

JUDICIAL COUNCIL MEETING

AGENDA

May 20, 2024

**Meeting held through Webex
and in person**

**Matheson Courthouse
Council Room
450 S. State Street
Salt Lake City, UT 84111**

Chief Justice Matthew B. Durrant, Presiding

1. 9:00 a.m. Welcome & Approval of Minutes.....Chief Justice Matthew B. Durrant
(TAB 1 - Action)

2. 9:05 a. m. Chair’s Report.....Chief Justice Matthew B. Durrant
(Information)

3. 9:10 a.m. State Court Administrator’s Report.....Ron Gordon
(Information)

4. 9:20 a.m. Reports: Management Committee.....Chief Justice Matthew B. Durrant
Budget and Fiscal Management Committee.....Judge Elizabeth Lindsley
Liaison Committee.....Justice Paige Petersen
Policy, Planning, and Technology Committee.....Judge Samuel Chiara
Bar Commission.....Margaret Plane, esq.
(TAB 2 - Information)

5. 9:30 a.m. Board of Juvenile Court Judges Report.....Judge Brent Bartholomew
(TAB 3 – Information) Sonia Sweeney

6. 9:45 a.m. Budget and Grants.....Alisha Johnson
(TAB 4 - Action) Kelly Moreira
Jordan Murray

7. 10:15 a.m. Court Facility Planning Committee.....Judge Michele Christiansen Forster
Report (TAB 5 - Information) Chris Talbot

- 10:30 a.m. Break**
8. 10:40 a.m. Standing Committee on Resources for Self-.....Judge Richard Mrazik
Represented Parties Annual Report Nathanael Player
(TAB 6 – Information)
 9. 10:55 a.m. CCJJ & Sentencing Commission Appointments.....Ron Gordon
(TAB 7 – Action)
 10. 11:00 a.m. Board of District Court Judges Report.....Judge William Kendall
(Information) Shane Bahr
 11. 11:15 a.m. Senior Judge Budget and Court Rules.....Neira Siaperas
(TAB 8 - Information)
 12. 11:25 a.m. Rules for Final Approval.....Keisa Williams
(TAB 9 – Action)
 13. 11:35 a.m. Courtroom Needs.....Ron Gordon
(Information)
 14. 11:55 a.m. 2025 Judicial Council & Management Committee.....Hilary Wood
Meeting Schedule (TAB 10 - Action)
 15. 12:00 p.m. Old Business / New Business.....All
(Discussion)
 16. 12:10 p.m. Executive Session
 17. 12:25 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. ADR Committee Appointee Request
(TAB 11)
2. Probation Notification Letters Policy Updates
(TAB 12)

Tab 1

**JUDICIAL COUNCIL MEETING
Minutes**

April 22, 2024

**Meeting held through Webex
and in person**

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

9:00 a.m. – 12:30 p.m.

Judge David Mortensen, Vice Chair, Presiding

Members:

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

Guests:

Judge Janet Elledge
Judge Jaime Topham

AOC Staff:

Ron Gordon
Neira Siaperas
Brody Arishita
Shane Bahr
Michael Drechsel
Jim Peters
Nick Stiles
Sonia Sweeney
Hilary Wood
Keisa Williams

Excused:

Margaret Plane, esq.

Presenters:

Alisha Johnson
Jessica Leavitt
Cade Stubbs
Karl Sweeney
Judge Jennifer Valencia

1. WELCOME AND APPROVAL OF MINUTES: (Judge David Mortensen)

Judge David Mortensen welcomed everyone to the meeting, and asked if there were any questions or comments on the previous month's minutes. There were none.

Motion: Judge Paul Farr made a motion to approve the March 14, 2024 Judicial Council meeting minutes. Judge Amber Mettler seconded the motion, and the motion passed unanimously.

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

The Courts' Human Resources (HR) department has been preparing materials and processes to implement the \$1.6M the judiciary received in pay for performance money, which will be taking place primarily during the month of May 2024. HR has put a system in place that will establish consistency in the way employee performance is evaluated statewide.

Ron Gordon consulted with Chief Justice Matthew Durrant regarding district and legislative visits around the state. Moving forward, district meetings with legislators will be held every other year in odd-numbered years, unless there is a reason to hold a district visit in consecutive years. Mr. Gordon will plan his district visits with judges and employees during the even-numbered years.

3. INTRODUCTION OF NEW JUDGES: (Ron Gordon)

Mr. Gordon introduced two new Justice Court Judges, Judge Janet Elledge and Judge Jaime Topham. Judge Elledge serves in the Summit County Justice Court in Park City. She was sworn in at the end of January 2024 and started on February 6th, 2024. She was previously a prosecutor in the Summit County Attorney's Office, so she has been practicing in that court for several years now. Judge Jaime Topham is a Justice Court Judge in Grantsville City. She started in January 2024 as well and still practices as a full-time family law attorney.

Judge Mortensen welcomed them both to the judiciary.

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:

Michael Drechsel reported that the Legislative Management Committee met last week, and the other legislative committees will start meeting on May 16 and 17, 2024 to explore potential topics for the 2025 legislative session.

Policy, Planning, and Technology Committee Report:

Judge James Gardner reported that the language regarding notice about the manner of appearance will be removed from the rules of procedure and will be discussed by the Policy, Planning, and Technology Committee to be included in the Code of Judicial Administration.

Bar Commission Report:

Margaret Plane was not present.

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

Alisha Johnson presented the budgets and grants information to the group, and added that all of the requests for carryforward and ongoing funding will be presented to the Judicial Council meeting at the next meeting in May 2024.

FY 2024 Ongoing Turnover Savings

#	Funding Type	Actual	Forecasted
		Amount YTD	Amount @ YE
	Internal Savings	(54,820.52)	(54,820.52)
	Internal Savings	929,537.90	929,537.90
1	Internal Savings	-	150,000.00
		874,717.38	1,024,717.38
2		(192,568.23)	(200,000.00)
		(192,568.23)	(200,000.00)
3		682,149.15	824,717.38
<i>Prior Report Totals (as of 02/29/2024, with the contingent amount removed)</i>		492,048.35	580,683.64

FY 2024 One-Time Turnover Savings

#	Funding Type	Actual Amount
1	Internal Savings	984,213.02
2	Reimbursements	583,335.99
3	Internal Savings (Est.)	600,000.00
Total Potential One Time Savings		2,167,549.01
<i>Prior Report Totals (as of PPE 2/16/2024)</i>		<i>\$ 2,271,885.75</i>

FY 24 Forecasted Available One-time Funds

Description	Funding Type	Amount
Sources of YE 2024 Funds		
* Turnover Savings as of PPE 03/15/2024 (including anticipated ARPA reimbursement)	Turnover Savings	1,567,549
** Turnover savings Estimate for the rest of the year (\$1,000 x 600 pay hours)	Turnover Savings	600,000
Total Potential One Time Turnover Savings		2,167,549
Less: Legislative Cut to Budget Savings		(600,000)
(a) Total Potential One Time Turnover Savings Less LFA Recommendations		1,567,549
Operational Savings From TCE / AOC Budgets - Forecasted	Internal Operating Savings	635,244
Unused Carryforward Request - Webex Virtual Hearing Improvement	Unused Carryforward	150,000
Reserve Balance (balance from FY 2023 Carryforward)	Judicial Council Reserve	52,997
Anticipated Reserve Uses - including previously approved and pending requests	Jud. Council Reserve Uses	-
(b) Total Operational Savings and Reserve		838,241
(c) Total of Turnover Savings & Operational Savings = (a) + (b)		2,405,790
Legislative Supplemental Funding:		
American Fork Lease Increases (originally a carryforward request for FY 2024)	Legislative Contingent	389,000
(d) Subtotal - Legislative Supplemental Funding		389,000
Potential Use of Credit Card Charge Fund (CCCF)		TBD
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)		294,790
Less: Judicial Council Requests Previously Approved		(587,450)
Remaining Forecasted Funds Available for FY 2024 YE Spending Requests		(292,660)

Updated 04/02/2024

**6. ALTERNATIVE DISPUTE RESOLUTION (ADR) COMMITTEE REPORT:
(Judge Adam Mow, Nini Rich)**

Judge Adam Mow and Nini Rich presented the annual ADR Committee report. The Committee focused this past year on doing judicial settlement conference trainings for the District Court judges, and were able to train 32 judges. Judge Mow added that this year, the Committee is focused on two areas. The first is to help new mediators attain the observation requirement to get on the court mediation roster by partnering with the Utah Council on Conflict Resolution to help facilitate the observations. The second area of focus is to look at the influence of AI in mediation, and to update the Utah Mediation Best Practices Guide.

**7. JUDICIAL PERFORMANCE EVALUATION COMMISSION (JPEC) REPORT:
(Mary-Margaret Pingree, Gil Miller, Jamie Nelson)**

Mary-Margaret Pingree introduced Gil Miller, current chair of JPEC, and Jamie Nelson, who supervises the Courtroom Observation Program and is a PhD student at the University of Utah. JPEC is nearly done with the most recent deliberations. Mr. Miller talked about some of the insights from this evaluation cycle, and added that this year's evaluation cycle went very smoothly.

Ms. Pingree discussed a summary of themes identified in the 2024 survey results. This year, JPEC conducted a pilot project focused on addressing score discrepancies between judges with and without juries. Because judges with few or no jurors are at a scoring disadvantage in the evaluation process, JPEC tested a normalization process that was designed to equalize scoring for all judges. The results showed that there was a lot of success in JPEC's approach to normalization and the overall scores for judges were adjusted to eliminate the disadvantages for judges who don't receive evaluations from jurors. Mr. Miller stated that JPEC will most likely move forward with this process for the next evaluation cycle.

8. LANGUAGE ACCESS COMMITTEE REPORT: (Cade Stubbs, Jessiva Leavitt)

Jessica Leavitt gave an update on the Language Access Committee, which welcomed two new members this past year, Judge Blaine Rawson and Judge Patricia Bradshaw. She added that the Committee has focused heavily on hiring staff interpreters over the past month and were able to hire five so far - one certified interpreter in the 5th District, three in the 3rd District, and one internal candidate who was offered a staff interpreter position as well.

