvenile court social records because the records are received from another state and are more akin to a report or evaluation, rather than a pleading or legal document.

(7)(C) - Added probable cause statements to the list of legal records because they are like other legal documents listed in (7)(C) and it provides clarity for probation and clerks of court when those documents are filed in a case.

CJA 4-202.03:

(2)(A)- expanded access to adoption records to align with 78B-6-141(3) and allows an attorney not of record representing an individual authorized access under the rule to obtain copies of adoption records, provided the attorney presents a signed and notarized release from the individual.

(2)(A)(iv) - added "...for the records" at the end of the sentence.

(2)(B) - removed the in-person identification requirement to obtain expungement records.

(2)(B)(i)(d) - added language to allow attorneys not of record to access expungement records with a notarized signed release from an individual authorized access under the rule.

(5)(B) - added language authorizing the attorney of a parent or guardian of the subject of the record to obtain access to juvenile court social records.

(5)(N) - added language regarding dispositional reports to align with URJP 45(a)(4).

(5)(O) & (5)(P) - removed the ability of the subject of the record to access juvenile court medical and mental health records. The language in (5)(P) comes directly from 63G-2-304.

Under GRAMA, medical and mental health records are classified as both "private" (63G-2-302(1)(b) & (3)) and "controlled" (63G-2-304). Medical records are private, unless releasing the records to the subject of the record would be detrimental to the subject of the record's mental health or the safety of another, or release would violate professional practice or medical ethics, in which case the records are controlled.

Sensitive medical and mental health records are filed in nearly every juvenile court case. When a clerk of court receives a records request from the subject of the record or someone with a power of attorney, they have no way to determine whether releasing those records would be detrimental to the subject's mental health or the safety of another, or whether it would constitute a violation of normal professional practice and medical ethics. As such, the proposed amendments limit access to attorneys involved in the case, government entities with custody, guardianship, etc., court personnel, and anyone with a court order.

(8) Added language prohibiting the inspection of juvenile court probation records not filed in a case except by order of the court in accordance with Utah Code § 78A-6-209(5). These files may include sensitive information such as ICJ records from other states, shared education or DCFS records, mental health questionnaires, unredacted victim information, police reports, documents shared by other entities, etc.

The Judicial Council previously approved the amendments in (2)(C) that place limits on video records and access to video records. Those amendments will go into effect on January 1, 2024. It is recommended that these new amendments also be approved on an expedited basis with a January 1, 2024 effective date, followed by a 45-day comment period.

With no further discussion, Judge Gardner moved to recommend to the Judicial Council that CJA rules 4-202.02 and 4-202.03 be approved as final with an expedited effective date of January 1, 2024, as well as be published for a 45-day public comment period. Judge Carpenter seconded the motion. The motion passed unanimously.

(4) CJA 3-104. Presiding judges

The Judicial Council asked the committee to review previously proposed amendments to CJA 3-104. The revised amendments address the three questions posed by the Judicial Council at its November meeting:

1. Why should state level administrators wait an additional 30 days to report cases to the Management Committee under (3)(L)(iv)?
2. What happens if a judge doesn't comply with the reporting requirements in (3)(L)(ii)?
3. Should judges be required to explain how they intend to resolve the case(s) or issue(s) included in the monthly report?

The timing of state level administrator reports depends on how often the Management Committee wants to see them. The intent behind (3)(L)(iv) was to give judges time to resolve a case or issue before it was elevated. Paragraph (3)(L)(v) already addresses what happens when a judge fails to comply with their reporting requirements. Paragraph (3)(L)(iv) was deleted and a line was added to the new (3)(L)(iv) requiring reports to the Management Committee only when a state level administrator determines that a judge has willfully failed to submit a statement. The committee does not believe judges should be required to explain how they intend to resolve a case or issue held under advisement more than 60 days. It is sufficient for a judge to provide a reason for the delay.

With no further discussion, Judge Bazzelle moved to recommend to the Judicial Council that CJA 3-104 be published for a 45-day public comment period. Judge DiReda seconded the motion. The motion passed unanimously.

Technology report/proposals:

Appendix F. Utah Court Records Retention Schedule.

Due to a lack of time, this item will be discussed at a future meeting.

Old Business/New Business:

The committee determined that all-day meetings in May and November are no longer necessary and reduced the time to four hours. The meetings will now begin at noon and end at 4 p.m. or when all agenda items have been addressed. The May 3rd meeting will need to be rescheduled because it coincides with the District Court Judge's Spring Conference. The committee will discuss that issue at a future meeting.

Adjourn: With no further items for discussion, the meeting adjourned at 2:24 p.m. The next meeting will be held on January 5, 2024, at noon via Webex video conferencing.

Tab 3

**Budget and Grants Agenda
for the January 16, 2024
Judicial Council Meeting**

1. FY 2024 Financials Alisha Johnson
(Tab 1 - Discussion)
 - One Time Turnover Savings
 - FY 2024 Year End Requests and Forecasted Available One-time Funds
 - Ongoing Turnover Savings
 - FY2025 Carryforward and Ongoing Requests
 - ARPA Update
2. Wasatch Courthouse Expansion Design / Cost Update Chris Talbot
(Tab 2 – Action)
3. HB 531 Supplemental Report Karl Sweeney
(Tab 3 – Action) Nick Stiles, Paul Barron, Tucker Samuelson, Jon Puente, Nathanael Player
4. Grants Internal Control Self-Assessment for FY 2023 Jordan Murray
Eviction Diversion Update Jordan Murray
(Tab 4 – Information)
5. New UBJJ Grant GAP Jordan Murray
(Tab 5 – Action)

Tab 1



FY 2024 One Time Turnover Savings

Updated as of Pay Period Ending 12/08/2023 (920 out of 2,080 hours)

			Actual
#		Funding Type	Amount
1	One Time Turnover Savings (from actual payroll data versus budget as of PPE 12/08/2023)	Internal Savings	756,197.76
2	YTD Amount Anticipated to be Reimbursed through ARPA Funding (as of PPE 12/08/2023)	Reimbursements	424,868.95
3	Est. One Time Savings for 1,160 remaining pay hours (\$1,250 / pay hour)	Internal Savings (Est.)	1,450,000.00
Total Potential One Time Savings			2,631,066.71

Prior Report Totals (as of PPE 11/10/2023) \$ 2,817,053.09

- * Actual per hour turnover savings for the last 4 2024 pay periods (oldest to newest) are \$1,468.14, \$1,800.93, \$1,048.60, and \$1,112.35. The average per hour turnover savings YTD was \$1,283.77. These numbers do include ARPA reimbursements.
- * Forecast was reduced to \$1,250 per pay hour based upon prior periods and average.



FY 2024 Year End Requests and Forecasted Available One-time Funds - Period 6

Forecasted Available One-time Funds				One-time Spending Plan Requests		
Description		Funding Type	Amount	#	Current Requests Amount	Judicial Council Approved Amount
Sources of YE 2024 Funds						
* Turnover Savings as of PPE 12/08/2023 (including anticipated ARPA reimbursement)	Turnover Savings		1,181,067	1	Employee Wellness Resources	107,450
** Turnover savings Estimate for the rest of the year (\$1,250 x 1,160 pay hours)	Turnover Savings		1,450,000	2	JWI Centralized Scheduler Software	20,000
(a) Total Potential One Time Turnover Savings			2,631,067	3	JWI Media Outreach Interpreter Recruiting	10,000
Operational Savings From TCE / AOC Budgets - Forecasted	Internal Operating Savings		750,000	4	JWI Interpreter Trainer	65,000
Reserve Balance (balance from FY 2023 Carryforward)	Judicial Council Reserve		52,997	5	OFA Racial and Ethnic Disparity Data Project	30,000
Anticipated Reserve Uses - including previously approved and pending requests	Jud. Council Reserve Uses		-	6	JWI Increase to 2 Hour Minimum	275,000
(b) Total Operational Savings and Reserve			802,997	7	JWI Higher Pay for Rural Assignments	146,500
(c) Total of Turnover Savings & Operational Savings = (a) + (b)			3,434,063	8	Q1/Q2 Performance Bonuses	450,000
Contingent Legislative Supplemental Funding:				9	Senior Judge and Time Limited JA Funding Jan/Feb 2024	160,000
American Fork Lease Increases	Legislative Contingent		389,000			
JWI Increase to 2 Hour Minimum	Legislative Contingent		275,000			
JWI Higher Pay for Rural Assignments	Legislative Contingent		146,500			
Senior Judge and Time Limited JA Funding Jan/Feb 2024	Legislative Contingent		160,000			
(d) Subtotal - Contingent Legislative Supplemental Funding			970,500			
Uses of YE 2024 Funds						
(e) Carryforward into FY 2025 (Anticipate request to Legislature for \$3,200,000)	Pre-Covid Carryforward		(2,500,000)			
Total Potential One Time Savings = (c) + (d) less Carryforward (e)			1,904,563			
Less: Judicial Council Requests Previously Approved				Current Month One-time Spending Requests		
Less: Judicial Council Current Month Spending Requests				Previously Approved 1x FY 2024 YE Spending Request		
Remaining Forecasted Funds Available for FY 2024 YE Spending Requests				1,263,950		
Less: Contingent Supplemental Funding						
Remaining Forecasted Funds Available for FY 2024 YE Spending Requests if no Supplemental Funding is Received						

Updated 12/28/2023

- * Actual turnover savings as calculated on a pay period basis through 12/08/2023. Data can be found in the Budget Summary Excel workbook on the Personnel tab.
- ** Actual per hour turnover savings for the last 4 2024 pay periods (oldest to newest) are \$1,468.14, \$1,800.93, \$1,048.60, and \$1,112.35. The average per hour turnover savings YTD was \$1,283.77. These numbers do include ARPA reimbursements.
- (b) \$750,000 Operational Savings from TCE / AOC Budgets is a conservative estimate. The number will be updated with information from the field in January/February 2024.
- (d) Governor's Office of Planning and Budgeting may recommend substituting ARPA funds for the JWI and Senior Judge requests if ARPA funds are available.



FY 2024 Ongoing Turnover Savings as of 12/21/2023

#		Funding Type	Actual	Forecasted
			Amount YTD	Amount @ YE
	Net Carried over Ongoing Savings (from FY 2023)	Internal Savings	(54,821)	(54,821)
	Ongoing Turnover Savings FY 2024 (actual year-to-date)	Internal Savings	534,927	534,927
1	Ongoing Turnover Savings FY 2024 (forecast \$50,000 / month x 6 months remaining)	Internal Savings	-	300,000
	TOTAL SAVINGS		480,107	780,107
2	2024 Hot Spot Raises Authorized - renews annually until revoked		(38,502)	(200,000)
	TOTAL USES		(38,502)	(200,000)
3	Total Actual/Forecasted Turnover Savings for FY 2024 as of 12/21/2023		\$ 441,605	\$ 580,107

Prior Report Totals (as of 11/27/2023, with the contingent amount removed) \$ 375,281 \$ 563,783

- * Ongoing turnover savings only happens when a vacant position is filled at a lower rate and / or with lower benefits.
 - * There are currently 34 positions that have turned over within the past 90 days that are currently listed as having unknown benefits. As those employees select their benefits, if they select lower benefits, there will be additional savings.
 - * Currently, 27.45 FTE are vacant.
- 1 We are currently estimating \$50,000 of ongoing savings a month for the remainder of the fiscal year.
 - 2 Authority was delegated from the Judicial Council to the State Court Administrator/Deputy in October 2022 to expend up to \$200,000 annually.
 - 3 The Judicial Council funded one Commissioner position in 3rd Dist. effective 7/1/2023. A Legislative Request for ongoing funding for that position will also be presented during the upcoming Legislative Session. If approved, that will increase our available amount by \$262,550. That amount was shown on previous forecasts but has now been removed as the probability of receiving these funds is slim.



FY 2025 Carryforward and Ongoing Requests - as of FY 2024 Period 6

12/28/2023

Funding Sources

	One Time	Ongoing
OTS carried over from FY 2023		\$ (54,821)
Forecasted YE OTS from FY 2024*		\$ 834,927
Subtotal		\$ 780,107
Less: Judicial Council Delegated to State Court Admin for discretionary use		\$ (200,000)
Expected Carryforward Amount from Fiscal Year 2024	\$ 2,500,000	\$ -
Total Available Funding	\$ 2,500,000	\$ 580,107

Ongoing Requests

		Presented		Judicial Council Approved	
		One Time	Ongoing	One Time	Ongoing
1	Perfromance Raises		\$ 450,000		\$ 450,000
	Subtotal	\$ -	\$ 450,000	\$ -	\$ 450,000
	Balance Remaining Inclusive of Presented	\$ 2,500,000	\$ 130,107		
	Balance Remaining After Judicial Council Approvals			\$ 2,500,000	\$ 130,107
+	Balance Remaining Inclusive of "Presented"	\$ 2,500,000	\$ 130,107		

LEGEND

Highlighted items are currently being presented to the Budget and Fiscal Management Committee.

Highlighted items have been approved by the BFMC and are on track for being presented to the Judicial Council.

Highlighted items have been previously approved by the Judicial Council.

Highlighted items that are Fiscal Note Funds

* - items have been presented and approved in prior years.

+ - One-time balance remaining is available to go into Judicial Council reserve. Ongoing balance remaining will be included in the beginning balance for ongoing turnover savings.

* - The Judicial Council funded one Commisioner position in 3rd Dist. effective 7/1/2023. A Legislative Request for ongoing funding for that position will also be presented during upcoming Legislative Session. If approved, that will increase our available amount by \$262,550. That amount was shown on previous forecasts but has now been removed as the probability of receiving these funds is slim.

BFMC approval to submit request to Judicial Council does not imply Judicial Council must approve the recommendation.

If more funds are available than the total of requests received, prioritization is optional.



ARPA Expenses as of 12/21/2023 (prior to the close of period 6)

	A	B	C	D	E	F
	Judicial Council Approved	Actual FY 2022 Expended	Actual FY 2023 Expended	Actual FY 2024 Expended	Total Expended Amount	Balance Available
IT Access to Justice - Part I + II	12,373,400	3,042,467.67	4,613,254.75	1,843,147.68	9,498,870.10	2,874,529.90
Courts Case Backlog - Part I + II	2,302,100	707,963.11	1,007,135.35	427,287.87	2,142,386.33	159,713.67
Legal Sandbox Response to COVID	324,500	-	171,636.48	45,857.39	217,493.87	107,006.13
TOTAL	15,000,000	3,750,430.78	5,792,026.58	2,316,292.94	11,858,750.30	3,141,249.70

Expenditures added since last report: \$ 404,285.44

ARPA funds expended cut off date is 12/31/2026

BKLG FY 2024 Details

FY 2024 Expenses as of PPE 12/08/2023

Personnel Expenses:	\$ 424,868.95
Mileage Expenses:	\$ 1,418.56
Sr. Judge Travel Expenses:	\$ 1,000.36
	\$ 427,287.87
COVID Testing Kit purchase:	\$ -
	\$ 427,287.87

BKLG Run Rate Calculation

Usage for Last 3 Pay Periods

11/10/2023	11/24/2023	12/8/2023
\$42,946.68	\$30,328.87	\$44,979.94

Average last 3 Pay Periods:	\$39,418.50
Balance Available (from table above):	\$ 159,713.67
Remaining Pay Periods at Last 3 Average:	4
Anticipated Last Pay Period End Date:	2/2/2024
Prior report anticipated last pay period:	2/16/2024
Judicial Council YE Allocation:	\$ 160,000.00
Total Remaining w/YE Allocation:	\$ 319,713.67
Remaining Pay Periods at Last 3 Average w/YE:	8
Anticipated Last Pay Period End Date w/ YE:	3/30/2024

Historical Trends (period 6 not yet closed)

IT Access to Justice Use - Last 3 Periods

Period 4	Period 5	Period 6
\$ 775,519.04	\$ 172,276.31	\$ 255,645.19

BKLG - Last 3 Periods

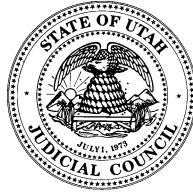
Period 4	Period 5	Period 6
\$ 72,410.99	\$ 74,597.22	\$ 75,458.21

Legal Sandbox - Last 3 Periods

Period 4	Period 5	Period 6
\$ 19,572.47	\$ 9,484.92	\$ -

New Expenses for Period 6:	\$ 331,103.40
True Up for Period 5:	\$ 73,182.04
TOTAL INCREASE FROM PRIOR:	\$ 404,285.44

Tab 2



Administrative Office of the Courts

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

January 9, 2024

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

MEMORANDUM

TO: Judicial Council

FROM: Chris Talbot, Court Facilities Director

RE: Wasatch Courthouse Expansion Additional Construction Costs

Background

In the FY23 legislative session, the Legislature approved the Judicial Council request to provide additional annual funding (\$163,301) to pay a portion of a new lease with Wasatch County. This new lease expanded the existing court space through construction by 13,985 sf (corrected from 13,139 sf shown in original request) additional square feet at an incremental annual cost of \$163,301 over a 15 year lease. The recap of the incremental costs of the original estimate were calculated as follows:

Summary of Wasatch Lease Credits and Costs

Current Lease Payment in Budget plus Improvement Fee	\$ (95,413)
Reallocated Richfield bond Staying in Budget	\$ (219,155)
Estimated Cost of New Lease / Const	\$ 477,869
Estimated New Annual Increase to Budget	\$ 163,301

Please see "Attachment A" for the full details of the FY 2024 Wasatch County Legislative budget request.

The FY 2023 budget request costs were based on a feasibility study and cost estimate prepared by the County's architects (SPE Architects) in October of 2021.

Updated Design and Costs

We finally started the design process with the County's new architects (EDA Architects) and a Court design committee in October 2023. After numerous meetings and revisions by EDA, the more defined schematic design was completed in December 2023 for the facility expansion along with an updated preliminary construction cost estimate.

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

The new schematic design increased the construction scope of work for the entire building (both Court and County spaces) by adding about 6,400 sf or 20% more space. The Court design committee was responsible for adding about 2,600 sf of dedicated court space within the 6,400 sf of new space we felt was needed to operate efficiently. The design meetings went very well and the Court committee agrees with the larger updated design. Including 2,028 sf of court common areas, the total Courts square footage has increased from 13,985 sf to 18,613 sf (33%). As we continue into the next phase of the design process, I feel confident we can make several small modifications to reduce square footage and cost without sacrificing any functionality.

Now that the schematic design is complete, I had the opportunity to meet with the County on 12/19/2023 to discuss our deal before they to seek permission for a construction bond financing from their Commission. The County expressed concerns over the cost of the larger building. In addition to the 33% larger Court space, our revised scope increased parking and certain other costs all compounded by two years of historically high cost escalation since the feasibility study cost estimate was completed in Oct 2021.

Due to these factors, the project cost for the entire building has increased from \$8.3M to \$21.72M based on current projections.

Unfortunately, our previously proposed \$3.565M construction contribution (43% of the original feasibility estimated cost of \$8.3M) is no longer enough of a contribution for the County to build out what has been designed. **They are requesting that we commit to a 50% funding contribution of the new \$21.72M projection, which is \$10.86M¹.** After additional discussion with the County, the project will not be able to move forward or be approved by the Commissioners without this increased contribution from the Courts.

The following factors should be considered in increasing our original \$3.565M construction contribution to the current \$10.86M requested by the County:

1. Even though the County is requesting funding for 50% of the project cost, we would actually occupy 60% of the space in the new design. This new space includes two courtrooms, support staff spaces, mediation conference room, Guardian ad Litem (GAL) offices and Probation offices.
2. The County has agreed to not charge us rent on any of the 18,613 sf of dedicated and common court space or operations/maintenance (O&M) costs for the 20 year bond term. This a very generous concession. The County has offered to stop this payment due to the cost increases. The value of this concession based on market rent is +/- \$20 psf when our lease expires in June of 2025 which means we are saving at least \$372K per year (18,613 sf x \$20 psf market rate) on rent over the next 20 years (\$7M minimum total savings).
3. Other less expensive options are not available. Based on other prioritized courthouse needs across the State, we will not be able to receive approval for State funding to build a

¹ The cost bridge from the original bid is \$3.565M + 33% additional sf @ new estimated costs = \$2.8M + other scope increases and construction cost price inflation = \$4.5M (total \$10.86M).

new Heber courthouse (\$26M - \$30M) in the near future. The \$10.86M paid over 20 years is the most economical and expeditious way to get two new courtrooms built in this fast growing community.

4. They have agreed to let us pay the \$10.86M over 20 years (annual payment). This would be \$842K annually over 20 years at a 4.6% interest rate (this could change depending on final construction costs and bond interest rates (see chart below)). The original term was over 15 years. After using all previously approved funds (see summary below) we need an additional \$364K annually to cover the shortfall from the updated scope.

Wasatch Justice Center Expansion Courts Contribution Jan 2024

	Square Footage	Rent	Construction Cost	Total Annually
New Proposed Lease for 15 years				
New Space = 18,613 SF (13,985 sf original space + 2,600 sf added dedicated space + 2,028 sf common area)	18,613	\$ -		\$ -
No rent or O&M for 20 years				
Court's Construction Contribution \$10.863M / 20 years Includes hard / soft costs and 4.6% annual interest rate			\$ 842,000	\$ 842,000
Courts portion of A&E service fees Included in soft costs above			\$ -	\$ -
Total Estimated Annual Lease Payment				\$ 842,000

Summary of Wasatch Lease Credits and Costs

Estimated Cost of New Lease / Const	\$ 842,000
Current Lease Payment in Budget plus Improvement Fee	\$ (95,413)
Reallocated Richfield bond Staying in Budget	\$ (219,155)
Additional Rent Approved	\$ (163,301)
Portion of Farmington bond	\$ (364,131)
Total needed after credits	\$ -
Farmington bond	\$ 399,000
Portion used for Wasatch	\$ (364,131)
Remaining bond funds for project contingency	\$ 34,869

Recommended funding solution - I am proposing that we cover this additional annual cost with the Farmington bond reallocation (\$399K annually) that was approved last year by the Legislature to remain in the Court Facilities budget. We were originally going to use this amount to offset the Davis County construction cost (\$139M). We have now shifted to seeking State funding for the project which does not permit us to use our reallocation to offset construction costs. (Note: DFCM limits the use of bond reallocation to offsetting new construction O&M

costs only but I don't feel that offering the Farmington bond as a credit is critical to getting the Davis County project funded as there are much bigger issues (space utilization and number of courtrooms) that are the focus of the Legislative subcommittee. I recommend revising the Davis County funding request next year to remove the \$399K credit towards Davis County O&M. **As shown above, we forecast using all but \$34,869 of the Farmington bond amount for the Wasatch expansion.**

Current use of the \$399K - I am using the \$399K this year to pay for Manti cost overruns. Specifically, I offered to pay for the whole security system at \$400K to avoid reducing finishes inside the building. Next year, I was planning on using the funds for new Wasatch courthouse furniture. I will continue to find projects to spend the balance of the reallocation funds until the Wasatch County expansion is completed in the future.

My request is to use all of the \$399K (currently in the Facilities budget) towards the new Wasatch lease and construction contribution. I have asked the County to hold any further design work until I get approvals from BFMC and the JC to move forward. If I can obtain approvals in January 2024, the current timeline is to start construction in June 2024 and move into the new space by fall 2025.



GOVERNOR'S OFFICE OF Planning & Budget

ATTACHMENT A

FY 2023 / FY 2024 Budget Request

Agency: JUDICIAL BRANCH (courts)
Request Title: New Capital Lease for District / Juvenile Courts at the Wasatch County Justice Center
Request Priority:

Amount Requested:

FY 2023 One-time	FY 2024 One-time	FY 2024 Ongoing	Total Request
\$0	\$0	\$163,301	\$163,301

Funding Sources*:

* Additional details on funding sources, timing, and appropriation units will be provided in [Budget Prep](#).
A different form should be submitted for American Rescue Plan Act (ARPA) funding requests.

Background & Budgetary Details

Name and describe the project or program that will utilize the requested resources.

The objective of this request is to obtain ongoing funding for a new capital lease with Wasatch County that will expand and improve the Court leased spaces within the County owned facility. The existing shared facility has only one courtroom dedicated for State Court use. Sharing a single courtroom between district and juvenile court with the increasing Wasatch County caseload has been problematic since in 2012. The existing facility needs to be expanded to provide another courtroom and additional support staff space.

Summarize the current budget for the project or program that is being funded. If this is a new project or program, please summarize resources that are available for like-objectives within the agency.

The Court has leased space at this location since 1996 and has funded rent payments through the Facilities budget at \$95,413 annually at a fixed rate over the last 9 years. We anticipate applying the \$95,413 towards the new lease in addition to the recently reallocated annual bond payments from the retired Richfield Courthouse bond of \$219,155. The new lease, which will include construction costs, is estimated at \$477,869 annually. This leaves an annual shortfall of \$163,301 after the credits from our existing budget amounts are subtracted. Please refer to the spreadsheet on the following page for additional information.

Wasatch Justice Center New Lease Budget

	Rent	Construction Cost	Total Annually
Current Lease through June 2025			
10,044 SF	\$ 90,396		\$ 90,396
\$9 psf rent / O&M			
Cap Improvement fund that will not be renewed		\$ 5,017	\$ 5,017
Total existing lease			\$ 95,413
New Proposed Lease for 15 years			
New Space = 23,183 SF	\$ 215,602		\$ 215,602
(existing + 13,139 SF new)			
\$9.30 psf rent / O&M			
Estimated future annual 3% escalation			
Annual average escalation based on life of lease			\$ 7,894
Estimated Cost of new Courthouse Construction			
13,139 SF			
\$3,565,981 / 15 years		\$ 237,732	\$ 237,732
Cost includes 15% contingency, but no escalation			
Estimated Courts portion of A&E service fees			
7% of Const Cost = \$249,618 / 15		\$ 16,641	\$ 16,641
Total Estimated Annual Lease Payment			\$ 477,869

Summary of Wasatch Lease Credits and Costs

Current Lease Payment in Budget plus Improvement Fee	\$ (95,413)
Reallocated Richfield bond Staying in Budget	\$ (219,155)
Estimated Cost of New Lease / Const	\$ 477,869
Estimated New Annual Increase to Budget	\$ 163,301

What problem would be solved with additional funding? What has been done or considered to address this problem with existing resources (including non-General Fund and Education Fund resources if this is a General Fund/Education Fund request) instead of requesting this additional funding? What were the results, including any efficiencies or savings that were identified and have been or could be redirected?

Caseloads continue to increase in both the District and Juvenile Courts that require more courtroom time. It is no longer possible to effectively manage both workloads with only one shared courtroom. The FY 2022 Judicial Weighted Caseload #'s 1.12 judicial officers in Wasatch County (including 0.71 judges for District Court and 0.41 judges for Juvenile Court).

This need does not translate directly into the number of courtrooms that could be effectively utilized in Wasatch County. However, as indicated above, filings in both District and Juvenile Court have evolved over time to where they now require more time in the courtroom. In addition, there are logistical complications that result from District Court and Juvenile Court having to share the same courtroom. And finally, there are additional Juvenile Court services that cannot be provided given the current limitations of courtroom availability.

Composition of District Hearings

Hearings are a more realistic guide to case volume and actual courtroom use. Hearings held by District Court in Wasatch County have increased by almost 50% between CY 2019 and CY 2021, before the COVID pandemic began, as shown in the below data. This dramatic increase stems from rapid population growth in Wasatch County and includes all of the case complexity that comes to the District Court including:

- Criminal hearings, which are courtroom time intensive, increased 37.5%: from 2,695 in FY19 to 3,699 in CY21.
- Domestic Divorce /Annulment hearings, which are courtroom time intensive especially with the increase of pro se litigants, increased a dramatic 190.8%: from 294 in CY19 to 855 in CY21.
- Property rights hearings, which will continue to increase with the dramatic increase in building permits in Wasatch County, increased 56.3%: from 32 in CY19 to 50 in CY21.

Because the types of cases that require the most courtroom time have increased, courtroom availability is being affected even though total filings are slightly lower over the past three years. As a result, District Court has had to double and triple set jury trials six months out.

District Court Hearings

				CY21/CY19
Hearing Type	CY21	CY20	CY 19	Diff (+/-)
Criminal	3,699	2,787	2,695	37.3%
Domestic	855	234	294	190.8%
Gen'l Civil	140	126	144	-2.8%
Judgments	10	6	11	-9.1%
Probate	53	53	44	20.5%
Property Rights	50	40	32	56.3%
Torts	10	2	13	-23.1%
Traffic	22	14	25	-12.0%
TOTAL	4,839	3,262	3,258	48.5%

Composition of Juvenile filings

Overall from FY 18 to FY21 Juvenile Court has seen an increase of 111 cases for child welfare and 76 for delinquency that is roughly a 98% increase in child welfare cases and 60% for delinquency from FY 18 to FY21. The data clearly shows an increase and an immediate need for additional Juvenile courtroom time.

The chart below is a graphical representation of the change in juvenile case filing by type.

Case Type	FY21	FY20	FY19	FY18
Delinquency Felony	15	13	6	12
Delinquency Misdemeanor	199	112	95	115
Delinquency Infraction	28	1	2	4
Totals	242	126	103	131

Case Type	FY21	FY20	FY19	FY18
Child Welfare	83	35	48	34
Domestic Probate	7	2	1	0
Adult Violations / Other	25	16	6	5
Totals	115	53	55	39

Child Welfare cases require the most courtroom time and since these have increased, courtroom availability is being affected even though delinquency filings are slightly lower.

Courtroom Availability Issue with a Shared Courtroom

The District court utilizes the single courtroom the majority of the time except for when Juvenile Court is scheduled to use the courtroom every Thursday for a full day, every other Tuesday afternoon, and one Friday per month. (6 days a mo. on average) These 6 days are necessary to comply with the child welfare timelines imposed by law and address most delinquency referrals in a timely manner, but they provide little time for any trials that may be necessary. As such, this amount of time is proving to be inadequate for Juvenile Court. To schedule consecutive days for a trial takes months' notice to get consecutive days, thus impacting District Court time.

While courtroom availability has not been adequate for Juvenile Court's needs (as further described below), the time it gets is often more than District Court can spare. One of the greatest challenges for District Court is scheduling consecutive days in the courtroom to conduct its jury trials and multi-day court hearings, which are common with complex criminal, civil and domestic cases. It is not uncommon for a complex matter in District Court to be scheduled sporadically over a 2-3 week period of time in order to get the required number of days of courtroom time because of the assigned dates for the Juvenile Court to have access to the courtroom. Interrupting its calendar every Thursday complicates matters when District Court needs to set a jury trial for more than three days, but losing every other Tuesday afternoon in addition limits its ability to have even a two-day jury trial to twice per month since every Wednesday is allocated to the court's criminal law and motion calendar.

Another significant challenge is accommodating matters that require expedited hearing dates. Because the District Court is limited in its ability to use the only courtroom in Wasatch County, and has scheduled heavily on the days that are available, it can be difficult to add urgent matters into the mix. For example, protective orders require hearings to be held within 21 days of issuance, occupancy hearings in eviction matters should be held within 10 days. If an

occupancy order is issued and a tenant objects to the manner in which it is enforced, the tenant can request a hearing, which should be held within 10 days. Often, domestic cases have circumstances which warrant expedited hearings, and there are other case types that have a required (and often expedited) timeframe within which to schedule hearings. All of those matters are extremely difficult to calendar because of the limitation on access to the courtroom. WebEx has helped alleviate some of the scheduling issues, but the types of hearings that are discussed herein are often most efficiently handled in an in-person hearing, making the availability of the courtroom crucial.

Since July 1, 2013, it has been a fairly regular necessity for District Court to schedule matters on Juvenile Court days and, when doing so was not an option, it resorted to using the courtroom for Wasatch County Justice Court on several other occasions. Of course, the justice courtroom is not always available, making it necessary on at least one occasion for District Court to move a hearing to Utah County. And because none of the foregoing alternatives presented a feasible option for a four-week trial that concluded last year, District Court used the courtroom of the Heber City Justice Court. While this accommodation by Heber City was very much appreciated, as are those that have been provided by the Wasatch County Justice Court, these accommodations do not constitute an acceptable solution over the long term.

Services Not Provided Due to Lack of Juvenile Courtroom Time

Finally, because courtroom time in Heber is limited, Juvenile Court is unable to provide certain services to its patrons that they might otherwise receive in Utah County. Problem-solving courts like juvenile drug court, family drug court and other problem-solving courts require more courtroom time than is available in Wasatch County. In addition, if another courtroom were available during business hours, Probation could teach classes like NCTI to youth who struggle with substance abuse, and other issues.

Because "justice delayed is justice denied," it is critical that courtrooms operate as efficiently as possible and provide the public access to justice in a reasonable period of time. This has become particularly challenging in Wasatch County. The nature of filings in District Court, the logistical challenges associated with sharing one courtroom between two courts with unmet needs, and the services that cannot be provided to patrons all support the proposal that another courtroom be added to the Wasatch County Justice Center.

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

See following page

Wasatch Justice Center New Lease Budget

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Creating Value

What value will these additional resources create for Utah and how will that value be measured?

Juvenile Court

- Will allow for Juvenile Court to be at a higher rate of adherence with Child Welfare timelines
- Will help foster public confidence that cases can heard in a timely manner
- Will allow for Juvenile Court to hold multi day trials on consecutive days
- Will provide an opportunity to expand services through the possible development of a problem solving court
- Will allow for Child Welfare Meditations to happen on site

District Court

- Without having to schedule multiple calendars/hearings between District Court and Juvenile Court availability in a single courtroom facility, an additional courtroom will greatly enhance timely disposition. Cases will be adjudicated within a timelier manner, rather than being spread out over multiple days because the courtroom may not be available for consecutive days.

Please provide details and sources on any research or analysis that supports 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 and the increase in hearings.

Is this request related to an effort to streamline, modernize, or innovate state government? If so, please describe how this request furthers those efforts.

No.

Strategic Planning, Coordination & Thinking Outside the Budget Window

What is the statewide purpose of the project or program funded by this request? How does the request align with the agency's core mission?

The purpose of this request is to obtain funding for a new capital lease for the 4th District and Juvenile Courts to remain in the County leased facility with expanded space. With the addition of another courtroom, the 4th District operations in Wasatch County would 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 as caseloads continue to increase in the future.

Please provide statutory references that allow or require the activity for which funding is requested and indicate if this request requires any statute changes.

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

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

The Judicial Council is making this request, which originated with the Fourth District, in coordination with 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 another courtroom, which would allow cases to be heard in a more responsive manner by avoiding scheduling conflicts or delays.

Are there any future funding obligations (operations and maintenance, multi-year scale up, etc.) created by this request?

This request is for ongoing annual funding over 15 years. O&M is included in the base rent and an estimated annual escalation of 3% over the life of the lease has been added to the request. See the spreadsheet on the second page for additional information.

What are the long term funding or policy needs for this project or program outside the current budget window of two years? How should the state prepare to address those longer-term needs?

An industry standard 3% annual escalation for the term of the 15 year lease is included in the total payment schedule.

Expanding Access and Opportunity

Which populations or geographic areas will benefit most from this request (e.g., users of a new state park, those eligible for enrollment in a given social service program, rural or urban communities, or all Utahns)?

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

What safeguards will be implemented to prevent inequities or other unintended distributional consequences as it relates to this request?

There are no known potential inequities. The funds for the new 15 year lease are clearly defined, which eliminate any unintended distributional consequences.

Tab 3



UTAH STATE COURTS

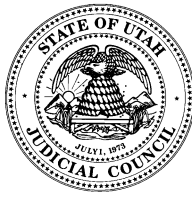
COURT FEES REVIEW 2023 HB 531 REPORT

SUPPLEMENTAL ISSUES FOR JUDICIAL COUNCIL



ADMINISTRATIVE OFFICE OF THE COURTS

December 2023



Administrative Office of the Courts

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

December 2023

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

To: Judicial Council

From: HB 531 Report Team – Paul Barron, JDR Applications Services Manager
Debbie Jacobsen, 4th District Clerk of Court
Wayne Kidd, Internal Audit Director
Daniel Meza-Rincon, Asst. Juvenile Court Administrator
Nick Stiles, Appellate Court Administrator
Karl Sweeney, Director of Finance
Julie Farnes, Former AOC Revenue Manager (Contractor)

Re: Supplemental Issues for Judicial Council Information/Action

As a supplement to the HB 531 Report to the Legislature, we present for your information and action the attached report. This report contains items which are out-of-scope for the HB 531 Report but are potential items to act upon that came to light as part of the work done by the HB 531 Report Team. These recommendations mostly clarify UCJA rules, seek to modify statutes, or enhance court systems. Just like audit reports, we list our findings and recommendations for action in this report. Where corrective actions have already been taken, they are noted in the write ups.

We look forward to reviewing these items with you.

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

450 South State Street / P.O. Box 140241 / Salt Lake City, Utah 84114-0241 / 801-578-3800/ Fax: 801-578-3843

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Overview 1

Recommendation 1 1

Overview

During the Course of the HB 531 report preparation, we identified various items that we deemed outside the scope of the report to the Infrastructure and General Government Appropriations Subcommittee (“IGG”) of the Legislature but were sufficiently important to inform the Judicial Council for information and/or action.

Overview: Upgrade CARE, AIS, and Xchange to track fees waived by the Juvenile and Appellate Courts and any waivers requested to use the Xchange database. Neither CARE, AIS nor Xchange have waiver fields which can be accurately and efficiently queried to determine the information requested in HB 531, which says the Court’s annual report on HB 531 should include “the number of fee waivers granted by the Judiciary for each type of fee charged and collected by the Judiciary.” Due to the significant number of fees waived by the Courts for government agencies, our recommendation contemplates tracking fees waived for two specific categories: (1) government agencies and (2) other reasons including inability to pay. Appendix A in the HB 531 Report for 2023 shows only District Court fees which are tracked in CORIS. CORIS should also be upgraded so that fees can be created and waived through tools in CORIS that minimize the keystrokes and screens necessary to accomplish the waiver, especially for waivers that are common like copy fees. This will reduce the potential for under-reported waivers to government agencies.

Adding these new features to CORIS, CARE, AIS, and Xchange will help ensure fees waived can be accurately and efficiently calculated.

Recommendation 1

We recommend the District, Juvenile and Appellate Court Administrators and the Director of Judicial Data and Research work with the AOC IT Department to ensure the Judiciary can efficiently provide the number of waivers for each Judicial fee when using CORIS, CARE, AIS, and Xchange. (See 78A-3-210 (2)(a)(v))

Overview: During our HB 531 work, we determined that CDs were being charged at a rate of \$10 in the Appellate Courts despite CJA rule 4-202.08 changing to \$15 in November 2020. Additionally, the Appellate fee chart stated record searches were to be charged after the first 20 minutes, but CJA rule 4-202.08 stated record searches were to be charged after the first 15 minutes. Once notified, the Appellate chart was updated to match the CJA rule, and AIS has been programmed accordingly.

We further noted that AIS was not correctly programmed for the fee increases that took place on July 1, 2020, as the breakdown between Court Security, Alternative Dispute Resolution, Children’s Legal Defense fund, and Judge’s Retirement were correct in total but inaccurately split between the funds. This has been corrected in their system as of mid-August 2023. AOC Finance corrected the split between the funds in an October 2023 cash receipt reallocation.

We recommend IT further review fee changes to ensure AIS calculations are correct. The Appellate Clerks of Court should be involved in the pre-implementation testing of the changes to AIS. We further recommend the Appellate Clerks of Court check the Appellate fee schedule to ensure it is correct whenever there is a fee change.

Recommendation 2

We recommend IT further review fee changes to ensure the AIS calculations are correct. We also recommend the Appellate Clerks of Court check their published fee schedule whenever there is a fee change to ensure all amounts on the fee schedule are current.

Overview: The \$3.90 postage and the \$25.00 Certificate of Good Standing should be receipted as two different fees for two different services to properly credit their respective revenue distribution codes. For HB 531 purposes, keeping these two revenue sources distinct is required. We recommend IT work with the Appellate Clerks of Court to make this change in AIS.