Ms. Leavitt discussed the work of the Committee in 2023:

- Outreach in Spanish media (85 applicants)
- Rural Incentive of \$4 above hourly fee
- Interpreter scheduler system
- 2 hour minimum
- Working with institutions of higher education (USU, Weber)

The Committee worked with the Office of Fairness and Accountability, the Language Access Program, and Finance to approve these items to be included in the legislative request, and were able to secure funding to implement the changes.

Mr. Gordon added there are some states that have alternative paths to court interpreter licensure, and that the AOC will continue to explore alternative licensing options for interpreters in the Utah judiciary.

Cade Stubbs thanked Ms. Leavitt for her hard work in gathering information in preparation to hire staff interpreters.

9. UNIFORM FINE COMMITTEE REPORT: (Judge Jennifer Valencia, Michael Drechsel)

Judge Jennifer Valencia expressed appreciation for Michael Drechsel and the value he has added staffing the Uniform Fine Committee. She explained the changes to the uniform fines that resulted from the legislative session this year and asked for approval from the Council.

Motion: Judge Michael DiReda made a motion to approve the revisions to the Uniform Fine schedules with their respective effective dates, as presented. Judge Chiara seconded the motion, and the motion passed unanimously.

10. BOARD OF JUSTICE COURT JUDGES REPORT: (Judge Morgan Cummings, Jim Peters)

Jim Peters and Judge Morgan Cummings presented an overview of Utah's Justice Courts, including an update on clerk certification program development with the Justice Court clerks. All 400 clerks have completed the training required through September 2023.

The Board of Justice Court Judges requested ongoing authority to suspend CORIS access for those clerks who are not in compliance with their clerk certification.

Motion: Judge Gardner made a motion to approve the request to grant the Board of Justice Court Judges ongoing authority to suspend CORIS access for clerks who are not in compliance with their clerk certification. Judge Farr seconded the motion, and the motion passed unanimously.

Judge Morgan Cummings presented some information on the history of Justice Court reform, what has been accomplished so far, and discussed some concerns from the Justice Court bench regarding the reform. He expressed a desire to remain engaged with the Judicial Council through the reform process, and to be able to make suggestions as they come up. Council members expressed support for ongoing communication and input from the Board of Justice Court judges.

11. CERTIFICATION OF NEW JUSTICE COURT JUDGE: (Jim Peters)

Spencer Banks, who has been through the new judge orientation and passed the exam and background check, was selected by the City of Murray to replace Judge Thompson, who will age off the bench in a couple of days. Jim Peters requested that the Council certify him as Murray City's new Justice Court Judge.

Motion: Judge Farr made a motion to certify Spencer Bates as Murray City's new Justice Court Judge. Judge Thomas Low seconded the motion, and the motion passed unanimously.

12. RULES FOR FINAL APPROVAL: (Keisa Williams)

Rules CJA 3-201 and 1-201 are back from a 45-day public comment period, and no comments were received. The Policy, Planning & Technology Committee (PP&T) recommended that the rules be adopted as final with a May 1, 2024 effective date.

PP&T has recommended that Rules CJA 4-601 (Repeal), 2-212, and 4-907 be approved on an expedited basis with a May 1, 2024 effective date, followed by a 45-day public comment period.

Motion: Judge Gardner made a motion to approve the Rules for final approval as presented. Judge Samuel Chiara seconded the motion, and the motion passed unanimously.

13. TREATMENT COURT RECERTIFICATION: (Katy Collins)

Katy Collins presented each of the treatment courts that are recommended for recertification. Ms. Collins included a request from Judge Torgerson for an exception to continue the 7th District Treatment Court operation, though the participant numbers are lower than the requirement due to the rural nature of the district.

Motion: Judge Jon Carpenter made a motion to approve the recertification of all of the Treatment Courts as presented, including Judge Torgerson's request for an exception to continue operation in the 7th District Treatment Court as their participation number is typically below the criteria minimum of 35, averaging eight to ten participants. Judge Gardner seconded the motion, and the motion passed unanimously.

14. NEW TREATMENT COURT: (Judge Bryan Memmott, Katy Collins, Joan Dailey)

Judge Bryan Memmott and Joan Dailey reported that Riverdale City will not be continuing their Treatment Court operation as of the end of June 2024. Judge Memmott and Ms. Dailey have drafted an application to expand the Riverdale Misdemeanor Drug Court to include all Justice Courts in Weber County and to be renamed as the Weber Misdemeanor Substance Abuse Court (WMSAC). If approved, Ms. Dailey will continue to provide support and technical assistance on the expansion of the court. Judge Memmott stated that they don't anticipate any additional cost burden on any of the other Justice Courts, but that they will need to secure funding over the next year to continue Ms. Dailey's position. If approved, he would like to start the renamed WMSAC in July 2024 in the Ogden Justice Courthouse.

Motion: Judge Carpenter made a motion to approve the new Weber Misdemeanor Substance Abuse Court, as presented. Judge Brian Brower seconded the motion, and the motion passed unanimously.

15. OLD BUSINESS/NEW BUSINESS: (All)

There was no old or new business.

Motion: Judge Mettler made a motion to move into an executive session. Judge Farr seconded the motion, and the motion passed unanimously.

16. EXECUTIVE SESSION

An executive session was held. After the Council returned to an open session, Judge Farr made the motion outlined below.

Motion: Judge Farr made a motion that Judge Elizabeth Lindsley meets qualifications for an appointment as an active senior judge and that the Council recommends the appointment as an active senior judge upon retirement. Judge Gardner seconded the motion, and the motion passed unanimously.

17. ADJOURN

The meeting adjourned.

CONSENT CALENDAR ITEMS

1. Forms Committee Forms for Approval

Tab 2

**JUDICIAL COUNCIL’S
BUDGET & FISCAL MANAGEMENT COMMITTEE (“BFMC”)**

Minutes

April 8, 2024

Meeting held virtually through WebEx

12:00 p.m. – 1:20 p.m.

Members Present:

Hon. Elizabeth Lindsley
Hon. Keith Barnes
Hon Brian Brower
Margaret Plane, Esq.

Excused:

Justice Paige Petersen
Wayne Kidd

Guests:

Brett Folkman
Mark Urry, TCE, Fourth District Court
Erin Rhead

AOC Staff Present:

Ron Gordan
Neira Siaperas
Shane Bahr
Sonia Sweeney
James Peters
Tina Sweet
Brody Arishita
Todd Eaton
Lauren Andersen
Nick Stiles
Jeremy Marsh
Jordan Murray
Karl Sweeney
Alisha Johnson
Kelly Moreira

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 Brian Bower moved to approve the March 5, 2024 minutes, as presented. Judge Keith Barnes seconded the motion, and it passed unanimously.

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

Ongoing Turnover Savings (“OTS”)/FY 2025 Carryforward and Ongoing Requests – Alisha Johnson reviewed the period 8 financials and gave an update on OTS. OTS for FY24 actual YTD is \$824,717.38. Forecasted FY24 OTS is \$150,000 (\$50,000 per month x 3 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 \$1,024,717.38.

As of 3/25/2024, 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 \$824,717.38 in OTS available for discretionary use. The FY 2025 Carryforward and Ongoing Requests schedule adds case processing legislative funds to the OTS and shows an incremental \$426,600 in unobligated ongoing funds bringing the total ongoing funds available for discretionary use to \$1,251,317 from which funding the \$366,900 Judiciary Amendments (SB-70) short fall has been approved by the Judicial Council leaving \$884,417 of ongoing funds for discretionary uses.



FY 2024 Ongoing Turnover Savings as of 03/25/2024

#	Funding Type	Actual	Forecasted
		Amount YTD	Amount @ YE
	Internal Savings	(54,820.52)	(54,820.52)
	Internal Savings	929,537.90	929,537.90
1	Internal Savings	-	150,000.00
TOTAL SAVINGS		874,717.38	1,024,717.38
2		(192,568.23)	(200,000.00)
TOTAL USES		(192,568.23)	(200,000.00)
3 Total Actual/Forecasted Turnover Savings for FY 2024		682,149.15	824,717.38
		<i>Prior Report Totals (as of 02/29/2024, with the contingent amount removed)</i>	
		492,048.35	580,683.64

- * Ongoing turnover savings only happens when a vacant position is filled at a lower rate and / or with lower benefits.
- * There are currently 33 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, 31.15 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.



FY 2025 Carryforward and Ongoing Requests - as of FY 2024 Period 9

4/2/2024

<i>Funding Sources</i>				One Time	Ongoing
OTS carried over from FY 2023					\$ (54,820.52)
Forecasted YE OTS from FY 2024*					\$ 1,079,537.90
Subtotal					\$ 1,024,717.38
New Salary Funding					\$ 8,044,000.00
Set Aside for 3% COLA - Non Judicial and all Medical and Payroll related benefits for the COLA)					\$(4,386,300.00)
Set Aside for 2% Performance Raises - Non Judicial and Payroll related benefits for the 2% PFP					\$(1,646,200.00)
Set Aside for 5% Judicial Officer Increase					\$(2,011,500.00)
Unobligated Fiscal Note Funds - District Court (net)		\$ (8,600)			\$ 426,100.00
Unobligated Fiscal Note Funds - Juvenile Court					\$ 2,700.00
Unobligated Fiscal Note Funds - Admin					\$ (2,200.00)
Expected Carryforward Amount from Fiscal Year 2024				\$ 2,200,000	\$ -
Total Available Funding				\$ 2,191,400	\$ 1,451,317.38
Less: Judicial Council Delegated to State Court Administrator for Discretionary User					\$ (200,000.00)
Net Ongoing TOS Available for Use					\$ 1,251,317.38
Ongoing Requests - Directly from Unobligated Fiscal Note Funds					
		Presented		Judicial Council Approved	
		One Time	Ongoing	One Time	Ongoing
Subtotal		\$ -	\$ -	\$ -	\$ -
Ongoing Requests					
		Presented		Judicial Council Approved	
		One Time	Ongoing	One Time	Ongoing
1	Performance Raises		\$ 450,000		\$ 450,000
	Withdraw Request #1		\$ (450,000)		\$ (450,000)
2	Judiciary Amendments (SB 70) - Shortfall Funding		\$ 366,900		\$ 366,900
3	Education Budget Deficit		\$ 241,400		
4	4th District Insufficient Operating Budget		\$ 46,000		
5	Partially Fund IT Software Not Funded by Legislature		\$ 350,000		
6	Internal Audit Insufficient Operating Budget		\$ 10,000		
7	ICJ Annual Request - per Statute		\$ 29,950		
8	HR Travel / Training Insufficient Operating Budget		\$ 7,500		
9	Contract Court JA Reimbursement Shortfall		\$ 127,624		
Subtotal Proposed		\$ -	\$ 1,179,374	\$ -	\$ 366,900
Balance Remaining Inclusive of Presented Items		\$ 2,191,400	\$ 71,943	\$ -	\$ 884,417
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.					