Recommendation 3

We recommend IT work with the Appellate Clerks of Court to separate postage for mailing the Certificate of Good Standing from the Certificate of Good Standing itself so they can be separately tracked as distinct fees. Currently, AIS shows the two items combined as a single amount within “Certificate of Good Standing.”

Overview: The billings for bulk data are handled by the District Court team but are not on an integrated system. In practice this means bulk data billings are made in QuickBooks, which generates an invoice, but because QuickBooks is only accessible on the single computer from which billings are done, it is not linked to any other Court IT system. Cash receipts are deposited into the cash receipts (CR) system in FINET but there is no process for account reconciliation (i.e., amounts billed are paid).

We recommend that bulk data billings be integrated into Xchange or a new system of IT’s choosing to enable bulk data AR to be tracked to ensure that either (a) payment is made, or (b) service is suspended and the Office of State Debt Collection (OSDC) has a chance to collect the amount due. This system must be accessible to all groups that touch bulk data billing and cash receipts. A low-cost immediate solution could be Quickbooks online (multi-user capable) with a phase 2 integration with Xchange or another Court system of record.

Recommendation 4

We recommend the bulk data billings be moved off QuickBooks and onto an integrated system like Xchange or a standalone system with multi-user access like Quickbooks online which permits the Courts to track billings and payments, and should a customer not pay, we can cut off service and send unpaid amounts to OSDC for collection.

Overview: The following fees do not appear to have supporting documentation for the fees being charged:

- Certified Court Reporter “appearance fee” for a non-capital case – shown as required of requesting party [here](#). No fee is stated nor is a link to a rule, statute, or other process.
- Certified Court Interpreter Credentialing Fees paid to Court:
 - Written Exam Fee - \$25,
 - Skill-building Workshop - \$150,
 - Orientation Fee - \$100, or
 - Oral Proficiency Exam - \$200 (Utah Resident)/ \$400 (non-Resident).

The authority to charge a fee is found in [CJA 3-306.03](#) (1)(B). No documentation on the amount of the fee(s) to charge has been located.

- Interest Bearing Account fee – As addressed in the HB 531 Report, the authority to charge a fee is found in [CJA 4-301](#)(2)(D) but until the November 20, 2023 Judicial Council meeting, no documentation on the amount of the fee to charge was available.

We recommend the Judicial Council task the State Court Administrator or designee to do the following:

- For a fee that is not authorized in rule or statute (ex., Certified Court Reporter appearance fee), (1) review the need for the fee, and if it is needed, (2) propose the fee with supporting methodology that includes how to publish the fee.
- For a fee that is authorized in rule (ex., Certified Court Interpreter Credentialing Fee) but does not have an authorizing record documenting it, propose the fee with supporting methodology that includes how to publish the fee.

Recommendation 5

We recommend for Court fees that lack a statute, rule, or other authorizing document, the State Court Administrator or designee (1) review the fee, and if it is needed, propose the fee with supporting methodology that includes how to publish the fee or (2) for fees authorized in rule but for which no fee amount has been documented, propose the fee with supporting methodology that includes how to publish the fee.

Overview: Consider seeking legislative action to correct an old coding problem. This recommendation involves a statute that has been misinterpreted in CORIS, CARE, and AIS since at least 1995 when CORIS was implemented. The statute is [78A-2-301](#)(z) and (aa). During our review of authoritative support for each of the fees, we read the text of this statute concerning Certified and Exemplified copies and determined after conferring with the Courts Office of General Counsel that the 50 cents per page charge for Certified and Exemplified copies should have been remitted to the General Fund but was instead being retained by the Courts. The amount for CY 2022 was approximately \$113,000 that was retained by the Courts but by statute should have gone to the General Fund. Note: The \$4 Certified and \$6 Exemplified fees have gone to the General Fund since day 1.

Given the many years that this revenue stream has been misapplied (and it may have been assumed by the Courts when it was originally coded in CORIS/CARE and AIS that these per page revenues should be treated the same way as per page copy fees for regular (i.e., non-Certified and Exemplified) items - which are retained by the local District/Juvenile/Appellate courts), we recommend the Courts seek either a technical correction in UCA 78A-3-201 to permit retention of these per page charges by the Courts or keep the statute as-is and seek an equivalent amount of ongoing general funds (\$113,000) for the Courts. The Courts use these funds to pay for operating expenses. These changes would be prospective only.

Note: Justice Courts use UCA [78A-2-301.5](#)(7) and (8) as their statute to collect per page Certified and Exemplified items. Since Justice Courts use CORIS as their case management system, there is a need to adjust this statute as well. Because the enforcement of this statute as written would impact local revenue, we recommend the Judicial Council refer this to the Board of Justice Court Judges for discussion. The FY 2023 impact for all Justice Courts is approximately \$3,100.

Recommendation 6.0

We recommend the Courts seek to either (1) change the statute that governs the per page copy fees for Certified and Exemplified items or (2) keep the statute as-is and seek \$113,000 in ongoing general funds for unrestricted use by the Courts. These changes would be prospective only. A similar issue exists for Justice courts that should be referred to the Board of Justice Court Judges.

Overview: During our review of HB 531 fees, we became aware of a deficiency in the AIS system on capturing the \$4 and \$6 certification and exemplification document fees separate from the 50 cents per page fees for copies made. AOC IT should modify AIS to provide this report. The same action needs to be taken in CARE.

Recommendation 6.1

We recommend the Appellate courts work with AOC IT to modify AIS to capture the \$4 and \$6 Certified and Exemplified fees separate from the per page fees. As currently configured, these two amounts are combined in AIS. The CARE data team was initially unable to separate the per page fees from the \$4 and \$6 document fees but was able to resolve this issue. However, AOC IT should prepare a CARE report that permits this query to be run by CARE users.

Overview: Five restricted Court accounts receive amounts from filing fees outlined in statute. Fees going to one of the five restricted accounts are based on language in statute that is ambiguous and open to multiple interpretations, as follows:

1. **Not clear we are following statute.** The State Courts Complex restricted account funding is set forth in UCA 78A-2-301(2). The verbiage has been expanded over the years and contains

references to items that are no longer relevant, such as “If the Legislature approves funding for construction of a courts complex in Salt Lake City in the 1995 Annual General Session” and “to fund the Vernal District Court building” – both projects were completed years ago. This language should be removed.

The verbiage in UCA 78A-2-301(2)(b) says “after June 30, 1998, the state court administrator shall ensure that all revenues representing the difference between the fees in effect after May 2, 1994, and the fees in effect before February 1, 1994, are transferred to the [State Courts Complex] restricted account.” The Courts have historically interpreted this to mean that ONLY fees which were appropriated an increase between these two dates qualify for appropriation to the State Courts Complex fund and the amount to fund is ONLY the difference between the two dates in 1994. So, funding for the State Courts Complex account has remained the same (on a per-fee basis) for almost 30 years.

However, the above-referenced statute can also be interpreted to allow increases in fees that occurred between February 1, 1994, and “after May 2, 1994” to include all fee increases after that date in the differential that is used to fund the State Courts Complex restricted account. We recommend the ambiguity be eliminated. Fee increases not sent to the State Courts Complex restricted account (or one of the 4 restricted accounts below) go to the General Fund.

We alerted Gary Syphus (the Courts Legislative Fiscal Analyst) and Michael Drechsel (Assistant State Court Administrator) and they both encouraged us to approach this as a potential technical correction with the Legislature’s drafting attorneys – but given the many bills already underway, this technical correction will likely be a 2025 session item. **Our ideal resolution would make the State Courts Complex restricted account plainly set forth in the statute in item (1)(j) just as the other four restricted accounts below are and clearly delineate what fees and amounts are allocated to this restricted account. It would also simplify the statute verbiage by eliminating all historical text that is no longer relevant.**

2. **In compliance with statute.** The Judges Retirement restricted account is governed by UCA 78A-2-301(1)(j)(i) which shows the amount to be allocated from fees as \$15 – which has not changed since 1994. (See Figure 1)
3. **In compliance with statute.** The Children’s Legal Defense restricted account is governed by UCA 78A-2-301(1)(j)(ii) which shows the amount to be allocated from fees as \$4 – which has not changed since 2008. (See Figure 1) The original fee allocation was \$2 in 1994.
4. **In compliance with statute.** The Dispute Resolution restricted account is governed by UCA 78A-2-301(1)(j)(iii) which shows the amount to be allocated from fees as \$5 – which has not changed since 2020. The original fee allocation was \$1 in 1994, increasing to \$3 in 2007, and \$5 in 2020.
5. **In compliance with statute.** The Court Security restricted account is governed by UCA 78A-2-301(1)(j)(iv) and (v) which shows the amount to be allocated from fees as \$20 for some fees and \$30 for other fees. The original fee allocation for (j)(iv) was \$15 in 2003, increasing to \$30 in 2020; the original allocation for (j)(v) was \$5 in 2003, increasing to \$20 in 2020.

Recommendation 7

We recommend the Courts work with the legislature's drafting attorneys to make a technical correction to statute 78A-2-301 that includes the Court Complex allocation by court fee just as the statute already does for the 4 other allocation amounts in the statute and simplifies the verbiage.

Figure 1

Color coding for Court Complex Fee: 15.00 17.00 20.00 30.00 40.00

District Civil Fee Chart - UCA 78A-2-301							
Civil Filing Fee	Total Fee	Net General Fund Amount	Allocations to Restricted Funds				
			A	=A-B-C-D-E-F			
			B	C	D	E	F
			UCA 78A-2-301 (2) Technical Correction	See UCA 78A-2-301 Section (j)(i) thru (j)(v) in exact \$			
			Court Complex	Judges Retire	Child Defense	Alt Disp	Sec Fee
			CP*	JR	CD	AD	SZ
Petition or Complaint - Original							
\$2,000 or less	90.00	29.00	17.00	15.00	4.00	5.00	20.00
GT \$2,000 and LT \$10,000	200.00	116.00	40.00	15.00	4.00	5.00	20.00
\$10,000 or more	375.00	281.00	40.00	15.00	4.00	5.00	30.00
No Amount Specified	375.00	281.00	40.00	15.00	4.00	5.00	30.00
Divorce or Separate Maintenance Petition	325.00	271.00		15.00	4.00	5.00	30.00
Temporary Separation Order	35.00	11.00		15.00	4.00	5.00	
Divorce Filing AFTER Temporary separation	290.00	236.00		15.00	4.00	5.00	30.00
Counter Claim, Cross Claim, Intervention, 3rd Party Complaint							
\$2,000 or less	55.00	1.00	30.00	15.00	4.00	5.00	
GT \$2,000 and LT \$10,000	165.00	91.00	30.00	15.00	4.00	5.00	20.00
\$10,000 or more	170.00	86.00	30.00	15.00	4.00	5.00	30.00
Divorce or Separate Maintenance - Counter Claim	130.00	76.00		15.00	4.00	5.00	30.00
Counterclaim Paternity/Grandparent Visitation	170.00	86.00	30.00	15.00	4.00	5.00	30.00
Guardian Child (18-22)	35.00	11.00		15.00	4.00	5.00	
Trial De Novo (Justice or Small Claims Court)	240.00	176.00	20.00	15.00	4.00	5.00	20.00
Municipal Appeal	80.00	26.00		15.00	4.00	5.00	30.00
Administrative Agency Review	375.00	281.00	40.00	15.00	4.00	5.00	30.00
Appeal (interlocutory, writ of certiorari)	240.00	161.00	30.00	15.00	4.00		30.00
Petition for Expungement	150.00	101.00		15.00	4.00		30.00
Offender Registry Ptn	125.00	101.00		15.00	4.00	5.00	
Tax Lien (Collected by Tax Comm)	30.00	10.00	20.00				
Abstract or Transcript Judgment of Court or Agen	50.00	20.00	30.00				
PETN Reopen Estate Case	170.00	86.00	30.00	15.00	4.00	5.00	30.00
Demand for Civil Jury	250.00	245.00				5.00	
Writ of Replevin, Attachment, or Execution	50.00	35.00	15.00				
Garnishment	50.00	35.00	15.00				
Vital Statistics Fee	8.00	8.00					
The fee for filing a small claims affidavit (Logan & Utah Co only)							
Small Claim 0 - \$2,000	60.00	19.00	17.00	15.00	4.00	5.00	
Small Claim GT \$2,000 and LT \$7,500	100.00	56.00	20.00	15.00	4.00	5.00	
Small Claim \$7,500 or more (Manti, Uintah and Wasatch had one)	185.00	141.00	20.00	15.00	4.00	5.00	
The fee for filing a small claims counter affidavit (Logan & Utah Co only)							
Small Claim Counter 0 - \$2,000	50.00	6.00	20.00	15.00	4.00	5.00	
Small Claim Counter GT \$2,000 and LT \$7,500	70.00	26.00	20.00	15.00	4.00	5.00	
Small Claim Counter \$7,500 or more	120.00	76.00	20.00	15.00	4.00	5.00	

Overview: UCA 78A-2-501(4)(a) states that the OCAP program can charge a fee of \$20 in addition “to the filing fee established by Sections 78A-2-301 and 78A-2-301.5 if a person files a complaint, petition, answer, or response through the program. There shall be no fee for using the program or for papers filed subsequent to the initial pleading.”

We recommend revising 78A-2-501(4)(a) to say (see changes in redline):

An additional \$20 shall be added to the filing fee established by Sections 78A-2-301 and 78A-2-301.5 if a person files a complaint, petition, ~~answer or response~~, counterclaim, or counterpetition through the program. There shall be no fee for using the program or for papers filed subsequent to the initial pleading or for preparing a request for a protective order.

The removal of the word “answer” is recommended because charging for an answer discourages participation in a case; additionally:

- There is no fee for filing an answer in statute, so we would be processing the fee just for the OCAP usage (currently \$20),
- Many of those who file answers would submit process fee waivers, so we would very likely end up spending much more money (in terms of staff time and resources) investigating the fee waiver request than the \$20.

Adding the words counterclaim and counterpetition would clarify that these are eligible because these are new pleadings with new filing fees (see 78A-2-301(1)(d)), so the \$20 OCAP fee would not be the only fee we collect. This would give us the potential of multiple OCAP fees from a single case.

Since HB 531 shows that we have \$40,000 more in expenses than revenue for OCAP fees, we recommend considering charging more than the \$20 OCAP fee for select OCAP services (like divorce petitions) where the value of our OCAP forms is sufficiently less than the cost of third-party fill-in-the-blank that provide a similar service. The \$20 OCAP fee has not increased since the year 2000. The OCAP program is anxious to add staff to support the program and this is a way to do so without having to rely on legislative funding.

Recommendation 8

After consulting with Nathanael Player, OCAP program owner, we recommend the Courts work with the Legislature to modify UCA [78A-2-501](#) to remove the \$20 fee that is currently allowed when using OCAP to file “answers” or “responses” and add two new categories which are not explicitly in the current statute, “counterpetitions” and “counterclaims.” We also recommend adding the ability to prepare a request for a protective order using OCAP as a new “no fee” service. Finally, we recommend increasing the OCAP fee for divorce petitions.

APPENDIX A

Years with Historical Fee Adjustments

Filing Fees (UCA 78A-2-301)	1992	1993	1994	1995	2000	2001	2002	2003	2006	2007	2009	2010	2011	2012	2015	2017	2020	Current Fees as of 2023
Petition or Complaint - Original \$2,000 or less	\$20.00		\$25.00	\$37.00			\$45.00	\$50.00			\$75.00						\$90.00	\$90.00
GT \$2,000 and LT \$10,000	\$40.00		\$60.00	\$80.00			\$90.00	\$95.00			\$185.00						\$200.00	\$200.00
\$10,000 or more	\$80.00		\$100.00	\$120.00			\$140.00	\$155.00			\$360.00						\$375.00	\$375.00
Filing Fee for Civil Complaint or Petition not governed by another section	\$80.00		\$100.00	\$120.00			\$140.00	\$155.00			\$360.00						\$375.00	\$375.00
Motion to Renew Civil Judgment \$0 - \$2,000													\$37.50				\$45.00	\$45.00
GT \$2,000 and LT \$10,000													\$92.50				\$100.00	\$100.00
\$10,000 or more													\$180.00				\$187.50	\$187.50
Divorce or Separate Maintenance Petition				\$80.00				\$95.00	\$155.00			\$310.00					\$325.00	\$325.00
Cohabitant Abuse Act fee- required if Petition of Divorce was not filed. Fee Removed in 1995.	\$25.00																	
Temporary Separation Order										\$25.00	\$35.00							\$35.00
Divorce Filing AFTER Temporary separation						\$60.00	\$70.00	\$85.00			\$275.00						\$290.00	\$290.00
Modify Divorce or Separate Maintenance - Counter Claim or Cross Claim	\$30.00						\$40.00				\$100.00	\$115.00					\$130.00	\$130.00
Counter Claim, Cross Claim, Intervention, 3rd Party Complaint \$2,000 or less	\$15.00		\$35.00	\$45.00							\$55.00						\$55.00	\$55.00
GT \$2,000 and LT \$10,000	\$30.00		\$50.00	\$60.00			\$70.00	\$75.00			\$150.00						\$165.00	\$165.00
\$10,000 or more	\$60.00		\$80.00	\$90.00				\$105.00			\$155.00						\$170.00	\$170.00
Counterclaim, Paternity/Grandparent	\$60.00		\$80.00	\$90.00														
Guardian Child (18-22)															\$35.00			\$35.00
Demand for Civil Jury	\$50.00						\$75.00				\$250.00							\$250.00
Trial De Novo (Justice or Small Claims Court)	\$50.00			\$70.00				\$75.00			\$225.00						\$240.00	\$240.00
Municipal Appeal					\$40.00			\$55.00			\$65.00						\$80.00	\$80.00
Appeal	\$160.00		\$180.00	\$190.00				\$205.00			\$225.00						\$240.00	\$240.00
Appellate Interlocutory Order or Writ of Certiorari	\$160.00		\$180.00	\$190.00				\$205.00			\$225.00						\$240.00	\$240.00
Petition for Expungement (not charged from 5/4/22- 6/30/2023)	\$50.00							\$65.00			\$135.00						\$150.00	\$150.00
Offender Registry Ptn														\$125.00				\$125.00
Foreign Transcript of Judgment (from a court of another state)	\$25.00										\$35.00							\$35.00
Foreign Probate or Child Custody	\$25.00										\$35.00							\$35.00
Abstract or Transcript Judgment of Court or Agency of Utah	\$10.00			\$40.00							\$50.00							\$50.00
Judgment by Confession	\$25.00										\$35.00							\$35.00
Motion to Renew Judgment by Confession															\$17.50			\$17.50
Award of Arbitration	\$25.00										\$35.00							\$35.00
Petition to modify a divorce decree	\$30.00								\$40.00	\$100.00								\$100.00
Accounting - Estate Value	\$80.00																	
\$50,000 or Less		\$10.00									\$15.00							\$15.00
GT \$50,000, LT or EQ \$75,000		\$20.00									\$30.00							\$30.00
GT \$75,000, LT or EQ \$112,000		\$40.00									\$50.00							\$50.00
GT \$112,000, LT or EQ \$168,000		\$80.00									\$90.00							\$90.00
Greater Than \$168,000		\$150.00									\$175.00							\$175.00
PETN Reopen Estate Case															\$170.00			\$170.00
PETN to disburse Funds																\$50.00		\$50.00
Demand for Civil Jury	\$50.00						\$75.00				\$250.00							\$250.00
Judicial Document Approval (not part of a case)	\$25.00										\$35.00							\$35.00
Petition to Open Sealed Record	\$25.00										\$35.00							\$35.00
Writ of Replevin, Attachment, or Execution	\$5.00			\$20.00			\$35.00				\$50.00							\$50.00
Garnishment	\$5.00			\$20.00			\$35.00				\$50.00							\$50.00
Vital Statistics Fee	\$2.00										\$8.00							\$8.00
Pet to authorize to marry		\$5.00																\$5.00
Emancipation of a minor									\$50.00									\$50.00
DNA (Juv)							\$75.00						\$150.00					\$150.00
Fees for certificate of Bar Admission	\$50.00																	\$50.00

*The fee for filing any accounting required by law was a set fee until 1993. At that time fees were incremental based on estate value.

Tab 4



UTAH STATE COURTS

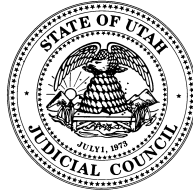
Internal Control Self-Assessment (ICSA)

Court Grants
Fiscal Year 2023



Administrative Office of the Courts
Finance Department

January 2024



Administrative Office of the Courts

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

January 1, 2024

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

Utah Judicial Council
Administrative Office of the Courts
Matheson Courthouse 450 South State St.
Salt Lake City, UT 84114-0431

Dear Judicial Council:

The Internal Control Self-Assessment (ICSA) for court grants is conducted annually for awards issued to the courts per UCJA Rule 3-411(9)(A)(i). Please refer to page one of this report for the Fiscal Year 2023 ICSA Executive Summary.

The enclosed FY2023 ICSA incorporates the revised Accounting Manual grant policy (§11-07.00) and grant rule (UCJA Rule 3-411) promulgated by the Judicial Council in November, 2021. This ICSA additionally tracks conformity with statute and principles set forth in Utah Code Annotated (UCA) §63J-5-203/204 and §63J-7-202/203, Generally Accepted Accounting Principles (GAAP), and the Standards for Internal Control in the Federal Government ("Green Book").

The Finance Department extends our thanks to the grant administrators for their cooperation and contributions facilitating this self-assessment.

Respectfully,

Karl R. Sweeney, Finance Director
Jordan K. Murray, Grant Coordinator

**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.**

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Executive Summary

This self-assessment tests internal controls in two areas:

(1) general accounting controls; which includes the following sub-control areas:

- Separation of critical duties
- Safeguarding of assets
- Cash receipts & expenditures reconciliation, and

(2) compliance with Accounting Manual policies and Grants Management Rule 3-411 set forth in the Utah Code of Judicial Administration (UCJA) which includes the following sub-control areas:

- Grant application preparation and assessment
- Governing body approvals
- Post-award grant administration

FY2023 ICSA findings

As shown below, grant internal controls are improving. We have moved to “Adequate” controls in 4 of the 6 sub-control areas, and the 2 remaining sub-control areas have several units which are also in compliance. This progress is largely due to the grant managers adopting last year’s recommendations and the grant coordinator becoming a centralized resource grant managers use for cash receipts & expenditures reconciliation.

Internal Controls Implementation (FY2022 vs. FY2023)

Control areas & sub-control areas working as intended across all grants?			
Internal Control Areas	FY2022	FY2023	Reference
Separation of Critical Duties	Partial	Yes	(page 5)
Safeguarding of Assets	Yes	Yes	(page 6)
Cash Receipts & Expenditure Reconciliation	No	Partial	(page 6)
Grant Application Preparation & Assessment	Yes	Yes	(page 7)
Governing Body Approvals	Yes	Yes	(page 8)
Post-Award Grant Administration	No	Partial	(page 8)

Commendable findings:

- I. Separation of critical financial duties is adequate to assure that grant funds are expended as directed in grant governing documents. Further, as the separation of duties is applied with compensatory controls, no court employee has duties that would enable the perpetration or concealment of the misuse of funds while performing regularly assigned duties.

- II. Grant funds are adequately safeguarded against misuse. The majority of grantors transmit award amounts through electronic funds transfers (EFT) serving to minimize risk. Grants that issue physical checks for award amounts are properly safeguarded against loss by finance staff in accounts receivable and the contracted cash handling service.
- III. All new and renewing grants follow preparation and review requirements established in Accounting Manual §11-07.00; Grants Management Rule 3-411 in the Code of Judicial Administration; and Utah Code Annotated Title 63J Chapter 5 (Federal Funds Procedures Act) and Chapter 7 (Grants from Persons and Corporations).

Recommendations:

- I. Utilizing FINET expenditure/revenue reports to prepare the monthly reconciliation for grant units is required to ensure the proper accounting of funds. FINET reports are the permanent financial record of the Judiciary and the State of Utah and the use of google sheets or excel worksheets as a substitute record to perform monthly reconciliations is not approved. Using FINET as the ledger of record forces all expenditures and revenues that pass through the grant cash account to be reconciled, which is optimal for accuracy and completeness. Three of the seven GAUs continue to use other means to track their budgets. **The grant coordinator will generate an expenditure and revenue report for the grant units on a monthly basis. Reports will be sent to the GAU and associated supervisors for review and reconciliation.**
- II. The centralized filing system for retention of grant reporting is not fully utilized by all units as intended. Using the Finance “P” Drive as the central storage repository for all grant documents was adopted as a standard since it is a permanent storage repository unlike some other storage options. Two GAUs have adopted the Finance P drive since the FY 2022 ISCA. The other GAUs either email the grant coordinator or use other means (e.g., an alternate Google Drive). **Active use of a “compliance calendar” by the grant coordinator for grant deliverables will support timely follow-up for reports not uploaded to the filing system. The grant coordinator will work together with supervisors and grant staff to ensure reports are uploaded to the filing system before submission.**

Introduction

The Internal Control Self-Assessment (ICSA) for court grants is an annual report established in UCJA Rule 3-411(9)(a)(i) with the objectives of testing and strengthening internal controls and ensuring compliance with all grant-related policies, procedures, rules, and statutes.

Internal controls are designed to establish reasonable assurances that grant administering units (GAUs) and the Administrative Office of the Courts (AOC) Finance Department staff are supported with the necessary information and resources to maintain and strengthen the integrity of financial processes, to promote accountability, and to prevent errors and fraud. Specifically, the ICSA tests policies and procedures outlined in the Accounting Manual §11-07.00; Grants Management Rule 3-411 in the Code of Judicial Administration; and Utah Code Annotated Title 63J-Budgeting Chapter 5 (Federal Funds Procedures Act) and Chapter 7 (Grants from Persons and Corporations).

A total of twelve grants were included in this assessment. Please refer to page 3 for the list of grants assessed in this report. The scope of this assessment comprises grants that were either active, closed during the fiscal year, or newly awarded between July 1, 2022 and June 30, 2023.

Grants Reviewed

	Grant Title	Unit	GAU ¹	Grantor (F/NF) ²	Award Cycle
1.	ARPA-Office of Legal Services Innovation	2972	Court of Appeals	Dept. of Treasury (F) Utah Legislature (NF)	One-time
2.	Court Improvement Program (CIP)	2918	Juvenile Courts Administration	Dept. of Health & Human Services (F)	Ongoing (formula)
3.		2919			
4.		2957			
5.	Online Dispute Resolution Enhancements	2935	Information Technology	State Justice Institute (NF)	One-time
6.	Regulatory Sandbox Operating Expenses	2938	Office of Legal Services Innovation	Hewlett Foundation (NF)	One-time
7.	Regulatory Sandbox Tools for Sustaining & Scaling Innovation	2940	Office of Legal Services Innovation	State Justice Institute (NF)	One-time
8.	Rural Domestic Violence, Assault, & Stalking Program	2999	Domestic Violence Program	Utah Domestic Violence Coalition (NF)	One-time
9.	State Access & Visitation	2962	Alternative Dispute Resolution	Dept. of Health & Human Services (F)	Ongoing (formula)
10.	State Asset Forfeiture Grant (SAFG)	2920	District Courts Administration	Commission on Criminal & Juvenile Justice (NF)	One-time
11.	Victims of Crime Act (VOCA)	2967	Office of Guardian ad Litem	Utah Office for Victims of Crime (NF)	Ongoing (formula)
12.	Violence Against Women Act (VAWA)	2936	Domestic Violence Program	Utah Office for Victims of Crime (NF)	Ongoing (formula)

¹ Grant Administering Unit (GAU)

² Federal (F) Non-Federal (NF)

Internal Control Assessment

Assessment Key

Yes	Partial	No
Internal Control is implemented and operating fully as intended across all grant units.	Internal Control is not fully implemented as intended across all grant units.	Internal Control is not implemented as intended across any grant units.

General Accounting Controls

“General Accounting Controls” encompasses three distinct areas of testing, which includes: (1) separation of critical duties (2) safeguarding of assets, and (3) payments and expenditure reconciliation.

Separation of Critical Duties

Requirement: Separation of critical financial duties is adequate to assure that (1) grant funds are expended as directed in grant governing documents and (2) so that no single individual is placed in a position that would leave them open to perpetrate and conceal the misuse of funds while performing regularly assigned duties. These duties include (1) authorization to spend grant funds; (2) custody of assets for payment processing; (3) reconciliation to monitor and verify all incoming/outgoing funds. (*Accounting Manual §01-06.00*).

	Yes	Partial	No
Control working as intended?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

No additional recommendations. Critical duties are sufficiently separated across all grant units included in this assessment. The grant coordinator provides a secondary review of detailed grant-related transactions using the Online Accounting Journal, and a finance officer provides additional monitoring on a quarterly basis for expenditures and cash receipts from federal grants.

Requirement: An employee who is independent of cash receipting and disbursement duties performs payment and expenditure reconciliation (*Accounting Manual §08-01.00*).

	Yes	Partial	No
Control working as intended?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

No additional recommendations. A dedicated finance officer assists with cash receipting for internal transaction agreements (ITAs – funds which are transferred between Utah governmental branches and agencies). A dedicated finance analyst performs accounts receivable duties for all other cash receipting, and separate accounts payable staff perform all disbursement duties. None of these positions exclusively performs payment and expenditure reconciliation. Payment and expenditure reconciliation duties are primarily performed by the grant unit administrator and/or the grant coordinator.

Safeguarding of Assets

Requirement: Cash receipts (grant funds) are stored in a secure device from the moment received until deposited with the bank, and access to the secure device is only allowed if two persons are present (*Accounting Manual §01-03.00; §01-04.00*).

	Yes	Partial	No
Control working as intended?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

No additional recommendations. Receipts for the majority of grant units are transacted through electronic funds transfers (EFTs) or internal transaction agreements (ITAs), neither of which requires a physical secure device. For grants that still issue physical checks, these are stored in a sealed secure bag and placed in a safe before being transferred to the bank by the contracted cash handling service (Loomis).

Cash Receipts & Expenditures Reconciliation

Requirement: Substantiating source documents, such as invoices, are provided and retained to validate expenditures of grant funds and for all audit support (*Accounting Manual §08-00.00*).

	Yes	Partial	No
Control working as intended?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

No additional recommendations. Supporting documents are appropriately retained by the grant administrators and are required attachments in all FINET entries for payment approval and processing.

Requirement: An employee without the ability to complete transactions in FINET performs monthly reconciliations for the grant unit utilizing FINET's expenditure and revenue reports (*Accounting Manual §08-01.00*).

	Yes	Partial	No
Control working as intended?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Grant units: 2918 2919 2936 2957 2967 2999			

Recommendations: All grant units monitor their award budgets for expenditures and revenues. How this is accomplished continues to vary among the grant units. Four GAUs (comprising six grants) utilize the official FINET reports for expenditures and revenues to complete reconciliations on a monthly basis. Three GAUs (comprising six grants) use Google Sheets or Excel to perform their monthly reconciliation. The rationale for using FINET records for budget monitoring and reconciliation is to ensure the reconciliation is performed using the ledger of record and not a substitute document that can vary from the permanent record of official transactions (FINET).

Action: The grant coordinator will engage with supervisors and GAUs and explicitly ask them to use FINET as their ledger of record for performing the monthly reconciliation of their expense and revenue ledgers. To incentivize this change, the grant coordinator will generate the AM01 (expense) and AM12 (revenue) reports for each fiscal period and request review from the GAU and associated supervisors.

Accounting Manual & UCJA Rule 3-411

Grant Application Preparation & Assessment

Requirement: All new requests for a grant application submission use the Judicial Council's Grant Application Proposal (GAP) form. The grant coordinator, or designee, is notified of the applicant's intent to apply with at least eight weeks before the grant submission deadline; and if not, the GAP is reviewed in accordance with the expedited process outlined in rule (UCJA 3-411 (3)(A)(B)).

	Yes	Partial	No
Control working as intended?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

No additional recommendations. The Judicial Council approved three GAPs in FY2023. Of these, two were grant renewals which were approved with the recommendation of the Budget & Fiscal Management Committee (BFMC) and approved by the Management Committee. One new grant was successfully reviewed and approved through the GAP's expedited "urgent" process as the time between funding announcement and submission deadline was less than eight weeks.

Governing Body Approvals

Requirement: The BFMC reviews all prepared GAPs. The GAP is not advanced to the Judicial Council without the recommendation of the BFMC. If recommended, the GAP is reviewed for approval or rejection by the Judicial Council during a regularly scheduled meeting (*UCJA 3-411 (5)(A)(B)*).

	Yes	Partial	No
Control working as intended?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

No additional recommendations. All three grants' submissions were approved during regularly scheduled meetings by the Judicial Council in FY2023 in compliance with UCJA 3-411(5)(A)(B). These include the (1) STOP Violence Against Women Act grant renewal; the (2) State Asset Forfeiture grant renewal; and the (3) Utah Bar Foundation grant supporting the Appellate Courts' pro bono pilot program.

Post-Award Grant Administration

Requirement: The grant administrator, or designee, forwards all reporting deliverables to the grant coordinator for review prior to submission to the Grantor. (*Accounting Manual §11-07.00 (8)(B)(iii)*).

	Yes	Partial	No
Control working as intended?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Grant units: 2936 | 2962 | 2967 | 2999

Recommendations: Reporting deliverables continue to be transmitted to the grant coordinator through various means. While there are noted improvements over the prior FY2022 assessment, use of the filing system (utilizing networked Google Drive folders) is not consistent across all grants. Instead, GAUs most often send financial or narrative reports via email.

Action: The "compliance calendar" for court grants will be updated for FY2024 and used more actively by the grant coordinator to request reports from GAUs before the established deadlines. The grant coordinator will work together with supervisors and grant staff to ensure reports are uploaded to the filing system before submission. In FY2023, the prevailing practice was for GAUs to "self-report" their deliverables to the grant coordinator. Timely follow-up to obtain and review reports does not occur without active use of a compliance calendar to track deliverables.

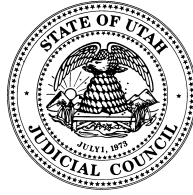
Requirement: Material changes in budget and scope are documented with a grant amendment (*UCJA 3-411 (10)(A)*).

	Yes	Partial	No
Control working as intended?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

No additional recommendations.

New & Renewing Grant Approvals Summary

Award	Type	Grant	Reviewing Bodies (Month)	Status
\$64,444	Renewal (Tier-2)	STOP Violence Against Women Act (VAWA)	EOCJ for Prime Recipient-UOVC (January 2023) BFMC (February 2023) Management Committee (February 2023) Judicial Council (February 2023)	Approved
\$25,000	Renewal (Tier-1)	State Asset Forfeiture Grant (SAFG)	EOCJ for Prime Recipient-UOVC (January 2023) BFMC (February 2023) Management Committee (February 2023) Judicial Council (February 2023)	Approved
\$10,000	New (Tier-1)	Appellate Court Pilot Pro Bono Program	BFMC (May 2023) Judicial Council (2023) GOPB (October 2023)	Approved
Non-Federal Grants Legislative Impact Tier (1-3)			Federal Grants Legislative Impact Tier (1-3)	
Tier 1 (Low): At least \$10k but no more than \$50k in funding per year			Tier 1 (Low): No more than \$1M in funding per year	
Tier 2 (Med): Greater than \$50k but no more than \$1M in funding per year			Tier 2 (Med): Greater than \$1M but no more than \$10M in funding per year	
Tier 3 (High): Greater than \$1M in funding per year			Tier 3 (High): Greater than \$10M in funding per year	



Administrative Office of the Courts

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

January 9, 2024

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

MEMORANDUM

TO: The Judicial Council

FROM: Jordan Murray, Grant Coordinator, Finance Department;
Nathanael Player, Director, Self-Help Center and Utah State Law Library

RE: Status Update – Eviction Diversion Initiative Grant

Dear Judicial Council:

Grant funding for the Eviction Diversion Initiative (EDI) was approved for submission by the Judicial Council on March 16, 2023. The EDI Advisory Council with the National Center for State Courts (NCSC) subsequently awarded the grant to the Courts (\$105,191). The first year of funding (\$68,975) was disbursed by NCSC and is held by the AOC Finance Department. An overview of the grant-funded project is enclosed (Attachment A).

Our subrecipient, People's Legal Aid (PLA), has announced that it is unexpectedly closing following the resignation of its executive director. No award funds have been disbursed to PLA. The Finance Department is holding award funds in a separate unit for safeguarding. Our contact at NCSC is aware of this change and has offered us a great deal of flexibility as we work to respond to this evolving situation. We are evaluating appropriate next steps and will advise BFMC and the Judicial Council once we have a recommended course of action – this will likely involve finding a new subrecipient, or returning the award funds.

We have assured NCSC that award funds will not be spent until we have reached an agreed upon resolution approved by BFMC and the Judicial Council, or it is decided to return the funds.

Thank you.

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

ATTACHMENT A

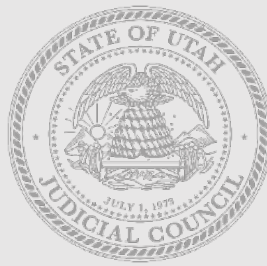
Grant Overview

The Eviction Diversion Initiative (EDI) offers state and local courts an opportunity to learn from and improve upon pandemic-era best practices and to create permanent changes to their high-volume, high-impact eviction dockets. Grantee will receive funding as the fiscal agent with funds passed-through to the subrecipient, People's Legal Aid (PLA). The subrecipient will hire facilitator(s) who will play a key role in implementing and supporting the eviction diversion program and related court reform initiatives.

This initial award is a two-year grant in the amount of \$105,191.00, with the potential for additional funding in the third year of the program. Grantee will receive ongoing technical assistance from NCSC and will also participate in data-sharing and peer learning opportunities throughout the grant period.

Grant payments will be paid in two installments. The first payment of \$68,975.00 will be paid after receipt of the signed grant agreement. The second payment of \$36,216.00 will be paid in September 2024, provided that Grantee has submitted all required reports and remains in compliance with the grant requirements.

Tab 5



Administrative Office of the Courts

Grant Application Proposal (GAP) Federal Grant

December 28, 2023

A. Contact Information	
AOC Contact:	Megan Haney, Chief Probation Officer
Phone:	(801) 238-5384
Grant Administering Unit:	Third District Juvenile Court; The Village Project Mentor Program

B. Grant Details		
Grantor:	Commission on Criminal & Juvenile Justice (CCJJ); Utah Board of Juvenile Justice (UBJJ)	
Funding Source:	U.S. Department of Justice	
Application Deadline:	February 9, 2024	
Amount Requested:	\$8,500	
Title of Grant:	Utah Board of Juvenile Justice (UBJJ) Grant Program	
Grant Period:	Start: July 1, 2024	End: June 30, 2025
Award Type:	<input type="checkbox"/> Recipient	<input checked="" type="checkbox"/> Subrecipient

C. Legislative Reporting: Statutory Grant Impact¹	
Tier 1 – Low	<input checked="" type="checkbox"/>
Up to \$1M per year; and no new permanent full or part time employees; and no new state monies required for match (report GAP approved by Judicial Council to LFA, Office of Legislative Research & General Counsel, and EAC).	
Tier 2 – Med	<input type="checkbox"/>
Greater than \$1M but less than \$10M per year; adds more than zero but less than 11 permanent full or part time employees; or requires state to expend up to \$1M per year in new state monies as match (submit GAP approved by the Judicial Council to the federal funds request summary to EAC for review & recommendations).	
Tier 3 – High	<input type="checkbox"/>
Greater than \$10M per year; or adds more than 11 permanent full or part time employees; or requires state to expend greater than \$1M per year in new state monies for match (submit GAP approved by the Judicial Council to the federal funds request summary to Legislature for approval or rejection in an annual general session or special session).	