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 \$2.167M. This is a substantially lower forecast when compared to FY 2023 actual of \$4.4M in one-time TOS primarily because there are between 40% and 50% fewer unfilled positions today than the average for FY 2023. The FY 2024 YE Requests schedule includes forecasted operational savings of \$838,241 which are added to the forecasted one-time TOS. Last year (FY 2023) we generated over \$1M of one-time operational savings.



FY 2024 One Time Turnover Savings

Updated as of Pay Period Ending 03/15/2024 (1,480 out of 2,080 hours)

#		Funding Type	Actual Amount
1	One Time Turnover Savings (from actual payroll data versus budget as of PPE 03/15/2024)	Internal Savings	984,213.02
2	YTD Amount Anticipated to be Reimbursed through ARPA Funding (as of PPE 03/15/2024)	Reimbursements	583,335.99
3	Est. One Time Savings for 600 remaining pay hours (\$1,000 / pay hour)	Internal Savings (Est.)	600,000.00
Total Potential One Time Savings			2,167,549.01

Prior Report Totals (as of PPE 2/16/2024) \$ 2,271,885.75

- Actual per hour turnover savings for the last 4 2024 pay periods (oldest to newest) are \$432.50, \$249.50, \$16.32 and \$807.81. The average per hour turnover savings YTD was \$1059.15. These numbers do include ARPA reimbursements.
- Forecast was reduced to \$1,000 per pay hour based upon prior periods and average.



FY 2024 Year End Requests and Forecasted Available One-time Funds - Period 9

Forecasted Available One-time Funds				One-time Spending Plan Requests	
Description	Funding Type	Amount	Adjusted Requests Amount	Judicial Council Approved Amount	
Sources of YE 2024 Funds					
* Turnover Savings as of PPE 03/15/2024 (including anticipated ARPA reimbursement)	Turnover Savings	1,567,549			
** Turnover savings Estimate for the rest of the year (\$1,000 x 600 pay hours)	Turnover Savings	600,000			
Total Potential One Time Turnover Savings		2,167,549			
Less: Legislative Cut to Budget Savings					
(a) Total Potential One Time Turnover Savings Less LFA Recommendations		1,567,549			
Operational Savings From TCE / AOC Budgets - Forecasted					
Operational Savings From TCE / AOC Budgets - Forecasted	Internal Operating Savings	635,244			
Unused Carryforward Request - Webex Virtual Hearing Improvement	Unused Carryforward	150,000			
Reserve Balance (balance from FY 2023 Carryforward)	Judicial Council Reserve	52,997			
Anticipated Reserve Uses - including previously approved and pending requests	Jud. Council Reserve Uses	-			
(b) Total Operational Savings and Reserve		838,241			
(c) Total of Turnover Savings & Operational Savings = (a) + (b)		2,405,790			
Legislative Supplemental Funding:					
American Fork Lease Increases (originally a carryforward request for FY 2024)	Legislative Contingent	389,000			
(d) Subtotal - Legislative Supplemental Funding		389,000			
Potential Use of Credit Card Charge Fund (CCCF)		TBD			
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)		294,790			
Less: Judicial Council Requests Previously Approved		(587,450)			
Remaining Forecasted Funds Available for FY 2024 YE Spending Requests		(292,660)			
Previously Approved 1x FY 2024 YE Spending Request					
					587,450

Updated 04/02/2024

* Actual turnover savings as calculated on a pay period basis through 03/15/2024.

** Actual per hour turnover savings for the last 4 2024 pay periods (oldest to newest) are \$432.50, \$249.50, \$16.32 and \$807.81. The average per hour turnover savings YTD was \$1,059.15. These numbers do include ARPA reimbursements.

(b) We originally estimated \$750,000 Operational Savings from TCE / AOC Budgets is a conservative estimate. The number has been updated for actual savings YTD but we expect to further update the savings in periods 11/12.

ARPA Expenditures – We have expended \$12.4M of ARPA funds as of April 1, 2024. This leaves an available balance of \$2.4 of the \$15 million that was awarded to the courts.



ARPA Expenses as of 4/1/2024 (period 9 and 10 not yet closed)

	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	2,348,751.03	10,004,473.45	2,368,926.55
Courts Case Backlog - Part I + II	2,302,100	707,963.11	1,007,135.35	587,001.54	2,302,100.00	-
Legal Sandbox Response to COVID	324,500	-	171,636.48	83,300.88	254,937.36	69,562.64
TOTAL	15,000,000	3,750,430.78	5,792,026.58	3,019,053.45	12,561,510.81	2,438,489.19

Expenditures added since last report: \$ 148,988.14

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

BKLG FY 2024 Details

FY 2024 Expenses as of PPE 02/16/2024	
Personnel Expenses:	\$ 583,335.98
Mileage Expenses:	\$ 2,317.56
Sr. Judge Travel Expenses:	\$ 1,348.00
	\$ 587,001.54
COVID Testing Kit purchase:	\$ -
	\$ 587,001.54

BKLG Run Rate Calculation

Usage for Last 3 Pay Periods		
1/19/2024	2/2/2024	2/16/2024
\$34,016.40	\$44,517.13	\$11,098.29

PPE 2/16 was the last pay period where ARPA was available.

Historical Trends (period 9 and 10 not yet closed)

IT Access to Justice Use - Last 3 Periods		
Period 8	Period 9	Period 10
\$ (85,681.71)	\$ 149,845.78	\$ 13,997.06

BKLG - Last 3 Periods		
Period 8	Period 9	Period 10
\$ 78,533.53	\$ 11,098.29	\$ -

Legal Sandbox - Last 3 Periods		
Period 8	Period 9	Period 10
\$ 14,867.11	\$ 15,018.43	\$ -

New Expenses for Period 10:	\$ 13,997.06
True Up for Period 9:	\$ 134,991.08
TOTAL INCREASE FROM PRIOR:	\$ 148,988.14

* Period 8 included corrections for charges that were not ARPA eligible in ITCV.
Period 10 only has 1 day of data.

3. FY Requests for Funding

3. Education Budget Deficit (Lauren Andersen – “Presenters”)

Lauren Andersen is requesting \$241,400 in ongoing funding. This request would balance Education’s operating budget and eliminates its reliance on one-time turnover savings to pay for its training programs for court employees and judicial officers. In FY25 Education is projecting a shortfall of \$241,400 (best case scenario) to \$339,449 (worst case scenario) if it continues to maintain all the programs that it is offering in FY24. Carryforward requests have supported Education since FY22.

Ongoing funding will allow Education to continue to support:

- Judicial officer in-person conferences, retreats and courses,
- New Judge Orientation at least twice a year,
- Year-round courses for judicial assistants, juvenile probation officers, administrative staff, supervisors and managers,
- Employee Leadership Academy,

- Formal employee mentoring program,
- Out-of-state training opportunities for judicial officers and
- Technology associated with online, on-demand learning.

Motion: Deferred until May meeting.

4. 4th District Insufficient Operating Budget (Mark Urry and Karl Sweeney – “Presenters”)

Mark Urry is requesting \$46,000 ongoing turnover savings to supplement operating funds to cover district court operating costs, needs, and projects. Unique among district funding sources, the 4th District is not funded entirely with General Funds for its operating funds. The 4th District seeks the restoration of an incremental \$24,000 of former budget cuts in 2021 and the Federal Title IV-D shortfall (\$22,000) combined to total the \$46,000 requested.

Motion: Deferred until May meeting.

5. Partially Fund IT Software Not Legislatively Funded (Brody Arishita – “Presenter”)

Brody Arishita is requesting \$350,000 ongoing turnover savings to partially fund IT software licenses. The legislature funded our FY24 request with 1x time funds. Our goal would be to bring back 1 or 2 requests per year for incremental IT ongoing TOS funding until the entire \$1.366M is funded with ongoing funds. We will continue to request 1x funding from the legislature for future years as a backstop. For FY 2025, the ongoing funding of \$350,000 will free up an equivalent amount of 1x funding to be used for other priorities.

Motion: Deferred until May meeting.

6. Internal Audit Insufficient Operating Budget (Wayne Kidd – “Presenter”)

Wayne Kidd is requesting \$10,000 in ongoing funding to provide needed ongoing professional development opportunities for the audit staff to keep up to date with changes in the field of auditing, relevant issues, and skill development. The Audit Department is required to conform to Institute of Internal Auditor’s (IIA) International Standards for the Professional Practice of Internal Auditing, which includes ongoing professional development. The department is required to conform to standards relating to objectivity and due professional care and the Code of Ethics. The standards require that the internal audit activity provide opportunities to develop the skills and knowledge necessary to perform all the needed audit engagements.

Motion: Deferred until May meeting.

7. ICJ Annual Request (per Statute) (Sonia Sweeney – “Presenter”)

Sonia Sweeney is requesting \$29,950 in ongoing ICJ operation funding. Funding is for mandatory Interstate Compact for Juveniles (ICJ) annual dues and other expenses related to administration of the ICJ office.