Reference: Accounting Manual §11-07.00 Exhibit A (I)(a-c) & UCA 63J-5-§203, 63J-5-§204(1)(a-b)

¹ Grant funds awarded through the Commission on Criminal & Juvenile Justice (CCJJ), Utah Office for Victims of Crime (UOVC), or other authorized State Administering Agency, are appropriated by the legislature prior to the issuing of subawards; accordingly, subawards are not reported by the subrecipient to the LFA for EAC/EOC appropriation. "Impact Tier" may still be assigned for completeness and purposes of GAP assessment.

1. Explain **(a)** the issues to be addressed by this project and describe how the grant funds will contribute to their resolution, and **(b)** how the grant will assist the Utah Courts to solve problems and promote innovations that cannot be accomplished with existing resources.

The Village Project Mentor Program is supported by Third District Juvenile Court that serves youth, ages 12-17 years of age, that are under the jurisdiction of the Court. The Third District Juvenile Court employs a full-time Mentor Program Coordinator with three primary responsibilities: (1) supporting individual mentor relationships, (2) collaborating with community organizations to offer group mentor programs, and (3) partnering with Salt Lake Community College (SLCC) to support youth in continuing their education through the NEST program (Next Education Steps to Transformation). This grant would be utilized to recruit and retain more mentor volunteers to increase the number of youths served, organize quarterly mentor group activities, and support youth in obtaining their GED (general education diploma) to increase the number of youths who are eligible to participate in the NEST program with SLCC.

Volunteer mentors are responsible for planning weekly activities with their mentee and for providing transportation using their personal vehicles. Although they are encouraged to plan low or no-cost activities, there are often associated costs that mentors cover. Many potential mentors are willing and able to volunteer their time but do not have the financial means to contribute personal funds for transportation and activities. This financial barrier may disproportionately discourage low-income individuals from becoming mentors. The use of grant funds to reimburse volunteer mentors is intended to strengthen the recruitment and retainment of mentors with low income and thereby increase the number of mentors so more youth can receive mentoring services. Utilizing grant funds to organize quarterly group mentor activities is also intended to strengthen recruitment and retention of mentors and improve mentor services for youth by providing opportunities for mentors and mentees to connect as part of a group/organization, share ideas, and build relationships with each other.

The NEST program is a collaboration with SLCC to provide intensive support for court-involved youth interested in pursuing higher education to enroll in SLCC, apply for financial aid, and address any other barriers to participation in higher education. The NEST program requires participants to have either a GED or High School Diploma to be eligible to receive this support. Currently, this GED/Diploma requirement excludes youth who have the desire to continue their education in a certificate or degree program but do not have the financial resources needed to complete their GED. The grant funds would be used to cover fees associated with taking the GED test for a youth who cannot afford these fees and would otherwise be eligible to participate in the NEST program. The goal is to remove this financial barrier to the GED to increase the number of youths who receive NEST services to receive post-secondary education through SLCC.

2. Describe **(a)** how this grant will support the mission of the Utah Courts to provide the people an open, fair, efficient, and independent system for the advancement of justice under the law; and **(b)** how this grant provides measurable benefits to marginalized, minority, pro se, or similar underserved individuals or communities.

Utilizing grant funds to enhance Village Mentor and NEST programs of the 3rd District Juvenile Court supports the mission of the Utah Courts in advancing justice under the law by increasing protective factors and decreasing criminogenic risk factors for court-involved youth which results

in lower recidivism rates. Additionally, grant funds will be used to increase engagement in these programs for individuals from lower-income communities by removing financial barriers to participation.

National studies have demonstrated that just one supportive adult in the life of an at-risk youth is linked to decreased recidivism and criminogenic risk, fewer school absences, improved academic performance, fewer behavioral problems at school, and increased graduation rates. Research also shows that the longer a mentoring relationship lasts, the greater the positive effects and the more lasting the benefits are for the youth. A research review article, "Mentoring for Preventing and Reducing Delinquent Behavior Among Youth" published by OJJDP's (Office of Juvenile Justice & Delinquency Prevention) National Mentor Resource Center outlines that "sociological theories of delinquent behavior call attention to the reality that some youth, especially those from socioeconomically disadvantaged backgrounds, perceive conventional pathways for achieving widely valued outcomes (e.g., educational attainment as a means of securing monetary success) to not be viable for them. Such youth then may be more disposed to engage in delinquent behavior both as an alternative means to securing valued life outcomes and for other reasons." The article indicates that "mentoring relationships may be useful for both preventing and curbing existing delinquent behavior because they provide youth with a basis for greater hope and optimism that they can achieve conventional goals." Additionally, the article indicates that mentoring activities serve to "(a) increase external controls by helping parents and teachers with supervision; (b) strengthen internal controls by promoting attachment bonds, self-regulation, and prosocial values; and (c) reduce exposure to antisocial provocations, such as deviant peers, drugs and alcohol, violent mass media, through immersion in prosocial activities" which are linked to decreases in reoffending.

3. Describe the court resources required to carry out the project in the post-award phase and subsequent to grant closeout once funds are expended.

The courts already have a full-time program coordinator position that would carry out the projects outlined above, maintain accurate records, and complete reports as required for the grant. The coordinator would be supported by their supervisor (Megan Haney) and district personnel as well. No additional resources are required.

4. Explain whether additional state funding shall be required to maintain or continue this program, or its infrastructure, when the grants concludes. **If yes**, will the funds required to continue this program come from within your existing budget?

Additional funds would not be required to maintain or continue the mentoring program or its infrastructure. The program would continue to explore all other available resources to assist in the reimbursement to mentors for costs they incur during their mentorship. The program would continue to collaborate with community partners to organize group mentoring activities. The program would also continue to find avenues for youth in need to obtain their GED and further their educational goals.

5. How many **new permanent** full or part-time employees are required for the grant project at peak levels of grant-funded employment? If none, write "N/A."

None – N/A

6. How many **new temporary** full or part-time employees are required for the grant project at peak levels of grant-funded employment? If none, write "N/A."

None – N/A

E. Anticipated Budget Tables & Narrative

Complete the following tables as applicable with estimated expenditures for up to three state fiscal years. **If no matching contributions are required, complete only Table (C).**

Table A. Cash Match

Not Applicable ☒

State Fiscal Year		Funds Disbursed	Matching State Dollars (Cash)					Totals
			General Fund	Dedicated Credits	Restricted Funds	Other (describe)	Maintenance of Effort	
FY		\$-	\$-	\$-	\$-	\$-	\$-	\$-
FY		\$-	\$-	\$-	\$-	\$-	\$-	\$-
FY		\$-	\$-	\$-	\$-	\$-	\$-	\$-
Provide details below for each match, or "N/A" if no match is required								
N/A								

Table B. In-Kind Match

Not Applicable ☒

State Fiscal Year		Funds Disbursed	Matching State Dollars (In-Kind)					Totals
			General Fund	Dedicated Credits	Restricted Funds	Other (describe)	Maintenance of Effort	
FY		\$-	\$-	\$-	\$-	\$-	\$-	\$-
FY		\$-	\$-	\$-	\$-	\$-	\$-	\$-
FY		\$-	\$-	\$-	\$-	\$-	\$-	\$-
Provide details below for each match ("N/A" if no match is required)								
N/A								

Table C. No Match Requirement

Not Applicable ☐

State Fiscal Year		Funds Disbursed	Totals
FY	2024	\$8,500	\$8,500
FY	-	\$-	\$-
FY	-	\$-	\$-

Resource Impact Assessment

This section completed by Grant Coordinator

UCJA Rule 3-411 (4)

Title of Grant:	Utah Board of Juvenile Justice (UBJJ) Grant Program
Applicant Name:	Megan Haney, Chief Probation Officer
Grant Administering Unit:	Third District Juvenile Court – The Village Project Mentor Program
Court Resource Areas:	Third District Juvenile Court
Partnering Entities:	Salt Lake City Community College

This award was assessed for the following potential impacts: **(1)** whether current staffing levels are adequate to support and maintain the project successfully among involved court areas (UCJA Rule 3-411 (4)(a)(i); and **(2)** whether incremental resource impacts are anticipated once grant funds are expended (UCJA Rule 3-411 (4)(a)(ii).

Recommendation:

(1) Current staffing levels are adequate to support the work associated with this award. Megan Haney, Chief Probation Officer, oversees The Village Project Mentor Program as part of her regularly assigned duties. In prior years, The Village Project Mentor Program had funding from UServe Utah to provide reimbursements for personal expenses associated with volunteer mentors' work with youth. If awarded, this funding proposal would reinstate the incentive for mentors considering participation in the program and cover the costs associated with GED testing for youth in need. No additional court resources are required.

(2) No incremental impacts are anticipated to result from this award. The Village Project Mentor Program does not seek state funds to reimburse volunteer mentors for their personal expenses while serving in their roles, nor to cover costs associated with youth GED testing. Funding to support this volunteer incentive and associated GED costs for youths may be sought from other non-state sources if continued beyond FY2025.

This proposal has been reviewed and approved by the following (select all that apply):

- ☐ Applicable Board of Judges:
- ☒ Court-Level Administrator: (Tiffany Power, Trial Court Executive, 12/27/2023)
- ☒ AOC Grant Coordinator & Finance Director
- ☐ Utah Supreme Court (UCJA Rule 3-105)

Date Approved by the Judicial Council :

State Court Administrator Signature:

Tab 4



Administrative Office of the Courts

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

December 28, 2023

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

MEMORANDUM

TO: Management Committee / Judicial Council

FROM: Daniel Meza-Rincon, and Stacy Haacke

RE: Automatic Expungement Orders in Juvenile Court

Successful non-judicial adjustments may be automatically expunged in juvenile court pursuant to Utah Code §80-6-1004.5. First, pursuant to Utah Code of Judicial Administration Rules 3-108 and 4-208, we are seeking appointment of juvenile court presiding judges as signing judges for the automatic expungement of successful non-judicial adjustments. Currently, this includes:

First Judicial District	Judge Kirk Morgan
Second Judicial District	Judge Debra Jensen
Third Judicial District	Judge Susan Eisenman
Fourth Judicial District	Judge Douglas Nielsen
Fifth Judicial District	Judge Paul Dame
Sixth Judicial District	Judge Brody Keisel
Seventh Judicial District	Judge Mary Manley
Eighth Judicial District	Judge Ryan Evershed

Second, we are seeking approval of two draft orders pursuant to CJA Rule 4-208. One is a draft standing order for presiding judges to sign in their respective judicial districts. The other order will be auto-generated by the courts' system upon identification of a case that qualifies for automatic expungement. Under CJA 4-403, the electronic signature of a judge may be automatically affixed to automatic expungement orders without the need for specific direction from the assigned judge when issued using a form approved by the Judicial Council.

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

Second District Juvenile Court
FOR WEBER COUNTY, STATE OF UTAH

STATE OF UTAH, in the interest of		Order Expunging Successful Nonjudicial Adjustment
Bear, Yogi TEST CASE	05-05-2010	Case No. 999999
A person 18 years of age or older		Judge James Michie

999999 - Yogi TEST CASE Bear

7 - Vandalism of Public Lands (Class B Misdemeanor)

The matter before the court is the automatic expungement of the juvenile court's records of a successful nonjudicial adjustment. This case has been identified by the juvenile court's automated expungement review process as one meeting the requirements for automatic expungement as specified in Utah Code § 80-6-1004.5. Therefore,

IT IS ORDERED that the juvenile records related to the above individual consisting solely of successful nonjudicial adjustments be expunged and considered never to have occurred.

**In the [district_number] Judicial District Juvenile Court
State of Utah**

In Re: Automatic Expungements

STANDING ORDER

TO THE JUVENILE COURTS IN THE [district_number] JUDICIAL DISTRICT:

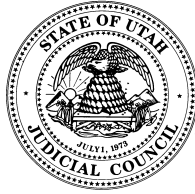
IT IS HEREBY ORDERED that the Administrative Office of the Courts may prepare orders of expungement and automatically affix the presiding judge's signature to such orders, pursuant to the automatic expungement provisions in Utah Code Section 80-6-1004.5 and Code of Judicial Administration Rules 3-108, 4-208, and 4-403.

IT IS FURTHER ORDERED that the Administrative Office of the Courts may automatically issue signed orders of expungement only when the requirements of Utah Code Section 80-6-1004.5, Utah Rules of Procedure, and Code of Judicial Administration have been met.

Dated this ____ day of _____, 20__

[Name], Presiding Judge
[district_number] Judicial District Juvenile Court

Tab 5



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: Utah Judicial Council

FROM: Jim Peters
Justice Court Administrator

DATE: January 9, 2024

RE: Recertification of Utah's Municipal Justice Courts

Pursuant to Rule 9-108(1)(B) of the Code of Judicial Administration, the Board of Justice Court Judges (the "Board") has discussed the applications received for recertification of the state's municipal justice courts. For each court, such applications should include (i) the judge's affidavit attesting that the court is in compliance with the operating standards required both by statute and by the Judicial Council, (ii) a legal opinion from the municipality's legal counsel (a) informing the governing body as to those operating standards and (b) advising it as to the feasibility of maintaining a justice court, and (iii) a resolution from the governing body committing to abide by those standards and requesting that the court be recertified. Subject to the Judicial Council's approval of the extensions and waivers described below, the Board recommends that the municipal justice courts set forth on Attachment A be recertified for a four-year term beginning February 1, 2024. This list includes all municipal justice courts currently operating in the state.

Suspension and Extension Requests Applicable to All Justice Courts

Appendix B to the Code of Judicial Administration lists all the standards applicable to justice courts. Section 2(Q)(i) and 2(Q)(ii) of that appendix are incompatible with a court's using Webex as its audio recording system, so the Board recommends that the Judicial Council suspend its technical specifications for the audio recording equipment of all justice courts (but *not* the statutory requirement that proceedings be recorded).

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

In addition, the Board is recommending blanket extensions for two new requirements that have yet to be implemented by multiple courts. These include the requirement that a court have access to UCJIS and the requirement that court staff be current with the training required by the Board (through the clerk certification program). The expectation for recertification was that all staff complete the training from January 2022 or the month after they started employment (whichever is later) through September 2023. The Board's recommendation is that this be complete for all courts by March 1, 2024. The Board further recommends that staff who remain out of compliance as of March 15, 2024 have their CORIS access suspended until they have completed the training required through September 2023.

The Board recommends more time for all courts to have access to UCJIS as well. This will allow certain courts to explore alternatives with BCI that may not require that each of them have their own TAC. For this reason, the Board recommends that the deadline for all justice courts to have access to UCJIS be extended to July 1, 2024.

Court-Specific Requests

Alta Justice Court – Judge Paul Farr

Alta operates one of the smallest courts in the state. Its weighted caseload was last calculated at 0.05. As far as anyone is aware, Alta has not had a jury trial since the court began operating in 1975. Judge Farr is requesting a waiver of several Judicial Council requirements, three of which relate to jury trials: (i) that Alta provide for a separate area and chairs for four jurors, (ii) that it provide a room for jury deliberations, and (iii) that it provide a separate room for victims and witnesses that is separate from the public. In the unlikely event that Alta has a jury trial, it could be held in the Sandy Justice Court where all of the foregoing amenities are available. For this reason, the Board is supportive of waiving these requirements.

Judge Farr is asking that the standard requiring office space for the judge be waived as well. Given the limitations of Alta's facility, it is not feasible for Alta to comply with this requirement without relocating the court. As Judge Farr conducts Alta's hearings remotely and has an office in Sandy, the Board is supportive of waiving the requirement that Alta provide office space for the judge.

Aurora Justice Court – Judge Cyndee Probert

Aurora is working to comply with the expectation that the court accept credit and debit cards through a system that integrates with CORIS. The city is currently implementing this feature through Heartland, but it is not yet complete. The Board is supportive of Judge Probert's request to extend the deadline until March 1, 2024.

Highland Justice Court – Judge Kelly Shaeffer-Bullock

Another new requirement that took effect on May 1, 2023 is that each court submit any interlocal agreement relating to court operations. For years, Highland has provided justice court services for Alpine, but nobody has been able to locate documentation of this arrangement. A meeting has been scheduled with the two cities for February 1 to discuss terms, so the Board would recommend that Highland be given until May 1, 2024 to finalize and submit its interlocal agreement with Alpine.

Hyde Park – Judge Matthew Lorz

Due to the city’s holiday schedule and notice requirements, the city council has not yet passed a resolution requesting that its justice court be recertified. It is expected to do so on Wednesday, January 10, 2024. As such, the Board recommends that the Judicial Council recertify the Hyde Park Justice Court—provided that the city council pass the necessary resolution before the court’s current term expires on January 31, 2024.

Orderville Justice Court – Judge Ron Read

Like Alta, the justice court in Orderville isn’t configured in such a way as to accommodate the public, jurors, victims and witnesses. The room can be divided to create separate spaces, if need be. In addition, Orderville can access the courtroom in Kane County when necessary. As such, the Board is supportive of waiving the requirements (i) that Orderville provide for a separate area and chairs for four jurors, (ii) that it provide a room for jury deliberations, and (iii) that it provide a separate room for victims and witnesses that is separate from the public. The Board is supportive of Judge Read’s request.

Roy/Weber Justice Court – Judge Trent Nelson

Weber County entered into an interlocal agreement with Roy City nearly 14 years ago. The number of filings received between the two jurisdictions has required that the Roy/Weber Justice Court be classified as a Class I Court ever since. Class I courts must have a dedicated courtroom, but this requirement has been waived since Roy assumed Weber County’s caseload. Judge Nelson is requesting that this requirement be waived again. The city’s council and planning meetings are held in the evenings and never conflict with court, which is held during the day. As such, the Board is supportive of waiving the requirement that the Roy/Weber Justice Court have a dedicated courtroom.

Vernal Justice Court – Judge Ray Richards

Due to the city’s holiday schedule and notice requirements, the city council has not yet passed a resolution requesting that its justice court be recertified. It is expected to do so on Wednesday, January 17, 2024. As such, the Board recommends that the Judicial Council recertify the Vernal Justice Court—provided that the Vernal City Council pass the necessary resolution before the court’s current term expires on January 31, 2024.

ATTACHMENT A
MUNICIPAL JUSTICE COURTS
RECOMMENDED FOR RECERTIFICATION
FOR A FOUR-YEAR TERM
BEGINNING FEBRUARY 1, 2024

- | | |
|---------------------------------------|------------------------------------|
| 1. Alta Justice Court * | 34. Manti Justice Court |
| 2. Aurora Justice Court * | 35. Mantua Justice Court |
| 3. Blanding Justice Court | 36. Midvale Justice Court |
| 4. Bluffdale Justice Court | 37. Monticello Justice Court |
| 5. Centerville Justice Court | 38. Moroni Justice Court |
| 6. Clearfield Justice Court | 39. Mt. Pleasant Justice Court |
| 7. Clinton Justice Court | 40. Murray Justice Court |
| 8. Draper Justice Court | 41. Nephi Justice Court |
| 9. East Carbon Justice Court | 42. North Ogden Justice Court |
| 10. Ephraim Justice Court | 43. North Salt Lake Justice Court |
| 11. Fairview Justice Court | 44. Ogden Justice Court |
| 12. Farr West Justice Court | 45. Orderville Justice Court * |
| 13. Fillmore Justice Court | 46. Orem Justice Court |
| 14. Fountain Green Justice Court | 47. Panguitch Justice Court |
| 15. Garland Justice Court | 48. Parowan Justice Court |
| 16. Genola Justice Court | 49. Payson Justice Court |
| 17. Goshen Justice Court | 50. Plain City Justice Court |
| 18. Grantsville Justice Court | 51. Pleasant Grove Justice Court |
| 19. Gunnison Justice Court | 52. Pleasant View Justice Court |
| 20. Harrisville Justice Court | 53. Providence Justice Court |
| 21. Heber Justice Court | 54. Provo Justice Court |
| 22. Herriman Justice Court | 55. Richmond Justice Court |
| 23. Heber Justice Court Justice Court | 56. Riverdale Justice Court |
| 24. Herriman Justice Court | 57. Riverton Justice Court |
| 25. Highland Justice Court * | 58. Roy/Weber Justice Court * |
| 26. Hildale Justice Court | 59. Salina Justice Court |
| 27. Holladay Justice Court | 60. Salt Lake City Justice Court |
| 28. Hurricane Justice Court | 61. Sandy Justice Court |
| 29. Hyde Park Justice Court * | 62. Santa Clara Justice Court |
| 30. Hyrum Justice Court | 63. Santaquin Justice Court |
| 31. Lehi Justice Court | 64. Saratoga Springs Justice Court |
| 32. Lindon Justice Court | 65. South Jordan Justice Court |
| 33. Logan Justice Court | 66. South Ogden Justice Court |

67. South Salt Lake Justice Court
68. South Weber Justice Court
69. Spring City Justice Court
70. Springville Justice Court
71. Sunset Justice Court
72. Syracuse Justice Court
73. Taylorsville Justice Court
74. Tremonton Justice Court
75. Uintah Justice Court
76. Vernal Justice Court *
77. Washington City Justice Court
78. Washington Terrace Justice Court
79. Wellsville Justice Court
80. West Jordan Justice Court
81. West Valley City Justice Court
82. Willard Justice Court
83. Woods Cross Justice Court

* Requesting waiver or extension

Tab 6



UTAH STATE COURTS

ARPA UPDATES

January 2024

Summary of ARPA Projects



- The court identified *28 technology priorities* that could be accomplished with ARPA funding.
 - *19 were funded originally.*
 - *4 additional priorities* were added due to additional funding from savings realized by other projects and/or additional non-ARPA dollars.
 - This takes the total to **23 priorities to be addressed with ARPA funding.**
- These 23 priorities are being addressed by **14 concurrent projects** in IT.
- **All projects are to be completed by the end of 2024** when unused ARPA funding must be returned to the federal government.
- Funding is being used to pay for **equipment, software, services, and contract personnel.**

OPERATIONS PROJECTS

Kiosks

Public
Portal

Digital
Evidence

SD-WAN

Hybrid
Hearings

Improve digital public access
Update courtroom technology
Increase network capability

Increase network capability

SD-WAN — *Project completed June 2023*

Goal: Upgrade infrastructure to support increased demand on the network due to hybrid hearings.

- Purchased 40 new routers
- Completed installation of routers with professional services
- Purchased, installed and completed training for new SD-WAN licensing



*Note: ARPA Funds allowed us to build a foundation for future network improvements. Additional efforts and funding will be needed to increase bandwidth and add secondary ISPs in the future. Future efforts will be completed beyond the ARPA deadline of December 2024.

OPERATIONS PROJECTS

Kiosks

Public
Portal

SD-WAN

Digital
Evidence

Hybrid
Hearings

Improve digital public access
Update courtroom technology
Increase network capability

Update courtroom technology

Hybrid Hearings — *target completion date: April 2024*

Goal: Make every courtroom capable of holding hybrid hearings. Remote participants must be able to see and hear the courtroom. In-court attendees must be able to see and hear a remote participant. Any party may appear remotely.

- Install **large displays in every courtroom** that did not have one and updated old displays when appropriate.
- Install **4 camera setup in 114 courtrooms.**
- Integrate with existing AV systems
- Give judges and JAs **ability to control** audio/video display



Update courtroom technology

Digital Evidence *target completion date: June 2024*

Goal: Integrate technology into courtrooms to allow attorneys/parties to display digital evidence to the court and to remote participants.

- Install **HDMI connections** at all counsel tables
- Install **114 CYNAP devices** to manage in-courtroom displays control virtual hearings
- Install **touch screen monitors** at counsel tables and witness stands in CYNAP enabled courtrooms
- Provide **iPads for mobile touch screens** in CYNAP enabled courtrooms



OPERATIONS PROJECTS

Kiosks

Public
Portal

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Evidence

SD-WAN

Hybrid
Hearings

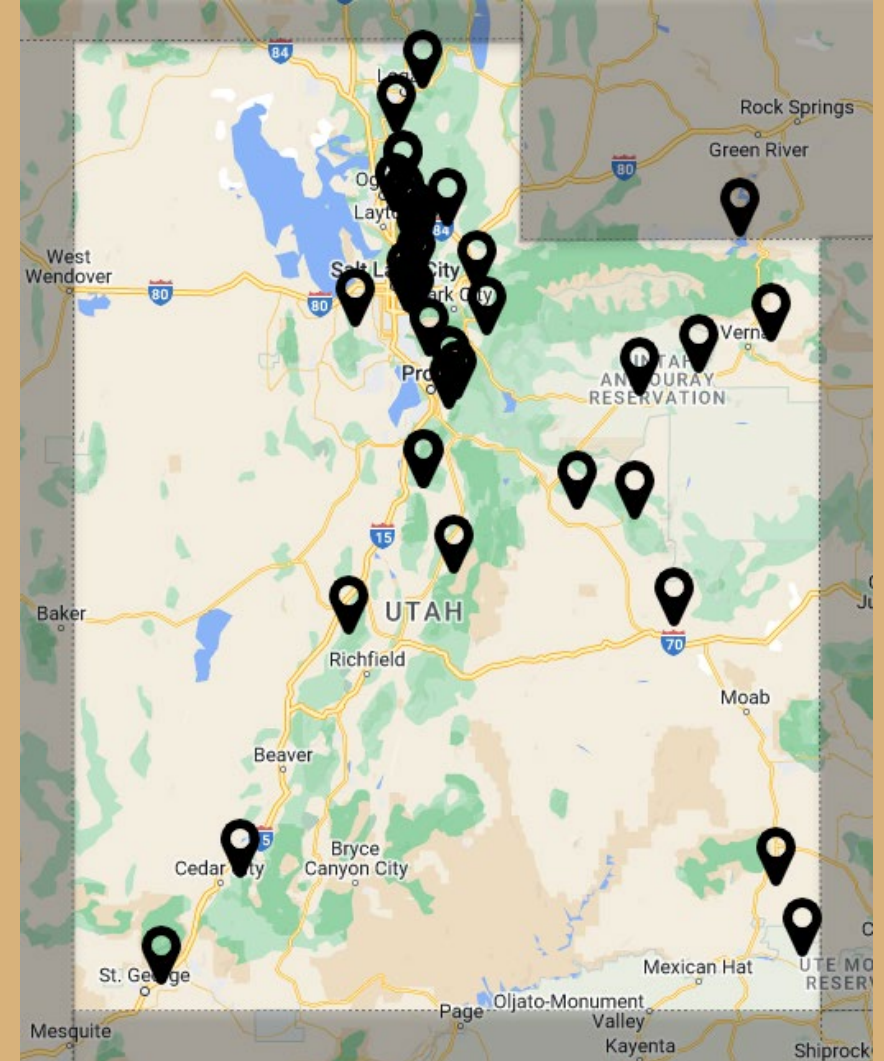
Improve digital public access
Update courtroom technology
Increase network capability

Improve digital public access

Kiosks - *Complete*

Goal: Provide a way for individuals to attend hybrid or remote hearings who may not have the equipment or a sufficient internet connection at home.

- **60 kiosks** have been setup across the state in courthouses and community centers extending greater access to the courts.
- **Added kiosk locations to the court directory** on utcourts.gov



Improve digital public access

Public Portal *target completion date: December 2024*

Goal: Provide a portal to allow the public to join a live stream of hybrid or remote hearings.

Initial project development from our partners existing platforms have fallen short of our business requirements.

A partnership with UETN is underway to host the portal. UETN's network will provide the technical foundation for the court's traffic and a template for the portal.



DEVELOPMENT PROJECTS

Chatbot

Website

Appellate
e-Filing

Traffic
ODR

Xchange

Juvenile
MyCase

MyCase
Features

MyCase
Payments

Expand court eFiling
Improve public information
Update public service portals
Expand access through MyCase

Expand court eFiling

Create Appellate Court eFiling

Goal: Create an application for attorneys to create new cases and electronically file documents to existing cases in the Court of Appeals and the Supreme Court. Create tools for the District Court to enter a notice of appeal electronically.

- Substantial programming completed.
- Pilot program to begin February 2024.
- Training to begin at the end of January for staff and attorneys (provided by Tybera)



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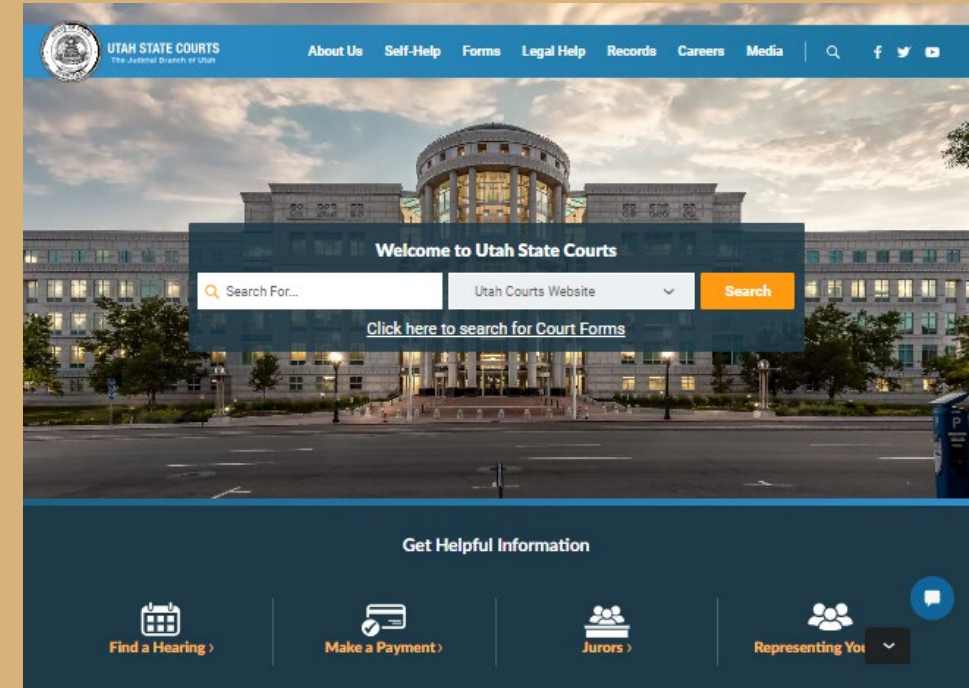
Improve public information

WEBSITE

Goal: Modernize the Court's webpage. Create a web portal for anyone accessing the website to easily and quickly find the information or services they need.

Completed:

- **Replace public website** with new and refreshed look
- **Convert over 1,100 pages** and more than **5,000 documents**
- Restructured the court directory with **more than 2000 entries**
- Added an **interactive map** displaying courts, offices, and kiosks
- Configured website for digital accessibility



In Progress:

- Replace the court **intranet**
- Convert nearly **200 internal web** pages and over **7,800 documents**

Improve public information ChatBot — *target date: April 2024*

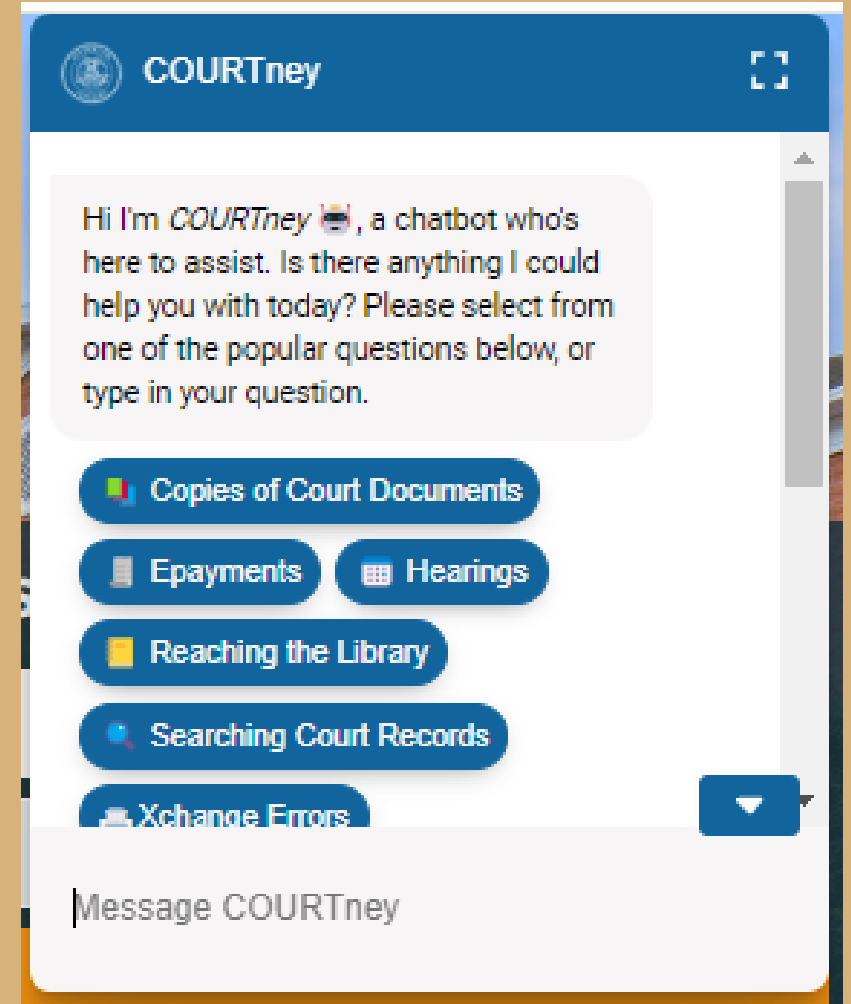
Goal: Create a chat bot service to pull information from court resources to help users navigate the information or services they need.

Completed:

- ChatBot “COURTney” was developed.
- Added to the court website, MyCase, and ODR
- Over 17,000 users have accessed COURTney across all platforms
 - Website – 7,000+
 - MyCase – 8,000+
 - ODR – 1,700+

In Progress:

- Add AI to make bot intelligent
- Add a form for users to submit questions for an email response from a human when the bot can't answer a question



DEVELOPMENT PROJECTS

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Expand court eFiling
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Update public service portals
Expand access through MyCase

Update public service portals

Xchange — *target date: April 2024*

Goal: Improve the user interface and make the application more accessible. Introduce additional payment options for users

Completed:

- Made mobile responsive — *displays correctly for mobile devices*
- Improved layout and design for digital accessibility.
- Added ACH payments as an option

In Progress

- Add recurring payments
- Improve reporting for returned payments

Welcome: Kristene Laterza - AOC IT
(Balance Owning: \$80.00) Private Access

Utah Court Case Search [Search Tips](#)

[Search](#) [Clear Search Fields](#)

Jurisdiction

☐ Show Date Range Panel

☒ Display Removed Public Information per 77-40-104.1

Search Type

Search Scope



Case Number

Case Type

Citation Number

Last Name / Company

First Name


Birth Date  

[Search](#) [Clear Search Fields](#)

[1](#) [2](#) [Next](#)

Search Results

CASE NUMBER	995943275
FIRST NAME	NICHOLAS SCOTT
LAST NAME	JONES
DOCUMENTS	View

[View More](#) 

DEVELOPMENT PROJECTS

Chatbot

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MyCase

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MyCase
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Expand court eFiling
Improve public information
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Expand access through MyCase

Expand access through MyCase

New MyCase Features *target completion date: Dec 2024*

Goal: Expand an individual's access to their case information. Update and centralize court forms. Give users the ability to file electronically from MyCase.

Completed:

- Added first guided interview with ability to eFile (deferred traffic prosecution)
- Improved security and access of case information.
- Created the forms engine – central repository for all court forms and guided interviews.

In Progress:

- Complete guided interviews for all OCAP interviews (replace OCAP)
- Rule 5 capabilities for MyCase
- Additional eFiling options (ability to eFile any document)
- Update email address
- Case initiation



Expand access through MyCase

Improve ePayments in MyCase

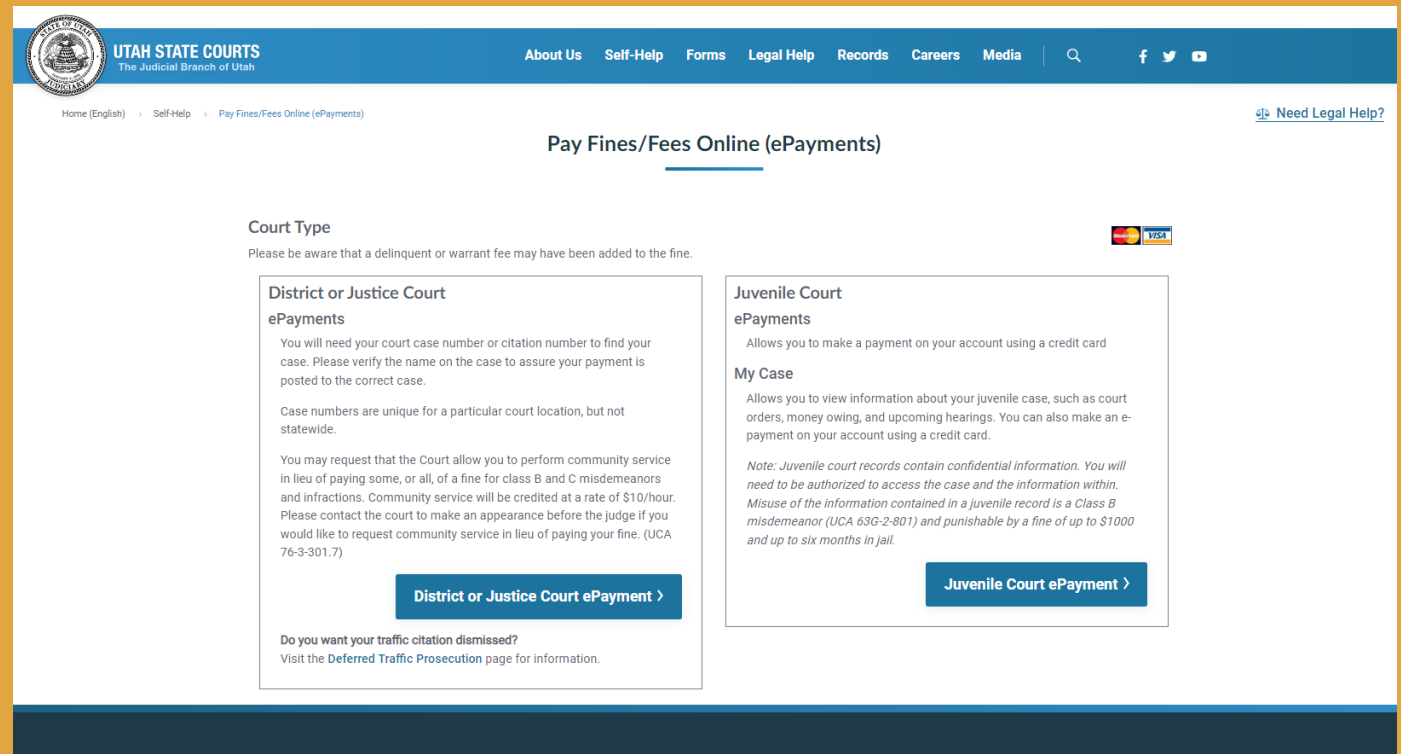
Goal: Update technology and improve user interface to make the portal easier to navigate.

Completed for District and Justice Courts:

- Made accessibility changes to design and layout
- Improved user experience

In Progress:

- Improvements to Juvenile Court ePayments application.



Expand access through MyCase

Traffic ODR — *target date: Dec 2024*

Goal: Create a platform where defendants and prosecutors can seek a resolution virtually and then present the resolution to the court via an electronic filing.

In Progress:

- Development of application
- Asynchronous chat for parties
- Ability for parties to upload forms



Expand access through MyCase

Juvenile MyCase

Goal: Update the look and feel. Allow users to access case documents and information. Add features to improve user experience and centralize information for the user.