Motion: Deferred until May meeting.

8. HR Travel / Training Insufficient Operating Budget (Jeremy Marsh – “Presenter”)

Jeremy Marsh is requesting \$7,500 of ongoing funding. This funding request aims to address the critical need for ongoing, in-person training opportunities for court employees. These training sessions are essential for keeping staff up to date with required and necessary ad-hoc training, including Abusive Conduct and Workplace Harassment, Fair Labor Standards Act (FLSA) compliance, payroll time entry procedures, effective performance management, FMLA and ADA management, recruitment, and onboarding, managing the discipline process, updates to HR Policy, and a variety of other essential training. By investing in these training opportunities, the court ensures that its workforce remains highly skilled, knowledgeable, and compliant with legal and ethical standards.

Motion: Deferred until May meeting.

9. Contract Court Site Judicial Assistant Reimbursement Shortfall (Shane Bahr – “Presenter”)

Shane Bahr is requesting \$127,624 in ongoing funding for FY25 contract site judicial assistant contract increase. Due to some events just prior to the BFMC meeting, Shane realized that the process to request incremental funds for contract courts was governed by statute (see link below). Shane amended his request to only seek \$21,654, which is the difference between what is currently budgeted, and the contracted amounts for judicial assistant services in the six rural contract sites.

We currently budget \$141,600 for judicial assistant services in the six contract sites. The budgeted dollar amount has not increased since FY18, even though the overall contract amount increased incrementally over the years to \$163,254 in FY2024. A difference of \$21,654. The contracted amount increased in some years based on the COLA given but it was funded by charging the respective District budget to pay for these increases as no incremental general funds were requested to pay for the increased contracted amounts. This has the effect of squeezing the respective District operating budgets as funds are diverted from other uses to pay for personnel at the contract sites.

<https://le.utah.gov/xcode/Title78A/Chapter5/78A-5-S111.html>

Motion: Deferred until May meeting.

4. New Business/Old Business

None.

Adjourned at 12:55 p.m.

Next meeting May 6, 2024

**UTAH JUDICIALCOUNCIL
POLICY, PLANNING and TECHNOLOGY COMMITTEE
MEETING MINUTES**

Webex video conferencing
March 1, 2024 – 12 p.m.

MEMBERS:	PRESENT	EXCUSED	GUESTS:
Judge Samuel Chiara, <i>Chair</i>	•		Keri Sargent Paul Barron
Judge Suchada Bazzelle	•		Nick Stiles Meredith Mannebach
Judge Jon Carpenter	•		Todd Eaton Brody Arishita
Judge Michael DiReda	•		STAFF:
Judge James Gardner		•	Keisa Williams Minhvan Thach

(1) Welcome and approval of minutes:

Judge Chiara welcomed committee members to the meeting. The committee considered the minutes from the February 2, 2024, meeting. With no changes, Judge Carpenter moved to approve the minutes as presented. Judge DiReda seconded the motion. The motion passed unanimously.

(2) Rules back from public comment:

- **CJA 3-108. Judicial assistance**
- **CJA 4-202.02. Records classification**
- **CJA 4-202.03. Records access**
- **CJA 4-208. Automated case processing procedures**

During the December 18, 2023 meeting, the Judicial Council approved amendments to rules 3-108, 4-202.02, 4-202.03, and 4-208 on an expedited basis with a January 1, 2024 effective date. The rules also went out for a 45-day public comment period that closed on February 3, 2024. No comments were received for rules 3-108, 4-202.02, and 4-208. Two comments were received on rule 4-202.03.

The amendments approved in December change the classification of and access to certain adoption records, juvenile court social records, and juvenile court legal records to align with rules of procedure and Utah Code. The amendments also allow attorneys representing individuals authorized to access adoption, expungement, and juvenile court social records to obtain copies of their client’s records with a signed and notarized release.

The first public comment notes that court staff are unable to independently verify whether requesters seeking adoption and expungement records qualify for access under the rule. PP&T agreed and added

clarifying language in lines 17-18 and 47, requiring the requester to submit evidence of qualification along with their request.

The second public comment inquired as to whether requiring a birth certificate under (2)(A) might create an unintended barrier to accessing adoption records. Often, requesters are seeking a copy of the adoption decree in order to obtain a birth certificate. The commenter asked that a provision be included allowing an individual to file a motion with the court if the requester is unable to provide certain documents. The commenter also noted a potential discrepancy in Rule 107 of the Utah Rules of Civil Procedure and an associated request form.

URCP 107(a) states: “An adoptive parent or adult adoptee may obtain a certified copy of the adoption decree upon request and presentation of positive identification.”

The definition of “adoption document” in 78B-6-103(3) includes “an adoption-related document filed with the office, a petition for adoption, a *decree of adoption*, an original birth certificate, or evidence submitted in support of a supplementary birth certificate.” Under 78B-6-141(2), “an adoption document and any other documents filed in connection with a petition for adoption are sealed.” The proposed amendments to (2)(A) encompass all of the circumstances under which court staff may release sealed adoption records absent a court order. A person can file a petition for access under URCP 107, and the court may grant the petition upon a showing of good cause (78B-6-141(3)(c)).

Ms. Williams recommended against making additional amendments in response to the second comment. The potential discrepancy in URCP 107(a) has been referred to the Supreme Court’s Advisory Committee on the Rules of Civil Procedure for consideration.

Following discussion, Judge Bazzelle moved to recommend to the Judicial Council that the new amendments made to CJA 4-202.03 be adopted as final with an expedited effective date. Because the changes are not substantive, PP&T does not believe an additional 45-day public comment period is required. Judge Carpenter seconded the motion. The motion passed unanimously.

(3) CJA 4-403. Electronic signature and signature stamp

The proposed amendments expand the list of document types in paragraph (1) for which clerks may apply a judge’s or commissioner’s signature stamp without prior review by the judge or commissioner, and in paragraph (3)(B), give judges broad discretion to approve additional document types not listed in the rule.

As currently proposed, new paragraph (3)(B) would render the list in paragraph (1) meaningless. Paragraph (3)(B) suggests that a presiding judge in the district and juvenile court may issue a standing order listing “specific document types” that may be signed by a clerk, while a justice court judge may issue a standing order for document types specific to their court. But approved document “types” are already listed in paragraph (1). Paragraph (3) refers to individual documents, not document “types.” Under (3), if a document does not fall under one of the document types in (1), judges and commissioners must review the document before they can authorize a clerk to use their signature or signature stamp on that document. If the boards want to add new approved “document types,” they must be added to paragraph (1). Alternatively, the list in (1) could be removed and judges could be granted broad discretion to determine what document types may be signed without review in their district or courtroom.

The committee discussed the possibility of moving paragraph (3)(B) under paragraph (1) and granting individual judges the discretion to authorize the use of their signature or signature stamp on additional document types not listed in the rule for documents issued by that judge. This would require written documentation of the judge's authorization. PP&T determined that whether to grant judges more discretion than is currently authorized under rule 4-403 is a policy question that must be made by the Judicial Council.

Following additional discussion, PP&T asked Ms. Williams and Ms. Mannebach to create two separate drafts for consideration; one maintaining the status quo and one granting broad discretion to individual judges or district benches. The two drafts will be placed on a future agenda.

(4) Manner of Appearance Rule

At a recent Supreme Court conference, the Court directed their advisory committees to draft proposed rules addressing remote vs. in-person proceedings. Justice Pohlman is chairing a work group to make those procedural rules consistent. Judge Mettler is the Council representative on that work group.

Judge Mettler asked Ms. Williams to revise Michael Drechsel's initial draft of CJA rule 4-101 with the following directions: create an enforcement mechanism; strip procedural language; address notice requirements; and include a reference to related procedural rules.

During discussion, PP&T determined that the enforcement language in paragraph (3) is sufficient to put presiding judges on notice that they are responsible for ensuring compliance under rules 3-104 and 9-109 and directed Ms. Williams to ensure the definitions are consistent with the definitions in the related procedural rules. How the court should provide notice to parties regarding the manner in which a particular hearing will be held, and what information should be included in that notice, depends in part on the mechanisms outlined in the procedural rules for requesting, granting, or denying requests for a specific manner of appearance. If the request/approval/denial process is occurring informally by email with a judge's team, should the "notice" also be sent informally via email? If requests/approvals/denials can be made verbally on the record, how should the "notice" be communicated? How specific should the notice be? We likely do not have the resources to create a dedicated line for technical support if a litigant has trouble logging into a hearing. Should the notice include information about the ability to appear remotely via a kiosk at the courthouse? Could we create a webpage with instructions about remote appearances and just include a link to those instructions in the notice?

Further amendments to the draft will be made once the advisory committees finalize their drafts.

Technology report/proposals:

- Technology Emergency Response Plan

The Technology Advisory Subcommittee recommended adoption of the Technology Emergency Response Plan. The plan provides guidance, a framework, and references for AOC Information Technology staff responding to a technology emergency (e.g., data center or network outage, cyberattack, data breach, facility damage, etc.).

This plan identifies required actions and resources to address technology emergencies generally and does not attempt to prescribe actions as each technology emergency event will be unique. Events that

do not rise to the level of emergency are defined as an Incident and are managed as an operational activity. Technology Incident procedures are not included in this document.

In response to a technology emergency, AOC IT staff will evaluate the circumstances of the emergency and begin to take mitigating and restorative actions. Restorative actions for the most part are normal operational tasks (e.g., building a server, restoring a database, purchasing equipment, etc.) that staff conduct on a daily or routine basis. However, the details of a particular emergency will determine the specific actions needed to restore operations that do not fall within normal operational activity.

The committee reviewed and made minor grammatical amendments to the policy. The committee thanked the Technology Advisory Subcommittee for their work.

Following further discussion, Judge DiReda moved to recommend to the Judicial Council that the AOC's Technology Emergency Response Plan be approved as final. As the plan is an internal policy, a 45-day comment period is not required. Judge Carpenter seconded the motion. The motion passed unanimously. The policy should be discussed by the Council in a closed session.

Old Business/New Business: None

Adjourn: With no further items for discussion, the meeting adjourned at 2:10 p.m. The next meeting will be held on April 5, 2024, at noon via Webex video conferencing.

Tab 3



Administrative Office of the Courts

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

March 21, 2024

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

MEMORANDUM

TO: Judicial Council

**FROM: Judge Brent Bartholomew, Chair, Board of Juvenile Court Judges
Sonia Sweeney, Juvenile Court Administrator**

RE: Report to the Judicial Council

The Board of Juvenile Court Judges (Board) reports the following work on new initiatives and ongoing projects:

1. Initiative to Increase Parent/Family Time in Child Welfare Cases

At the outset of the year, the Board deliberated about what goals we wanted to focus on for the year and ultimately selected two to actively focus on.

The first goal, like many other goals the board has set in recent years, is the continuation of a prior year's goal. The ongoing goal that we elected to continue working on is our Initiative to Increase Parent/Family Time in Child Welfare Cases. By way of history, during the 2022-2023 year, the Board set a goal of making improvements in the quantity and quality of family time in child welfare cases. This goal is a significant undertaking that involves all child welfare community partners, likely has a fiscal impact of some sort on the Division of Child and Family Services (DCFS), as well as requiring organizational changes for DCFS. Achievement of this goal is going to take incremental work. The past Board ultimately tasked ongoing work on that goal to the Court Improvement Program (CIP).

Following that, the CIP Director convened a workgroup that consists of several juvenile court judges, a senior juvenile court judge, the Juvenile Court Administrator, representatives from the Office of the Attorney General, the Office of the Guardian ad Litem, the Utah Indigent Defense Commission, DCFS, parental defenders, a parent with lived experience, a foster parent, a social worker, a therapist, and two research and data analysts.

Past efforts of that workgroup includes:

- National research to obtain information outlining the work other states have done or are currently doing related to parent-time.

**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.**

- Meetings with teams from Georgia, California, and South Dakota to learn about programs and tools implemented in their states.
- Research into the possible development or use of a parent-time specific assessment tool.
- Review of barriers to third-party supervision.
- Workgroup members have been helping to ensure that the topic is being raised at district meetings (Table of Six) for discussion and problem solving at the local level.

At the start of this board year, our board asked that the workgroup identify what could be achieved within a year. With that direction from the Board, the workgroup agreed it was critical to focus on one task at a time and reach completion of that task, before undertaking the next task.

As a result of the workgroup's efforts, a Third Party Factors bench card was developed and approved by the Board. That bench card is a tool that will be shared with all community partners. It contains a non-exhaustive list of factors to consider in evaluating whether a third party is appropriate to supervise parent time when there has been a determination that parent time needs to be supervised. The aim of the bench card is to encourage robust and targeted conversations about third party supervisors, with the hope that where more supervisors can be approved rather than summarily discounted, more visitation can occur under their supervision. Given the limited resources of the DCFSto provide supervision for visits, having more third-party supervisors holds the possibility of increasing the quantity of visitation that may occur.

The workgroup will be selecting the next identifiable task to work on and complete in the upcoming weeks.

2. Data Review of Child Attendance at Hearings

The second goal the board approved for this year was the goal of reevaluating child attendance at child welfare hearings. In doing so, the Board noted the need for children to be heard more meaningfully in court. The Board agreed that collecting data is a crucial first step to understanding why children aren't appearing in court.

To that end, reports will be run in CARE for the period of January 2024 through August 2024, to evaluate how often children are appearing at hearings, and when they are not, what the basis is. CARE is programmed to allow clerks to enter the following as explanations:

- Child too young
- Detrimental to child
- Impractical to attend
- Not excused
- Not stated on the record

The intent of gathering this information is to potentially evaluate the meaning of the term "detrimental", as it is used in UCA 80-3-108(20), as well as identify other ways, such as letters to the court, to ensure children can be heard in court more frequently and meaningfully.

3. Gault Center Juvenile Justice Defense Evaluation

One of the Board's other past year's goals involved working with the Gault Center on an evaluation of representation for youth in delinquency cases. The evaluation process included district site visits, interviews with system role players to gather information and opinions on youth defense services within each district, court observations, and tours of detention/secure-care facilities. A report with recommendations has been finalized and is anticipated to be published by May of 2024. The Gault Center provided a preview of that report at the Juvenile Judges Spring Conference in March of 2024. The Gault Center described the strengths of Utah's representation of youth in delinquency cases along the Wasatch front but explained that system does not exist for the rest of the state. The Gault Center's findings reflect that creating a state-wide office for juvenile defenders, with office support, oversight, training, and mentoring, among other things, would benefit the quality and independence of youth representation.

Tab 4

**Budget and Grants Agenda
for the May 20, 2024
Judicial Council Meeting**

1. Monthly Financials Alisha Johnson
(Tab 1 - Discussion)
 - Ongoing Turnover Savings
 - FY2025 Carryforward and Ongoing Requests
 - One Time Turnover Savings
 - FY 2024 Year End Requests and Forecasted Available One-time Funds
 - ARPA Update

2. Requests for Funding Karl Sweeney
(Tab 2 – Action)

This list represents all known ongoing requests. Grayed out requests represent previously reviewed and approved items where no additional action is required.

Ongoing Funding Requests

- ~~1. Performance Raises Ron Gordon~~
- ~~2. Judiciary Amendments (SB 70) – Shortfall Funding Ron Gordon~~
3. Education Budget Deficit..... Lauren Andersen
4. 4th District Insufficient Operating Budget Mark Urry and Karl Sweeney
5. Partially Fund IT Software Not Legislatively Funded..... Brody Arishita and Karl Sweeney
6. Internal Audit Insufficient Operating Budget Wayne Kidd
7. ICJ Annual Request (per Statute) Sonia Sweeney
8. HR Travel / Training Insufficient Operating Budget..... Jeremy Marsh
9. Contract Court Site Judicial Assistant Reimbursement Shortfall..... Shane Bahr
10. Law Library Assistant Not Legislatively Funded..... Kaden Taylor
11. Seventh District Training Coordinator Position Not Legislatively Funded..... Travis Erickson
12. Deputy Clerk of Court – Appellate Court..... Nick Stiles
13. Juvenile Law Clerk Attorney Position..... Sonia Sweeney

3. Proposed Use of Case Processing Funds Karl Sweeney
(Tab 3 - Information)
4. FY 2025 Commissioner Salary Approval..... Karl Sweeney and Ron Gordon
(Tab 4 – Action)
5. Quarterly Grant Report Jordan Murray
(Tab 5 – Action)

Tab 1



FY 2024 Ongoing Turnover Savings as of 04/30/2024

#	Funding Type	Actual	Forecasted
		Amount YTD	Amount @ YE
	Internal Savings	(54,820.52)	(54,820.52)
	Internal Savings	1,129,874.19	1,129,874.19
1	Internal Savings	-	200,000.00
		1,075,053.67	1,275,053.67
2		(193,927.00)	(200,000.00)
		(193,927.00)	(200,000.00)
3	Total Actual/Forecasted Turnover Savings for FY 2024	881,126.67	1,075,053.67

Prior Report Totals (as of 03/25/2024, with the contingent amount removed)

682,149.15

824,717.38

- * Ongoing turnover savings only happens when a vacant position is filled at a lower rate and / or with lower benefits.
 - * There are currently 28 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, 29.7 FTE are vacant.
- 1 We are currently estimating \$100,000 of ongoing savings a month for the remainder of the fiscal year. This is in line with actual realized.
 - 2 Authority was delegated from the Judicial Council to the State Court Administrator/Deputy in October 2022 to expend up to \$200,000 annually.



FY 2025 Carryforward and Ongoing Requests - as of FY 2024 Period 10

5/1/2024

Funding Sources

	One Time	Ongoing
OTS carried over from FY 2023		\$ (54,820.52)
Forecasted YE OTS from FY 2024*		\$ 1,329,874.19
Subtotal		\$ 1,275,053.67
New Salary Funding		\$ 8,044,000.00
Set Aside for 3% COLA - Non Judicial and all Medical and Payroll related benefits for the COLA)		\$ (4,386,300.00)
Set Aside for 2% Performance Raises - Non Judicial and Payroll related benefits for the 2% PFP		\$ (1,646,200.00)
Set Aside for 5% Judicial Officer Increase		\$ (2,011,500.00)
Unobligated Fiscal Note Funds - District Court (net)	\$ (8,600)	\$ 402,800.00
Unobligated Fiscal Note Funds - Juvenile Court		\$ 26,000.00
Unobligated Fiscal Note Funds - Admin		\$ (2,200.00)
Expected Carryforward Amount from Fiscal Year 2024	\$ 2,200,000	\$ -
Total Available Funding	\$ 2,191,400	\$ 1,701,653.67
Less: Judicial Council Delegated to State Court Administrator for Discretionary User	\$ (250,000.00)	\$ (200,000.00)
Net Ongoing TOS Available for Use	\$ 1,941,400.00	\$ 1,501,653.67

Ongoing Requests - Directly from Unobligated Fiscal Note Funds

	Presented		Judicial Council Approved	
	One Time	Ongoing	One Time	Ongoing
Subtotal	\$ -	\$ -	\$ -	\$ -