Phase I – Jan 2024


- Updated user interface– maintained current functionality
- Add a [public page](#) to court website with information about MyCase
- Mobile responsive design

Phase 2 – April/June 2024

- Allow users to access case documents
- Provide detailed contact info for staff and attorneys assigned to a case
- Add links to Webex for hybrid/remote hearings


Phase 3 – September/October 2024

- Allow parties to digitally sign non-judicial agreements uploaded by probation to the case

Juvenile My Case

Help ▾Logout

Test 24B



Third District Juvenile Court

Salt Lake City District Office

450 S STATE ST

PO BOX 140431

SALT LAKE CITY UT 84114-0431

(801)238-7700

Case Number:

1204423

[View Case History](#)

Assigned Judge:

Steven Beck

Next Hearing:

01-05-2024

Account

Make Payment

Order Accounts Due

\$ 4,074.60

Miscellaneous Fees Due

\$ 1,294.00

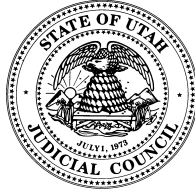
Community Service Hours Due

171.89 Hours

Obligations to Complete

Quantity ▴ ▾	Start Date ▾	Due Date ▴ ▾	Description	Status ▴ ▾
	11-02-2023	10-29-2023	NJ Sex Specific Assessment/Treatment	Overdue
	11-02-2023	11-02-2023	NJ Program/Agency Referral	Overdue
	11-01-2023	11-01-2023	NJ Mediation	Overdue
	10-30-2023	10-30-2023	NJ Mediation	Overdue
	10-24-2023	10-25-2023	NCTI Program	Overdue

Tab 7



Administrative Office of the Courts

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

January 9, 2024

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

MEMORANDUM

TO: Management Committee / Judicial Council
FROM: Keisa Williams
RE: Rule for Final Approval

Following a 45-day public comment period, the Policy, Planning and Technology Committee recommends that the following rule be approved as final with a **May 1, 2024** effective date. No public comments were received.

CJA 3-101. Judicial performance standards.

The following proposed amendments are intended to simplify case under advisement standards and clarify reporting terms.

- (lines 35-39) Added language from CJA rule 3-104 to clarify when a case is no longer considered “under advisement.”
- (lines 43-45, 50-52, 59-61) Removed “average” calculations.
- (lines 87-99) Defined the reporting term for each judge and justice and memorialize existing reporting requirements in rule.

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

Rule 3-101. Judicial performance standards.**Intent**

To establish performance standards upon which the Judicial Council will certify judicial compliance to the Judicial Performance Evaluation Commission ("JPEC").

Applicability

This rule applies to all justices and judges of the courts of record and not of record.

Statement of the Rule

(1) ~~Certification of p~~**Performance standards.** ~~(1)(A)~~ The Judicial Council will certify to JPEC judicial compliance with the following performance standards: cases under advisement, education, and physical and mental competence.

~~(1)(B) The Judicial Council will transmit its certification to JPEC by the deadline established in the Utah Administrative Code.~~

(2) Definition of case under advisement.

(2)(A) A case is considered to be under advisement when the entire case or any issue in the case has been submitted to the judge for final determination. For purposes of this rule, "submitted to the judge" or "submission" is the last of the following:

(2)(A)(i) When a matter requiring attention is placed by staff in the judge's personal electronic queue, inbox, personal possession, or equivalent;

(2)(~~AB~~)(ii) If a hearing or oral argument is set, at the conclusion of all hearings or oral argument held on the specific motion or matter; or

(2)(~~AC~~)(iii) If further briefing is required after a hearing or oral argument, when all permitted briefing is completed, a request to submit is filed, if required, and the matter is placed by staff in the judge's personal electronic queue, inbox, personal possession, or equivalent.

(2)(B) A case is no longer under advisement when the trial court judge makes a decision on the issue that is under advisement or on the entire case. The final determination occurs when the trial court judge resolves the pending issue by announcing the decision on the record or by issuing a written decision, regardless of whether the parties are required to subsequently submit a final order memorializing the decision for the judge's signature.

(3) Case under advisement performance standards.

(3)(A) **Supreme Court justice.** A justice of the Supreme Court demonstrates satisfactory performance by circulating not more than ~~an average of~~ three principal opinions per

calendar year more than six months after submission ~~with no more than half of the maximum exceptional cases in any one calendar year.~~

(3)(B) **Court of Appeals judge.** A judge of the Court of Appeals demonstrates satisfactory performance by:

(3)(B)(i) circulating not more than ~~an average of~~ three principal opinions per calendar year more than six months after submission ~~with no more than half of the maximum exceptional cases in any one calendar year;~~ and

(3)(B)(ii) achieving a final average time to circulation of a principal opinion of not more than 120 days after submission.

(3)(C) **Trial court judge.** A trial court judge demonstrates satisfactory performance by holding:

(3)(C)(i) not more than ~~an average of~~ three cases per calendar year under advisement more than two months after submission ~~with no more than half of the maximum exceptional cases in any one calendar year;~~ and

(3)(C)(ii) no case under advisement more than six months after submission.

~~(3)(C)(iii) A case is no longer under advisement when the trial court judge makes a decision on the issue that is under advisement or on the entire case.~~

(4) **Case under advisement performance standards—compliance.** A judge or justice shall decide all matters submitted for decision within the applicable time periods ~~prescribed by this rule in paragraph (3),~~ unless circumstances causing a delayed decision are beyond the judge's or justice's personal control.

(5) **Judicial education performance standard.**

(5)(A) **Education hour standard.** Satisfactory performance is established if the judge or justice annually obtains 30 hours of judicial education subject to the availability of in-state education programs.

(5)(B) **Education hour standard—compliance.** A judge or justice shall obtain the number of education hours prescribed by this rule, unless circumstances preventing the judge from doing so are beyond the judge's or justice's personal control.

(6) **Physical and mental competence performance standard.** Satisfactory performance is established if the response of the judge or justice demonstrates physical and mental competence to serve in office and if the Council finds the responsive information to be complete and correct. The Council may request a statement by an examining physician.

(7) Reporting requirements.

(7)(A) Reporting term. For purposes of this rule, the reporting term for new justices and judges begins on the date the Utah Senate confirms their appointment. The reporting term for retained justices and judges begins the day after they submit the report in (7)(B). The reporting term for all justices and judges ends on August 1st of the year preceding the next general election in which the judge or justice is standing for retention.

(7)(B) Reporting requirement. Within 14 calendar days following the end of a reporting term, justices and judges shall report to the Judicial Council their compliance or non-compliance with the performance standards in this rule during that reporting term. Reports shall be submitted in accordance with policies established by the Judicial Council. If non-compliance is due to circumstances beyond the justice's or judge's personal control, the judge or justice must provide an explanation of the circumstances and may submit supporting documentation.

(8) Judicial Council certification.

(8)(A) As to the performance standards in this Rule, the Judicial Council shall certify to JPEC that each judge or justice standing for retention is:

(8)(A)(i) Compliant;

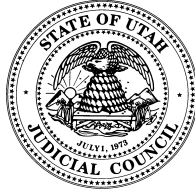
(8)(A)(ii) Compliant with explanation, meaning that the Judicial Council has received credible information that non-compliance was due to circumstances beyond the personal control of the judge or justice; or

(8)(A)(iii) Non-compliant, which may include a judge or justice who has certified his or her own compliance but the Judicial Council has received credible information inconsistent with that certification.

(8)(B) The Judicial Council will transmit its certification to JPEC by the deadline established in the Utah Administrative Code.

(8)(C) All material relied upon by the Judicial Council in making a certification decision or explanation shall be forwarded to JPEC and shall be made public to the extent that the information is not confidential personal health information.

Effective: May 1, 2024



Administrative Office of the Courts

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

January 9, 2024

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

MEMORANDUM

TO: Management Committee / Judicial Council
FROM: Keisa Williams
RE: Final Approval – CJA Appendix F. Utah State Court Records Retention Schedule

Both the Policy, Planning and Technology Committee and its Technology Advisory Subcommittee recommend that the proposed amendments to the email retention schedule in Appendix F of the Code of Judicial Administration be approved as final with a **May 1, 2024** effective date. The default retention period for the following positions would be seven (7) years. For all others, the default retention period would be one (1) year.

- Supreme Court Justices
- Judges
- Commissioners
- State Court Administrator
 - Deputy State Court Administrator
 - Assistant State Court Administrator
- Appellate Court Administrator
 - Appellate Clerk of Court
- District Court Administrator
 - Assistant District Court Administrator
 - District Court Program Administrator
 - Statewide Treatment Court Program Coordinator
- Justice Court Administrator
 - Assistant Justice Court Administrator
 - Domestic Violence Program Manager
- Juvenile Court Administrator
 - Assistant Juvenile Court Administrators
 - Juvenile Court Improvement Program Director
- AOC Directors and Deputy Directors (where applicable)
- Tribal Outreach Coordinator
- General Counsel and Associate General Counsels
- Trial Court Executives
- Chief Probation Officers
- Clerks of Court (including justice courts)

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

Appendix F. Utah State Court Records Retention Schedule

(A) Definitions.

(A)(1) **Appellate proceedings.** As applicable to the particular case:

(A)(1)(a) expiration of the time in which to file an appeal;

(A)(1)(b) completion of the initial appeal of right;

(A)(1)(c) completion of discretionary appeals; or

(A)(1)(d) completion of trial court proceedings after remittitur.

Appellate proceedings do not include collateral review, such as a petition for post conviction relief or a petition for writ of habeas corpus, although these petitions may themselves be the subject of appellate proceedings.

(A)(2) **Case file.** The compilation of documents pertaining to a case in the district court and justice court. The compilation of documents pertaining to an individual under the jurisdiction of the juvenile court.

(A)(3) **Case history.** Includes the docket, judgment docket, registry of judgments, register of actions and other terms used to refer to a summary of the parties and events of a case.

(A)(4) **Clerk of the court.** Includes all deputy clerks.

(A)(5) **Confidential records.** Records classified in accordance with the Title 63G, Chapter 2, Government Records Access and Management Act and Rule 4-202 et seq. of the Judicial Council as private, protected, juvenile, or sealed.

(A)(6) **Critical documents.** As applicable to the particular case:

(A)(6)(a) **Civil.** Final amended complaint or petition; final amended answer or response; final amended counterclaims, cross claims, and third party claims and defenses; home study or custody evaluation; jury verdict; final written opinion of the court, including any findings of fact and conclusions of law; final trial court order, judgment or decree; interlocutory order only if reviewed by an appellate court; orders supplemental to the judgment and writs that have not expired; notice of appeal; transcripts; appellate briefs; final order, judgment or decree or any appellate court; case history.

(A)(6)(b) **Child abuse, neglect or dependency.** In addition to that which is required of civil cases, shelter hearing order; adjudication orders; disposition orders; reports of the Division of Child and Family Services; psychological evaluations; reports from treatment providers; motion for permanency hearing; response to motion for permanency hearing; petition for termination of parental rights; and response to petition for termination of parental rights.

(A)(6)(c) **Divorce and domestic relations.** In addition to that which is required of civil cases, petitions to modify or enforce a final order, judgment or decree and the final order entered as a result of that petition.

(A)(6)(d) **Felonies, including offenses by a minor in juvenile court.** All documents other than duplicates, subpoenas, warrants, orders to show cause, presentence investigation reports and notices of hearings.

(A)(6)(e) **Misdemeanors and infractions, including offenses by a minor in juvenile court.** Final amended citation or information; jury verdict; final written opinion of the court, including any findings of fact and conclusions of law; final trial court order, judgment or decree; notice of appeal; appellate briefs; final order, judgment or decree or any appellate court; case history.

(A)(6)(f) **Probate.** In addition to that which is required of civil cases, will admitted to probate; trust instrument; final accounting; reports, findings and orders regarding the mental competence of a person.

(A)(7) **Document.** Any pleading or other paper filed with or created by the court for a particular case, regardless of medium.

(A)(8) **Off-site storage.** Storage at the State Records Center under the control of the Division of State Archives.

(A)(9) **On-site storage.** Storage at the courthouse or any secure storage facility under the control of the court.

(A)(10) **Retention period.** The time that a record must be kept. The retention period is either permanent or for a designated term of months or years.

(B) Case Records.

(B)(1) **Objectives.** The objective of the records retention schedule is to maintain convenient access to the documents of the case and to the case history as necessary to the activity in the case. Even in a case in which judgment has been entered there may be substantial activity. In criminal cases, the court can expect affidavits alleging violations of probation and petitions for post conviction relief. In civil cases, the court can expect to issue writs, orders supplemental to the judgment and to conduct other proceedings to collect the judgment. In divorce cases, the court can expect petitions to modify the decree or to enforce visitation and support. This may mean more immediate access in particular cases. The objective of the records retention schedule is to guide the transfer of permanent records to off-site storage and the destruction on non-permanent records.

(B)(2) **Storage medium.** The decisions of what storage medium to use and when to use it are left to local discretion, needs and resources of the clerk of the court.

With proper training or by the Division of State Archives the clerk of the court may microfilm records. Given the sensitive nature of identifying information contained in court records, such as name, address, telephone number, and social security number of parties, witnesses and jurors, microfilming of court records by Utah Correctional Industries is prohibited. All microfilming shall be in accordance with the standards adopted by the Division. All microfilm developing and quality assurance checks shall be done by the Division. The Division of State Archives shall keep the original film and return a copy to the court.

The clerk of the court may scan documents to a digital image based on local needs and resources. Once scanned to a digital image, the document may be destroyed. Electronic documents may be printed and maintained in the case file.

(B)(3) **Storage location.** The Administrative Office of the Courts shall maintain all computer records. The clerk of the court shall store on site pending cases, closed cases with significant post judgment activity, and cases with a retention period of less than permanent.

The clerk of the court shall not store case files with significant activity off-site. Records in which there is an order of alimony or child support, visitation or custody shall not be stored off-site until at least three years has expired from the date of the last activity in the case. Within these parameters, the decision to store permanent records on-site or off-site is left to local discretion, needs and resources. The state court records officer and the Division of State Archives may evaluate exceptions for courthouses with critically short storage problems. Records stored off-site shall be prepared in accordance with standards and instructions of the Division of State Archives. If a record stored off-site is needed at the courthouse, the record will be returned to the court for the duration of the need. The clerk of the court shall not return a record in which there is an order of alimony or child support, visitation or custody to off-site storage until at least three years after the last activity in the case.

(B)(4) **Critical documents.** At any time after the completion of appellate proceedings, the clerk of the court may remove from the case file and destroy all documents other than critical documents.

(B)(5) **Retention Period.** The retention period in a criminal case begins as of the completion of the sentence. The level of offense is determined by the offense of which the defendant is convicted or to which the offense is reduced under Utah Code Section 76-3-402. The retention period in a civil or small claims case begins as of the expiration or satisfaction of the judgment. The retention periods are for the following terms.

(B)(5)(a) **Permanent.** All case types not governed by a more specific designation; prosecution as a serious youth offender.

(B)(5)(b) **10 years.** Third degree felonies; violations of Utah Code Section 41-6a-502 or Section 41-6a-503, or of Section 41-6a-512 if the conviction is to a reduced charge as provided in that section; hospital liens; domestic violence misdemeanors within the scope of Utah Code Section 77-36-1.

(B)(5)(c) **5 years.** Administrative agency review; civil and small claims cases dismissed with prejudice; forcible entry and detainer; investigative subpoenas; post conviction relief or habeas corpus other than capital offenses and life without parole; tax liens; temporary separation; worker's compensation; probable cause statements and search and arrest warrants not associated with a case.

(B)(5)(d) **3 years.** Violations of Utah Code Section 53-3-231; violations of Utah Code Section 76-5-303.

(B)(5)(e) **1 year.** Civil cases with a judgment of money only; extraditions; misdemeanors and infractions classified as "mandatory appearance" by the

Uniform Fine Schedule; petitions to expunge an arrest record in which no charges have been filed.

(B)(5)(f) **6 months.** Civil and small claims cases dismissed without prejudice; misdemeanors and infractions classified as “non-mandatory appearance” by the Uniform Fine Schedule; small claims cases with a judgment of money only.

(B)(6) **Retention period in Juvenile Court.** The retention period in a delinquency petition or referral begins as of the completion of the sentence. The retention period in other cases begins as of the expiration of the judgment. The retention periods are for the following terms.

(B)(6)(a) **Permanent.** Adoptions; civil cohabitant abuse; orders terminating parental rights; prosecution as serious youth offender; substantiation.

(B)(6)(b) **Until the youngest subject of the petition reaches age 28.** Abuse, neglect and dependency; felonies.

(B)(6)(c) **Until the subject of the petition reaches age 18 and jurisdiction of the court is terminated.** Misdemeanors and infractions other than non-judicial adjustments; interstate compact.

(B)(6)(d) **10 years.** Violations of Utah Code Section 41-6a-502 or Section 41-6a-503, or of Section 41-6a-512 if the conviction is to a reduced charge as provided in that section.

(B)(6)(e) **3 years.** Violations of Utah Code Section 53-3-231.

(B)(6)(f) **1 year.** Petitions to expunge an arrest record in which no charges have been filed.

(B)(6)(g) **6 months.** Non-judicial adjustment of referrals; misdemeanors and infractions classified as “non-mandatory appearance” by the Uniform Fine Schedule, such as fish and game violations; cases dismissed without prejudice.

(B)(7) **Retention period in Supreme Court and Court of Appeals.** The retention period for records in the Supreme Court and Court of Appeals is permanent.

(B)(8) **Special cases.**

(B)(8)(a) The retention period for foreign judgments, abstracts of judgment and transcripts of judgment is the same as for a case of the same type filed originally in Utah.

(B)(8)(b) The retention period for contempt of court is the same as for the underlying case in which the contempt occurred.

(B)(8)(c) The retention period in the juvenile court for records of the prosecution of adults is the same as for the corresponding offense in district or justice court.

(B)(9) **Case related records.** If the record is filed with the case file, it is treated as a non-critical document unless it is specifically included within the definition of a critical document. If the record is not filed with the case file then its retention period is determined in accordance with the following schedule:

(B)(9)(a) **Audio and video tapes and tape logs; court reporter notes.** For misdemeanors, infractions and small claims, 3 years from the date the record is created. Otherwise, 9 years from the date the record is created. Tapes shall not be reused.

(B)(9)(b) **Court calendars.** As determined by the clerk of the court based on local needs.

(B)(9)(c) **Confidential records.** Confidential records are retained for the same period as the case to which they apply, but they are filed and stored in such a manner as to protect their confidentiality.

(B)(9)(d) **Depositions.** 6 months after the close of appellate proceedings.

(B)(9)(e) **Exhibits.** Three months after disposition of the exhibit in accordance with Code of Judicial Administration 4-206.

(B)(9)(f) **Expunged records.** For the same time as though the record had not been expunged.

(B)(9)(g) **Indexes.** Permanent.

(B)(9)(h) **Jury lists and juror qualification questionnaires.** 4 years from completion of term of availability.

(B)(9)(i) **Case history.** Permanent.

(B)(10) **Record destruction.** Court records 50 years of age or older shall be reviewed for historical significance by the Division of State Archives prior to destruction. If a record is of historical significance, the Division will take possession. If a record is not of historical significance, the court shall manage the record in accordance with this schedule.

Paper documents shall be destroyed after expiration of the retention period or after copying the document to microfilm, digital image, or electronic medium. If documents are copied to microfilm, digital image, or electronic medium, the court may maintain the paper documents until such later time that convenient access to the case file can be achieved by means of microfilm or digital image. Each court is responsible for destroying records or making arrangements for destroying records. The court must comply with all laws applicable to the method of destruction. Confidential records must be shredded prior to destruction. Recycling is the preferred method of destruction. In addition, the court may destroy records by incineration or deposit in a landfill. If the court is unable to destroy records by these means, the court may arrange through the state court records officer to have records destroyed by the State Records Center, which may charge a fee.

(C) Administrative Records.

(C)(1) **Record storage, microfilming, imaging and destruction.** Administrative records shall be stored on-site. Administrative records may be microfilmed or scanned to a digital image based on local needs and resources.

(C)(2) **Retention period.** The retention period for administrative records is in accordance with the following schedule.

(C)(2)(a) **Accounting, audit, budget, and finance records.** 4 years from the date the record is created.

(C)(2)(b) **Final reports approved by the Judicial Council.** Permanent.

(C)(2)(c) **General counsel legal files.** 10 years from date the record is created.

(C)(2)(d) **Juror fee and witness fee payment records.** 4 years from date of payment.

(C)(2)(e) **Meeting minutes.** Permanent.

(C)(3) **Other Record Retention.** All administrative records not specifically listed in this record retention schedule will be retained, transferred or destroyed according to the appropriate court policy and procedure manual or the "Utah State Agency General Retention Schedule."

(D) Email use and retention.

~~(D)(1) **Incidental Personal Correspondence.** Correspondence that does not relate to the business of the courts. The sender and recipient should delete the email as soon as s/he has no more need for it.~~

~~(D)(2) **Transitory Correspondence.** Court-related correspondence that is transitory in nature and does not offer unique information about court functions or programs. These records include acknowledgment files and most day-to-day office and housekeeping correspondence. The sender and recipient should delete the email as soon as s/he has no more need for it.~~

~~(D)(3) **Policy and Program Correspondence.** Court-related correspondence that provides unique information about court functions, policies, procedures, or programs. These records document material discussions and decisions made regarding all court interests. The recipient should delete the email as soon as s/he has no more need for it. The sender must retain policy and program email for the same duration as the Utah State Archives Record Retention Schedule for a record of that type.~~

~~(D)(4) **Reproducible Medium.** The sender must retain policy and program correspondence in a reproducible medium separate from transitory messages. The sender can do this by moving the email message to an electronic folder in the email system with an appropriate retention period or by copying the correspondence to~~

~~another medium for retention, such as a web page, a saved file, or a printed document. If the sender copies the email to another medium for retention, s/he should delete the email.~~

(D)(1) **Email use.** Email that contains unique information about court cases, functions, policies, procedures, or programs is considered related to the business of the courts and shall be sent or received through the Court's domain (utcourts.gov).

(D)(2) **Storage.** All email records sent or received through the Court's domain shall be stored by secure, electronic means. The IT Department shall maintain and oversee any software or programs necessary for email retention and shall provide credentials for the Office of General Counsel and Human Resources to access and search email records. Upon request, the Office of General Counsel or Human Resources may provide search results of requested email records.

(D)(3) **Employee transfers.** If an employee is scheduled for transfer, the employee's supervisor or designee will notify the Help Desk of the IT Department using the form provided by the IT Department. The IT Department will maintain the employee's email account at the new location and in compliance with subsection (D)(2).

~~(D)(54) **Email records of a terminated or transferred employee**~~**Employee terminations.** ~~(D)(53)(a) **Supervisor's or designee's responsibility.** If an employee is scheduled for termination, the employee's supervisor or designee will notify the Help Desk of the IT Department using the form provided by the IT Department. Upon termination or transfer, the supervisor or designee will review the employee's email. The supervisor or designee will retain policy and program correspondence of which the employee was the sender in accordance with paragraph (D)(3).~~

~~(D)(5)(b) **IT Division's responsibility.** If the employee is transferred, the IT Division will maintain the employee's email account at the new location. If the employee is terminated, t~~**The IT Department will:**

(D)(~~45~~)(~~a~~)(i) De-provision the user id and email account of the employee;

(D)(~~45~~)(b)(ii) Remove authority to sign on to the court's computing network;

(D)(~~45~~)(~~c~~)(iii) Remove authority to access the court's email account;

(D)(~~45~~)(~~d~~)(iv) Remove the employee from group email lists; and

(D)(~~45~~)(~~e~~)(v) Remove authority to access personal and network drives.

~~Upon receipt of notice of termination or transfer, the IT Division will retain the employee's email in its original form for 180 days from the date of termination or transfer. After 180 days, the IT Division may back up the employee's email, delete the email account and recover and reuse the disk space. The IT Division will retain the back up off site for one~~

~~year from the date of deletion.~~ If a terminated ~~or transferred~~ employee returns within ~~180~~
~~days after the date of termination~~ the time period stated in subsection (D)(5) for their
~~respective position,~~ the IT Department will reactivate the employee's email account.

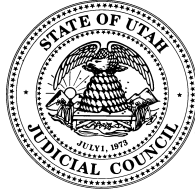
(D)(5) Retention period. A terminated employee's email records shall be stored in
accordance with subsection (D)(2), starting from the date of the former employee's
termination and for a period of time as required by law.

(D)(6) **Litigation.** Upon notice of pending or potential litigation, the IT Department will
retain the ~~terminated~~ employee's email records in the current format until it receives
notice from either the Office of the General Counsel or the Director of Human Resources
that the litigation is complete or is no longer contemplated. At such time, the retention
period for the employee's email records will be subject to ~~this subsection (D)(5).~~ starting
from the former employee's termination.

(D)(7) Archives. Following expiration of the retention periods in subsection (D)(5), the IT
Department will contact the Utah Division of Archives and Records Service and arrange
for the transfer of any email records that have not yet expired under the Utah State
Archives Record Retention Schedule for records of that type.

Effective: May 1, 2024

Tab 8



Administrative Office of the Courts

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

January 9, 2024

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

MEMORANDUM

TO: Management Committee / Judicial Council
FROM: Keisa Williams
RE: Rules for Public Comment

The Policy, Planning, and Technology Committee recommends that the following rules be approved for a 45-day public comment period.

CJA 3-201. Court commissioners.

Currently, rule 3-201 creates standing commissioner nominating committees in each judicial district, with members serving three-year terms. Because commissioners are appointed so rarely, and there will now be both domestic and criminal commissioners, the proposed amendments would eliminate standing committees. A new nominating committee would be formed each time a vacancy occurs. The rule does not require or prevent the creation of separate domestic and criminal nominating committees.

Paragraph (3)(D) is unnecessary because (3)(C) already accounts for joint committees when a commissioner serves more than one district.

CJA 1-201. Judicial Council Membership – Election.

Effective July 1, 2021, the Business and Chancery Court must have a representative on the Judicial Council (78A-2-104). The proposed amendments account for that addition.

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

Rule 3-201. Court Commissioners.**Intent:**

To define the role of court commissioner.

To establish a term of office for court commissioners.

To establish uniform administrative policies governing the qualifications, appointment, supervision, discipline and removal of court commissioners.

To establish uniform administrative policies governing the salaries, benefits and privileges of the office of court commissioner.

Applicability:

This rule shall apply to all trial courts of record.

Statement of the Rule:

(1) **Definition.** Court commissioners are quasi-judicial officers established by the Utah Code.

(2) **Qualifications.**

(2)(A) Court commissioners must be at least 25 years of age, United States citizens, Utah residents for three years preceding appointment and residents of Utah while serving as commissioners. A court commissioner shall reside in a judicial district the commissioner serves.

(2)(B) Court commissioners must be admitted to practice law in Utah and exhibit good character. Court commissioners must possess ability and experience in the areas of law in which the court commissioner serves.

(2)(C) Court commissioners shall serve full time and shall comply with Utah Code Section 78A-2-221.

(3) **Appointment- Oath of office.**

(3)(A) Selection of court commissioners shall be based solely upon consideration of fitness for office.

(3)(B) When a vacancy occurs or is about to occur in the office of a court commissioner, the Council shall determine whether to fill the vacancy. The Council may determine that the court commissioner will serve more than one judicial district.

(3)(C) A-After the determination required by paragraph (3)(B), the presiding judge(s) of the district(s) the commissioner will serve, will form a committee for the purpose of

43 nominating candidates. ~~The committee will for the position of court commissioner shall~~
44 consist of the presiding judge(s) or designee(s) from each court level and judicial district
45 that the commissioner will serve, three lawyers, and two members of the public.
46 Committee members shall be appointed by the presiding judge(s) of the district court of
47 each judicial district. ~~The committee members shall serve three year terms, staggered so~~
48 ~~that not more than one term of a member of the bench, bar, or public expires during the~~
49 ~~same calendar year.~~ The presiding judge(s) or judges shall designate a chair of the
50 committee. All members of the committee shall reside in the judicial district(s). All
51 members of the committee shall be voting members. A quorum of one-half the
52 committee members is necessary for the committee to act. The committee shall act by
53 the concurrence of a majority of the members voting. When voting upon the
54 qualifications of a candidate, the committee shall follow the procedures established in
55 the commissioner nominating manual.

56
57 ~~(3)(D) If the commissioner will serve more than one judicial district, the presiding judges~~
58 ~~of the districts involved shall select representatives from each district's nominating~~
59 ~~committee to form a joint nominating committee with a size and composition equivalent~~
60 ~~to that of a district committee, except that a maximum of two judges from each district~~
61 ~~shall serve on the joint nominating committee.~~

62 (3)(~~DE~~) No member of the committee may vote upon the qualifications of any candidate
63 who is the spouse of that committee member or is related to that committee member
64 within the third degree of relationship. No member of the committee may vote upon the
65 qualifications of a candidate who is associated with that committee member in the
66 practice of law. The committee member shall declare to the committee any other
67 potential conflict of interest between that member and any candidate as soon as the
68 member becomes aware of the potential conflict of interest. The committee shall
69 determine whether the potential conflict of interest will preclude the member from voting
70 upon the qualifications of any candidate. The committee shall record all declarations of
71 potential conflicts of interest and the decision of the committee upon the issue.

72 (3)(~~EF~~) The administrative office of the courts shall advertise for qualified applicants and
73 shall remove from consideration those applicants who do not meet minimum
74 qualifications of age, citizenship, residency, and admission to the practice of law. The
75 administrative office of the courts shall develop uniform guidelines for the application
76 process for court commissioners.

77 (3)(~~EG~~) The nominating committee shall review the applications of qualified applicants
78 and may investigate the qualifications of applicants to its satisfaction. The committee
79 shall interview selected applicants and select the three best qualified candidates. All
80 voting shall be by confidential ballot. The committee shall receive public comment on
81 those candidates as provided in paragraph (4). Any candidate may be reconsidered
82 upon motion by a committee member and upon agreement by a majority of nominating
83 committee members.

84 (3)(~~GH~~) When the public comment period as provided in paragraph (4) has closed, the
85 comments shall be given to the nominating committee. If any comments would

negatively affect the committee's decision on whether to recommend a candidate, the candidate shall be given all comments with the commenters' names redacted and an opportunity to respond to the comments. If the committee decides not to recommend a candidate based on the comments, the committee shall select another candidate from the interviewed applicants and again receive public comment on the candidates as provided in paragraph (4).

(3)(~~H~~) The chair of the nominating committee shall present the names, applications, and the results of background investigations of the nominees to the judges of the courts the court commissioner will serve. The committee may indicate its order of preference.

(3)(~~L~~) The judges of each court level the court commissioner will serve shall together select one of the nominees by a concurrence of a majority of judges voting. If the commissioner will serve more than one judicial district, the concurrence of a majority of judges in each district is necessary for selection.

(3)(~~J~~) The presiding judge of the district the court commissioner will primarily serve shall present the name of the selected candidate to the Council. The selection shall be final upon the concurrence of two-thirds of the members of the Council. The Council shall vote upon the selection within 45 days of the selection or the concurrence of the Council shall be deemed granted.

(3)(~~K~~) If the Council does not concur in the selection, the judges of the district may select another of the nominees or a new nominating process will be commenced.

(3)(~~L~~) The appointment shall be effective upon the court commissioner taking and subscribing to the oath of office required by the Utah Constitution and taking any other steps necessary to qualify for office. The court commissioner shall qualify for office within 45 days after the concurrence by the Council.

(4) Public comment for appointment and retention.

(4)(A) Final candidates for appointment and court commissioners who are up for retention shall be subject to public comment.

(4)(B) For final candidates, the nominating committee shall be responsible for giving notice of the public comment period.

(4)(C) For court commissioners, the district in which the commissioner serves shall be responsible for giving notice of the public comment period.

(4)(D) The nominating committee or district in which the commissioner serves shall:

(4)(D)(i) email notice to each active member of the Utah State Bar including the names of the nominees or court commissioner with instructions on how to submit comments;

122 (4)(D)(ii) issue a press release and other public notices listing the names
123 of the nominees or court commissioner with instructions on how to submit
124 comments; and

125 (4)(D)(iii) allow at least 10 days for public comment.

126 (4)(E) Individuals who comment on the nominees or commissioners should be
127 encouraged, but not required, to provide their names and contact information.

128 (4)(F) The comments are classified as protected court records and shall not be
129 made available to the public.

130 (5) **Term of office.** The court commissioner shall be appointed until December 31 of the
131 third year following concurrence by the Council. At the conclusion of the first term of
132 office and each subsequent term, the court commissioner shall be retained for a term of
133 four years unless the judges of the courts the commissioner serves vote not to retain the
134 commissioner in accordance with paragraph (8)(B) or unless the Judicial Council does
135 not certify the commissioner for retention under rule 3-111. The term of office of court
136 commissioners holding office on April 1, 2011 shall end December 31 of the year in
137 which their term would have ended under the former rule.

138 (6) **Court commissioner performance review.**

139 (6)(A) **Performance evaluations and performance plans.** The presiding judge
140 of each district and court level the commissioner serves shall prepare an
141 evaluation of the commissioner's performance and a performance plan in
142 accordance with Rule 3-111. Court commissioners shall comply with the program
143 for judicial performance evaluation, including expectations set forth in a
144 performance plan.

145 (6)(B) **Public comment period results.** When the public comment period for a
146 commissioner provided in paragraph (4) closes, the comments shall be given to
147 and reviewed by the presiding judge of each district and court level the
148 commissioner serves. If there are any negative comments, the negative
149 comments shall be provided to the commissioner with the commenters' names
150 redacted and the commissioner shall be given an opportunity to respond to the
151 comments.

152 (7) **Corrective action or removal during a commissioner's term.**

153 (7)(A) **Corrective action.**

154 (7)(A)(i) The Council may take corrective actions as the result of a
155 complaint filed under rule 3-201.02.

156 (7)(A)(ii) If the commissioner's performance is not satisfactory, corrective
157 actions may be taken in accordance with paragraph (7)(A)(iii) by the
158 presiding judge, or presiding judges if the commissioner serves multiple
159 districts or court levels, with the concurrence of a majority of the judges in
160 either district or court level the commissioner serves.

(7)(A)(iii) Corrective actions may include but are not limited to private or public censure, restrictions in case assignments with corresponding reduction in salary, mandatory remedial education, suspension without pay for a period not to exceed 60 days, and removal under (7)(B)(i)(c).

(7)(B) Removal.

(7)(B)(i) **Removal by Judicial Council.** During a commissioner's term, the court commissioner may be removed by the Council:

(7)(B)(i)(a) as part of a reduction in force;

(7)(B)(i)(b) for failure to meet the evaluation requirements; or

(7)(B)(i)(c) as the result of a complaint filed under rule 3-201.02 upon the concurrence of two-thirds of the Council.

(7)(B)(ii) Removal by District or Court Level.

(7)(B)(ii)(a) During a commissioner's term, if the commissioner's performance is not satisfactory, the commissioner may be removed by the presiding judge, or presiding judges if the commissioner serves multiple districts or court levels, only with the concurrence of a majority of the judges in each district or court level the commissioner serves.

(7)(B)(ii)(b) If the commissioner serves multiple districts or court levels and one district or court level contests a commissioner removal decision made by the other district or court level, the Management Committee will review the decision, with final determination by the Judicial Council.

(7)(C) Review of District or Court Level Decisions. If the commissioner disagrees with a district or court level's decision to remove the commissioner or take corrective actions, the commissioner may request a review of the decision by the Management Committee of the Council.

(8) Retention.

(8)(A) The Council shall review materials on the commissioner's performance prior to the end of the commissioner's term of office and the Council shall vote on whether the commissioner is eligible to be retained for another term in accordance with rule 3-111.

(8)(B) At the end of a commissioner's term, the judges of each district and court level the commissioner serves may vote not to retain the commissioner for another term of office. The decision not to retain is without cause and shall be by the concurrence of a majority of the judges in each district and court level the commissioner serves. A decision not to retain a commissioner under this

198 paragraph shall be communicated to the commissioner within a reasonable time
199 after the decision is made, and not less than 60 days prior to the end of the
200 commissioner's term.

201 **(9) Salaries and benefits.**

202 (9)(A) The Council shall annually establish the salary of court commissioners. In
203 determining the salary of the court commissioners, the Council shall consider the
204 effect of any salary increase for judges authorized by the Legislature and other
205 relevant factors. Except as provided in paragraph (6), the salary of a
206 commissioner shall not be reduced during the commissioner's tenure.

207 (9)(B) Court commissioners shall receive annual leave of 20 days per calendar
208 year and the same sick leave benefits as judges of the courts of record. Annual
209 leave not used at the end of the calendar year shall not accrue to the following
210 year. A commissioner hired part way through the year shall receive annual leave
211 on a prorated basis. Court commissioners shall receive the same retirement
212 benefits as non-judicial officers employed in the judicial branch.

213 **(10) Support services.**

214 (10)(A) Court commissioners shall be provided with support personnel,
215 equipment, and supplies necessary to carry out the duties of the office as
216 determined by the presiding judge.

217 (10)(B) Court commissioners are responsible for requesting necessary support
218 services from the presiding judge.

219

220 *Effective: May 1, 202~~4~~1*

Rule 1-201. Judicial Council Membership - Election.**Intent:**

To establish the manner of election of Council members as authorized by statute.

To establish the procedure for filling a vacancy on the Council as authorized by statute.

Applicability:

This rule shall apply to all elected members of the Council. This rule shall not apply to the Chief Justice of the Supreme Court.

This rule shall apply to the Boards of Judges and the Board of Commissioners of the Utah State Bar.

As used in this rule, unless the context indicates otherwise, "Board" includes the Boards of Judges and the Board of Commissioners of the Utah State Bar.

Statement of the Rule:

(1) The composition of the Council, the term of office of elected Council members, and the electorate of elected Council members shall be as prescribed by law.

(2) **Term.** The term of office of all elected Council members shall begin with the Council meeting immediately following the annual judicial conference. ~~Except for the Business and Chancery Court member, no~~ person shall serve on the Judicial Council for more than two consecutive three-year terms plus the remainder of any unexpired portion of a term.

~~(32)~~ **Election.** Election of judicial members of the Council shall take place during the annual judicial conference at the business meeting of each respective court. Election of the representative of the Utah State Bar shall take place at a regularly scheduled meeting of the Board of Commissioners.

~~(43)~~ **Vacancies**

~~(43)~~(A) **Judges.** If a vacancy exists for a judicial member of the Council who represents a trial court, the Board for the court represented by that seat shall appoint a judge to serve on the Council until the next judicial conference. At such conference, the judges shall elect a member to the Council to serve for the unexpired portion of the original term. If a judicial member of the Council who represents an appellate court is unable to complete a term of office, the members of that court shall appoint a judge to serve on the Council until the expiration of the vacated term.

~~(43)~~(B) **Bar representative.** If the representative of the Utah State Bar is unable to complete a term of office, the Board of Commissioners shall elect a member or ex officio

member of the Board of Commissioners to serve for the unexpired portion of the original term.

(54) Board nomination procedures. The Boards shall develop procedures for the nomination and election of Council members and shall certify to the Council the names of the members elected. The Boards shall give due regard to geographic representation, security of the election, timely publication of Council vacancies or expired terms, and ease of administration.

(65) Meeting attendance. When a judicial member of the Council is unable to attend a Council meeting, that member may designate a judge from the same level of court to attend the Council meeting and observe the proceedings. When the representative of the Utah State Bar is unable to attend a Council meeting, that member may designate a member or ex officio member of the Board of Commissioners to attend the Council meeting and observe the proceedings. The designee shall be provided with a copy of the Council agenda and other meeting materials, and may attend the open and closed sessions of the meeting. The designee may participate in the general discussion of agenda items but may not make motions or vote on Council issues.

(76) Expenses. Council members or their designated substitutes may be reimbursed for actual and necessary expenses incurred in the execution of their duties as Council members.

(87) Board membership. ~~C~~With the exception of the Business and Chancery Court member, Council members may not serve as voting members of a Board of Judges of a trial court or serve as members of the standing committees of the Council, except for the Standing Committee on Judicial Fairness and Accountability. The representative of the Utah State Bar may vote at meetings of the Board of Commissioners if permitted to vote under rules governing the conduct of the Board of Commissioners.

Effective: May 1, 2024~~3~~