Ongoing Requests

	Presented		Judicial Council Approved	
	One Time	Ongoing	One Time	Ongoing
1 Performance Raises Withdraw Request #1		\$ 450,000		\$ 450,000
		\$ (450,000)		\$ (450,000)
2 Judiciary Amendments (SB 70) - Shortfall Funding - Ron Gordon		\$ 366,900		\$ 366,900
3 Education Budget Deficit - Lauren Andersen		\$ 241,400		
4 4th District Insufficient Operating Budget - Mark Urry / Karl Sweeney		\$ 46,000		
5^ Partially Fund IT Software Not Funded by Legislature - Brody Arishita / Karl Sweeney		\$ 350,000		
6 Internal Audit Insufficient Operating Budget - Wayne Kidd		\$ 10,000		
7 ICJ Annual Request - per Statute - Sonia Sweeney		\$ 29,950		
8 HR Travel / Training Insufficient Operating Budget - Jeremy Marsh		\$ 7,500		
9 Contract Court JA Reimbursement Shortfall - Shane Bahr		\$ 21,700		
10^ Law Library Assistant Not Funded by Legislature- Kaden Taylor	\$ 1,500	\$ 85,000		
11^ Seventh District Training Coordinator Position Not Funded by Legislature - Travis Erickson		\$ 98,500		
12 Deputy Clerk of Court - Appellate Court - Nick Stiles	\$ 2,000	\$ 116,200		
13 Juvenile Law Clerk Attorney Position - Sonia Sweeney		\$ 139,000		
Subtotal	\$ 3,500	\$ 1,512,150	\$ -	\$ 366,900
Balance Remaining After Judicial Council Approvals			\$ 1,941,400	\$ 1,134,754
Balance Remaining Inclusive of "Presented"	\$ 2,187,900	\$ (10,496)		

One Time Requests

	Presented		Judicial Council Approved	
	One Time	Ongoing	One Time	Ongoing
1 2nd District - Conversion/Upgrade for Judicial Settlement Conference Rms - Glen Proctor	\$ 22,600			
2* Employee Wellness Resources - Ron Gordon and Karl Sweeney	\$ 112,950			
3* Courts EcoPass Program - Suzette Deans / Karl Sweeney	\$ 60,000			
4* Education Assistance Program Funding - Alisha Johnson	\$ 85,000			
5* HR Applicant Tracking - Bart Olsen and Jeremy Marsh	\$ 20,900			
6* IT Stipend for Technology Subject Matter Experts - Todd Eaton / Jace Kinder	\$ 65,000			
7* IT Replacement Inventory - Todd Eaton	\$ 364,000			
8* Network / System Maintenance - Staff Augmentation - Todd Eaton / Chris Talbot	\$ 50,000			
9* Employee Incentive Awards - Bart Olsen, Erin Rhead, Alisha Johnson	\$ 280,000			
Subtotal	\$ 1,060,450	\$ -	\$ -	\$ -
Balance Remaining After Judicial Council Approvals			\$ 1,941,400	\$ 1,134,754
+ Balance Remaining Inclusive of "Presented"	\$ 1,127,450	\$ (10,496)		

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.

^ - Request to Legislature was Not Funded

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.



FY 2024 Ongoing Turnover Savings as of 04/30/2024

#		Funding Type	Actual Amount YTD	Forecasted Amount @ YE
	Net Carried over Ongoing Savings (from FY 2023)	Internal Savings	(54,820.52)	(54,820.52)
	Ongoing Turnover Savings FY 2024 (actual year-to-date)	Internal Savings	1,129,874.19	1,129,874.19
1	Ongoing Turnover Savings FY 2024 (forecast \$100,000 / month x 2 months remaining)	Internal Savings	-	200,000.00
	TOTAL SAVINGS		1,075,053.67	1,275,053.67
2	2024 Hot Spot Raises Authorized - renews annually until revoked		(193,927.00)	(200,000.00)
	TOTAL USES		(193,927.00)	(200,000.00)
3	Total Actual/Forecasted Turnover Savings for FY 2024		881,126.67	1,075,053.67

Prior Report Totals (as of 03/25/2024, with the contingent amount removed)

682,149.15

824,717.38

- * Ongoing turnover savings only happens when a vacant position is filled at a lower rate and / or with lower benefits.
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- 2 Authority was delegated from the Judicial Council to the State Court Administrator/Deputy in October 2022 to expend up to \$200,000 annually.



FY 2024 Year End Requests and Forecasted Available One-time Funds - Period 10

Forecasted Available One-time Funds		
Description	Funding Type	Amount
Sources of YE 2024 Funds		
* Turnover Savings as of PPE 04/30/2024 (including anticipated ARPA reimbursement)	Turnover Savings	1,671,691
** Turnover savings Estimate for the rest of the year (\$1,000 x 440 pay hours)	Turnover Savings	440,000
Total Potential One Time Turnover Savings		2,111,691
Less: Legislative Cut to Budget Savings		(600,000)
(a) Total Potential One Time Turnover Savings Less LFA Recommendations		1,511,691
<i>Operational Savings From TCE / AOC Budgets - Forecasted</i>	<i>Internal Operating Savings</i>	620,244
<i>Unused Carryforward Request - Webex Virtual Hearing Improvement</i>	<i>Unused Carryforward</i>	150,000
<i>Reserve Balance (balance from FY 2023 Carryforward)</i>	<i>Judicial Council Reserve</i>	52,997
<i>Anticipated Reserve Uses - including previously approved and pending requests</i>	<i>Jud. Council Reserve Uses</i>	-
(b) Total Operational Savings and Reserve		823,241
(c) Total of Turnover Savings & Operational Savings = (a) + (b)		2,334,932
Legislative Supplemental Funding:		
American Fork Lease Increases (originally a carryforward request for FY 2024)	<i>Legislative Contingent</i>	389,000
(d) Subtotal - Legislative Supplemental Funding		389,000
Potential Use of Credit Card Charge Fund (CCCF)		TBD
Uses of YE 2024 Funds		
(e) Less: Judicial Council Requests Previously Approved		(587,450)
Total Potential Carryforward = (c) + (d) less (e) (Legislature approved up to \$3.2M)		2,136,482

	One-time Spending Plan Requests	Adjusted Requests	Judicial Council
		Amount	Approved
			Amount
1	Employee Wellness Resources		107,450
2	JWI Centralized Scheduler Software - <i>Legislatively Funded</i>	\$	-
3	JWI Media Outreach Interpreter Recruiting - <i>Legislatively Funded</i>	\$	-
4	JWI Interpreter Trainer - <i>Legislatively Funded</i>	\$ -	-
5	OFA Racial and Ethnic Disparity Data Project		30,000
6	JWI Increase to 2 Hour Minimum - <i>Legislatively Funded</i>	\$ -	-
7	JWI Higher Pay for Rural Assignments - <i>Legislatively Funded</i>	\$ -	-
8	Q1/Q2 Performance Bonuses - PAID		450,000
9	Senior Judge and Time Limited JA Funding - <i>Legislatively Funded</i>	\$ -	-
Previously Approved 1x FY 2024 YE Spending Request			587,450

Updated 04/30/2024

- * Actual turnover savings as calculated on a pay period basis through 03/15/2024.
- ** Actual per hour turnover savings for the last 4 2024 pay periods (oldest to newest) are \$9.97, \$804.94, \$469.17, and \$827.58. The average per hour turnover savings YTD was \$1,019.32. These numbers do include ARPA reimbursements.
- (b) We originally estimated \$750,000 Operational Savings from TCE / AOC Budgets is a conservative estimate. The number has been updated for actual savings YTD but we expect to further update the savings in periods 11/12.



ARPA Expenses as of 4/30/2024 (period 10 not yet closed)

	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	2,485,683.47	10,141,405.89	2,231,994.11
Courts Case Backlog - Part I + II	2,302,100	707,963.11	1,007,135.35	587,001.54	2,302,100.00	-
Legal Sandbox Response to COVID	324,500	-	171,636.48	111,493.27	283,129.75	41,370.25
TOTAL	15,000,000	3,750,430.78	5,792,026.58	3,184,178.28	12,726,635.64	2,273,364.36

Expenditures added since last report: \$ 165,124.83

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

Historical Trends (period 10 not yet closed)

IT Access to Justice Use - Last 3 Periods

	Period 8	Period 9	Period 10
\$	(85,681.71)	\$ 149,845.78	\$ 150,929.50

BKLG - Last 3 Periods

	Period 8	Period 9	Period 10
\$	78,533.53	\$ 11,098.29	\$ -

Legal Sandbox - Last 3 Periods

	Period 8	Period 9	Period 10
\$	14,867.11	\$ 15,018.43	\$ 13,173.96

Correction for report error for Legal Sandbox, period 9:	\$ 15,018.43
New Period 10 Expenses:	\$ 150,106.40
TOTAL INCREASE FROM PRIOR TOTAL EXPENDED AMOUNT:	\$ 165,124.83

(The period 9 Legal Sandbox amount was not included in the Total Expended Amount in last month's report)

* Period 8 included corrections for charges that were not ARPA eligible in ITCV.

Tab 2

3. FY 2024 Ongoing Turnover Savings Spending Request – Education Budget Deficit

The Judicial Council approves uses of Ongoing Turnover Savings. This is a request to the Budget and Fiscal Management Committee and the Judicial Council to allocate the use of some of these Ongoing Turnover Savings for ongoing personnel and operational needs that will be utilized in FY 2025.

Date: 4.1.2024

Department or District: Education

Requested by: Lauren Andersen

Request title: FY25 Education Budget Deficit

Amount requested:

One-time \$	<u> N/A </u>
Ongoing \$	<u> 241,400 </u>

Purpose of funding request:

This request, if funded, balances Education’s operating budget and eliminates its reliance on one-time turnover savings to pay for its training programs for court employees and judicial officers.

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

In FY25 Education is projecting a shortfall of \$241,400 (best case scenario) to \$339,449 (worst case scenario) if it continues to maintain all the programs that it is offering in FY24.

The shortfall is many years in the making. General funds to support judicial education operating expenses (non-personal) have remained flat for many years while Education’s operating expenses have increased each year. For example, state per diem rates for lodging and meals have increased, with plans to match the GSA per diem rate in 2024. Mileage reimbursements for employees attending in-person training events have also increased. The size of the judiciary has also grown, which has required larger venues with greater hotel accommodation and larger meeting spaces.

Carryforward requests have supported Education since FY22. As education needs and expenses have increased so has Education’s annual carryforward request to use 1x funds (these 1x funds primarily originate from turnover savings from vacant positions).

- FY22 \$127,500
- FY23 \$203,500
- FY24 \$224,700
- FY25 (estimate) \$241,400

Ongoing funding will allow Education to continue to support:

- Judicial officer in-person conferences, retreats and courses,
- New Judge Orientation at least twice a year,
- Year-round courses for judicial assistants, juvenile probation officers, administrative staff, supervisors and managers,
- Employee Leadership Academy,

3. FY 2024 Ongoing Turnover Savings Spending Request – Education Budget Deficit

- Formal employee mentoring program,
- Out-of-state training opportunities for judicial officers and
- Technology associated with online, on-demand learning.

Should significant cuts be made to Education’s ongoing budget, we would happily reduce this request. However, experience demonstrates that judicial officers gain much more benefit by attending Education events in person and we would rather have the ongoing funds approved to run the program – while proposing various cost reductions each year in different areas that enable us to not need to seek additional funds for at least several years. See Supplemental material for some examples of cuts.

Alternative funding sources, if any:

One-time carryforward funds.

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

Education will need to cut down on the number of in-person educational offerings it supports. Training will be moved online so that we can reach the statewide audience without incurring per diem rates for lodging, meals and mileage reimbursements.

Possible cuts could include shortening all conferences to minimize overnight stays at conference locations, as well as driving distance to the conference locations. Education could also reduce out-of-state travel scholarships, although this amount has been significantly decreased in recent years, and we need to retain at least \$25,000 for this purpose.

Based on the rationale outlined for priority ongoing requests, we strongly recommend approving the Education request in advance of the June 2024 Judicial Council meeting to be used effective for FY 2025.



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

March 26, 2024

MEMORANDUM

TO: Budget and Financial Management Committee

FROM: Judicial Institute

RE: Areas of potential savings

This information is provided to show possible scenarios where conference costs may be reduced. All of these have been examined by the Judicial Institute but, as of yet, we have not had to implement any of these possible scenarios.

Shorter conference*

This scenario imagines offering four (4) hours of online content online the Wednesday before the conference, a mid-morning start to the conference on Thursday, and lodging provided only on Thursday night unless a judicial officer is traveling several hours to attend the conference.

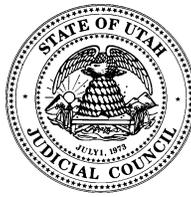
Estimates are based on attendance of 90 attendees.

Item	Total estimated expense	Current model	Possible savings
Lodging and Conference meals	\$25,480 ¹	\$50,960 ²	\$25,480
Mileage reimbursement (assuming 92 roundtrip)	\$3,644	\$3,644	\$0
Meal reimbursement	\$3,510	\$5,850	\$2,340
Speaker expenses	\$5,000	\$5,000	\$0
AV	\$10,000	\$10,000	\$0
Total	\$47,634	\$75,454	\$27,820

*This scenario cannot be applied to the 2024 Annual Judicial Conference without incurring a cancellation penalty. This has to do with our contract for the venue which was signed in 2022.

¹ One night of lodging @ \$141 per night

² Two nights of lodging @ \$141 per night



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Non Salt Lake Central Location

This scenario imagines holding conferences along the Wasatch Front in a conference facility that will contract for the GSA rate. Salt Lake's GSA Rate is \$139/night; Provo's GSA rate is \$111 per night. The old state rates of \$100 per night have not been available at Salt Lake hotels for the past year. The Courts will be moving to the GSA rate when we implement Concur later in 2024.

This scenario maintains a three (3) day conference at a location in Provo, Utah.

Item	Total estimated expense	Current model	Possible savings
Lodging and Conference meals	\$29,800 ³	\$50,960 ⁴	\$21,160
Mileage reimbursement (assuming 90 miles roundtrip)	\$3,564	\$3,644	\$80
Meal reimbursement	\$5,850	\$5,850	\$0
Speaker expenses	\$5,000	\$5,000	\$0
AV	\$10,000	\$10,000	\$0
Total	\$46,192	\$75,454	\$21,240

³Two nights of lodging @ \$110 per night

⁴Two nights of lodging @ \$141 per night

4. FY 2024 Ongoing Turnover Savings Spending Request – 4th District Operating Funds

The Judicial Council approves uses of Ongoing Turnover Savings. This is a request to the Budget and Fiscal Management Committee and the Judicial Council to allocate the use of some of these Ongoing Turnover Savings for ongoing operating or personnel needs that will be utilized in FY 2025.

Date: 04/01/24

Department or District: 4th Judicial District Court

Requested by: Karl Sweeney and Mark Urry, Trial Court Executive

Request title: Insufficient Operating Budget

Amount requested: \$46,000 Ongoing Turnover Savings

Purpose of funding request: To supplement operating funds to cover district court operating costs, needs, and projects.

Title IV-D Funds

The 4th District, one of the larger districts in the Courts in terms of personnel, is not funded entirely with General Funds - which are a sum-certain funding source which gives the recipient ongoing legislative funds.

For reasons which are unknown to those in the 4th District or AOC, the 4th District receives Federal Title IV-D funding in the budgeted amount of \$140,400 per year. The Title IV-D funding reimburses courts for the costs associated with assisting litigants with child support and paternity matters. This funding covers reimbursements from court expenditures throughout the state of Utah.

Unfortunately, the actual collections/receipts have not been at the budgeted levels. For the past 5 years, actual collections from the Title IV-D fund have been:

FY 2019 \$137,644.66

FY 2020 \$115,613.55

FY 2021 \$108,948.31

FY 2022 \$125,184.04

FY 2023 \$106,439.89

Average 5-year collections ~ \$118,766

Budget minus Average Collections (\$140,400 - \$118,766) = \$21,634

We seek ongoing General Funds to replace the shortfall noted above rounded to \$22,000.

2021 Budget Cuts

All Districts were asked to cut their budgets to meet the legislative-required budget cuts that were part of the FY 2021 budget reduction. The 4th District voluntarily cut their budget by \$46,200 – of which \$11,150 was restored in FY 2023. In retrospect, this cut was too aggressive. The 4th District seeks the restoration of an incremental \$24,000 of former budget cuts. The IV-D shortfall (\$22,000) and the partial restoration of FY 2021 budget cuts (\$24,000) combined total the \$46,000 we request.

4. FY 2024 Ongoing Turnover Savings Spending Request – 4th District Operating Funds

The 4th District finds that it is short of operating funds which are used to fund various critical operating and maintenance needs such as:

- Repair and replace courtroom furniture,
- Replace items not covered by the IT equipment replacement budget including scanners, printers, and monitors,
- Pay for ergonomic assessments,
- Fund the purchase of price increases on office supplies,
- Travel to attend offsite conferences & meetings,
- Cover the costs of fleet vehicle operations.

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

See above.

Alternative funding sources, if any:

One-time funds. However, this is not recommended because this is an ongoing budget deficit and needs to be corrected with additional ongoing funds.

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

The 4th District will have insufficient funds to fulfill its mission.

Based on the rationale outlined for priority ongoing requests, we strongly recommend approving the 4th District's request in advance of the June 2024 Judicial Council meeting to be used effective for FY 2025.

5. FY 2024 OTS Spending Request – Partially Fund IT Legislative Request Not Funded

The Judicial Council approves uses of Ongoing Turnover Savings. This is a request to the Budget and Fiscal Management Committee and the Judicial Council to allocate the use of some of these Ongoing Turnover Savings for ongoing personnel and operational needs that will be utilized in FY 2025.

Date: 4.01.2024

Department or District: AOC IT

Requested by: Brody Arishita and Karl Sweeney

Request title: Partially Fund IT Legislative Request Not Funded with Ongoing Funds

Amount requested: \$350,000 Ongoing Turnover Savings (TOS)

Purpose of funding request:

The FY 2024 legislature once again funded our IT request for \$1.366M with 1x time funds. The IT legislative request is attached as Exhibit A. Given that some of the FY 2024 IT requests have been funded by the legislature with 1x time funds since FY 2022, it is obvious that the legislature is lukewarm at best to allocating ongoing funding for our IT software licenses. As noted in Exhibit A, these licenses are for critical uses like MS Windows, Google applications and Adobe. Because the licenses are vital to the Courts, we propose that the Courts begin to utilize ongoing funds to pay for these software licenses.

The funding of \$1.646M in ongoing performance raises by the legislature for FY 2025 means that the former use of Courts-generated ongoing funds for performance raises can now be allocated to other priorities such as this IT request.

Funding \$350,000 (approximately 25%) of the \$1.366M IT legislative request with ongoing TOS funds is a meaningful first step and this amount can be supplemented by further requests in FY 2025 as ongoing TOS builds. Our goal would be to bring back 1 or 2 requests per year for incremental IT ongoing TOS funding until the entire \$1.366M is funded with ongoing funds. We will continue to request 1x funding from the legislature for future years as a backstop. For FY 2025, the ongoing funding of \$350,000 will free up an equivalent amount of 1x funding to be used for other priorities.

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

See above.

Alternative funding sources, if any:

N/A – the Legislature is already funding this request with 1x funds.

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

There is a continued risk that the legislature will not fund the IT licenses with either ongoing or 1x funds. It was not until the last week of the session that the legislature saw fit to use 1x funds for our IT request.



FY24 and FY25 Budget Request Form

Agency: **Judicial Branch (Courts)**
 Division or Program: **IT Essential Software Funding**
 Request Title: **IT Essential Software Funding**
 Request Priority: **#4**

(Please do not prioritize reallocation requests against standard budget requests.)

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

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

A. BACKGROUND & BUDGETARY DETAILS

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

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

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

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

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

A. Microsoft Enterprise Agreement - \$295,000

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

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

Cost breakdown by product:

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

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

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

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

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

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

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

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

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

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

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

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

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

F. Adobe eSignatures - \$300,000

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

G. Appellate eFiling - \$40,000

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

into the system. The electronic filing system would make it easier for Utahns to access the appellate courts and would improve the efficiency of the court system.

H. Adobe Acrobat Enterprise - \$128,000

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

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

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

I. PolicyPak - \$60,000

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

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

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

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

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

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

5. Is this project or program scalable if the Governor's Budget prioritizes a portion of the funding? Provide a description of the potential impact if a portion of the request is recommended.

Consider multiple variations of a reduction in funding (10%, 50%, etc.).

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

B. CREATING VALUE

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

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

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

See answers to section # 2 above.

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

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

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

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

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

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

No statutory changes are necessary in connection with this request.

10. *How does this request help implement your agency's strategic priorities? Include a direct citation*

of your agency's strategic plan and relevant goals, objectives and strategies and/or work plan.

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

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

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

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

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

No.

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

D. EXPANDING ACCESS AND OPPORTUNITY

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

This request will benefit all court locations throughout the state.

6. FY 2024 OTS Spending Request – Internal Audit Insufficient Operating Budget

The Judicial Council approves uses of Ongoing Turnover Savings. This is a request to the Budget and Fiscal Management Committee and the Judicial Council to allocate the use of some of these Ongoing Turnover Savings for ongoing personnel and operational needs that will be utilized in FY 2025.

Date: 4.1.2024

Department or District: Internal Audit Department (IAD)

Requested by: Wayne Kidd

Request title: Internal Audit Insufficient Operating Budget

Amount requested: One-time \$ N/A

Ongoing \$ \$10,000

Purpose of funding request:

This request would provide needed ongoing professional development opportunities for the audit staff to keep up to date with changes in the field of auditing, relevant issues, and skill development.

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

The Audit Department is required to conform to Institute of Internal Auditor’s (IIA) International Standards for the Professional Practice of Internal Auditing, which includes ongoing professional development. The department is required to conform to standards relating to objectivity and due professional care and the Code of Ethics. The standards require that the internal audit activity provide opportunities to develop the skills and knowledge necessary to perform all the needed audit engagements. This includes:

- Providing opportunities to keep up to date with changes in the business of auditing, ethics, and relevant regulatory issues
- Having sufficient knowledge of risk assessment and controls
- Obtaining sufficient knowledge of fraud to identify “red flags” indicating possible fraud when planning audit engagements
- Developing critical thinking, analytical, financial, and communications skills and knowledge necessary to conduct audit engagements
- Encouraging audit staff in demonstrating its proficiency by obtaining appropriate professional certifications related to internal auditing

IAD staff have opportunities through in-house training opportunities to enhance their knowledge and skills for court related training, but the audit staff also need outside professional development opportunities specifically for the business of auditing. The Institute of Internal Auditors, Association of Certified Fraud Examiners, Utah Government Auditor’s Association, National Center for State Court, and other external organizations help to provide relevant professional development opportunities. However, these external opportunities require registration fees to attend, and sometimes out-of-state travel. IAD

6. FY 2024 OTS Spending Request – Internal Audit Insufficient Operating Budget

does not have funding for all 4-audit staff to participate in needed external professional development opportunities. The department's current annual budget for professional development is \$1,000.

Alternative funding sources, if any: Carryforward funds. Carryforward funds are not recommended as the need is ongoing.

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

IAD staff will be limited to participating in external training opportunities that require no/low registration fees. This greatly limits the number of opportunities, as well as limits opportunities for audit staff to be able to develop and enhance their skills from professional trainers, and keep up to date in the business of auditing. Not fulfilling this requirement may cause IAD to become out of compliance with the IIA's Quality Assurance and Improvement Program requirements.

7. FY 2024 Ongoing Turnover Savings Spending Request – ICJ Annual Funding

The Judicial Council approves uses of Ongoing Turnover Savings. This is a request to the Budget and Fiscal Management Committee and the Judicial Council to allocate the use of some of these Ongoing Turnover Savings for ongoing personnel and operational needs that will be utilized in FY 2025.

Date: March 31, 2024

Department or District: Juvenile Court

Requested by: Sonia Sweeney, Juvenile Court Administrator

Request title: Interstate Compact for Juveniles (ICJ) Operations Funding

Amount requested: Ongoing \$29,950 (Detail below) (prior year's request was \$26,950)

- \$22,950--Annual Dues
- \$3,000 -- Extradition Expenses
- \$1,000 -- Training/Annual Business meeting
- \$3,000 – Out-of-State Evaluations and Treatment (this is a new category of spending which is explained below in the executive summary)

Purpose of funding request: Funding for mandatory Interstate Compact for Juveniles (ICJ) annual dues and other expenses related to administration of the ICJ office.

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

In past years, Federal JABG funds supported the payment of national ICJ dues, but JABG funding is no longer available. Therefore, other funding is necessary to support ICJ dues. ICJ dues are calculated based on the criteria outlined in ICJ Rule 2-101 (attached).

As a member of the ICJ, the state of Utah is responsible for working with other states to return runaway/absconded youth to his/her home state, including home to Utah. Although the financial obligation rests with the parents, in some instances parents are unable to pay for the child's return. The request for \$3,000 enables Utah to comply with return timeline requirements when other logistical or financial return options are unavailable.

Additionally, when an adjudicated youth moves out of state prior to complying with Court ordered evaluations and treatment, the ICJ views the state in which adjudication occurred as the sending state and the sending state is responsible for the costs of those services unless the receiving state has the funds and is willing to pay. The request for \$3,000 for out-of-state evaluations and treatment will provide Utah some funds to cover those expenses.

Alternative funding sources, if any: Carryforward funds. Given the statutory nature of this expense, it is not optional. We recommend ongoing funds be the first choice for funding.

If this request is not funded at this time, what are the consequences or is there an alternative strategy? Utah's ICJ dues are obligated by Utah Code subsection [80-6-1109\(2\)](#), and if unpaid, Utah would default on the ICJ and additional fines may be levied. If extradition funds are not approved, it

7. FY 2024 Ongoing Turnover Savings Spending Request – ICJ Annual Funding

would hinder Utah’s ability to comply with the ICJ in cases where a Utah family cannot pay for the return of their child. If out-of-state evaluations and treatment funds are not approved, it will hinder Utah’s ability to comply with ICJ and Utah Court orders in which youth move out of state post adjudication and prior to completing all court ordered services.

Attachment (ICJ Rule 2-101):

Section 200 General Provisions

Rule 2-101: Dues Formula

1. The Commission shall determine the formula to be used in calculating the annual assessments to be paid by states. Public notice of any proposed revision to the approved dues formula shall be given at least thirty (30) days prior to the Commission meeting at which the proposed revision will be considered.
2. The Commission shall consider the population of the states and the volume of juvenile transfers between states in determining and adjusting the assessment formula.
3. The approved formula and resulting assessments for all member states shall be distributed by the Commission to each member state annually.
4. The dues formula shall be — $(\text{Population of the state} / \text{Population of the United States})$ plus $(\text{Number of juveniles sent from and received by a state} / \text{total number of offenders sent from and received by all states})$ divided by two.

History: *Adopted December 2, 2009, effective March 1, 2010*

8. FY 2024 Ongoing Turnover Savings Spending Request – HR Insufficient Travel Budget

necessitating a dedicated and predictable funding source to support long-term workforce development initiatives.

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

Failure to allocate adequate funding for in-person training would have several adverse consequences. First, without sufficient funding, the court would be unable to offer regular in-person training sessions, limiting employee development and skill enhancement. Second, a lack of targeted training could lead to suboptimal performance, inefficiencies, and potential compliance issues within the court system. Finally, if denied access to essential training opportunities, management and employees may feel undervalued and unsupported, leading to decreased morale and engagement.

As an alternative strategy, and because HR sees in-person training as essential, HR will utilize other areas of its budget to help pay for the ongoing need for in-person training.

9. FY24 Ongoing Turnover Savings Spending Request – Contract Court Site Judicial Assistants

The Judicial Council approves uses of Ongoing Turnover Savings. This is a request to the Budget and Fiscal Management Committee and the Judicial Council to allocate the use of some of these Ongoing Turnover Savings for ongoing personnel and operational needs that will be utilized in FY 2025.

Date: 4.2.2024

Department or District: District Court Administration

Requested by: Shane Bahr

Request title: FY 25 Contract Site Judicial Assistant Contract Increase

Amount requested:

One-time \$	<u>N/A</u>
Ongoing \$	<u>21,700</u>

Purpose of funding request:

This request, if funded, will close the gap between what is currently budgeted for FY25, and the contracted amount for judicial assistant services in six rural contract sites.

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

The Administrative Office of the Courts (AOC) contracts with Rich, Millard, Garfield, Wayne, Piute, and Daggett Counties for Judicial Assistant resources in these small rural court sites. The AOC contracts for Judicial Assistant services in these rural court sites in lieu of hiring state employees to work in these court locations.

As shown in Table 1, combined, the court currently contracts for the equivalent of 3 FTE, divided among the six contract sites. The number of FTE per contract site is informed by the clerical weighted caseload study and with a baseline minimum staffing level of .25 FTE.

The AOC currently budgets \$141,600 for judicial assistant services in the six contract sites. The budgeted dollar amount has not increased since FY18, even though the overall contract amount increased incrementally over the years to \$163,254 in FY2024. A difference of \$21,654 (\$21,700 rounded). The contracted amount increased in some years based on the COLA increase given, but the increase was funded by charging the respective District budget to pay for these increases as no incremental general funds were requested to pay for the increased contracted amounts. This has the effect of squeezing the respective District operating budgets as funds are diverted from other uses to pay for personnel at the contract sites.

Future funding increases for these contract sites should come through an appropriation from the legislature. The process for contract sites to request funding is outlined in Utah Code 78A-5-111(4)(d), which requires counties or municipalities to submit a budget request to the Judicial Council, the Governor, and the Legislative Fiscal Analyst for consideration. It is anticipated that

9. FY24 Ongoing Turnover Savings Spending Request – Contract Court Site Judicial Assistants

counties will submit budget requests to the Judicial Council to consider for the 2025 legislative session.

Table 1

County Site	FY 24 Budgeted Amount	FY24 Contracted Amount	FY 24 Contracted Minimum Staffing FTE	CWC FY23 FTE Need
Rich/Randolph	\$ 12,300.00	\$ 13,995.13	0.25	0.18
Millard/Fillmore	\$ 65,300.00	\$ 75,684.61	1.25	1.63
Garfield/Panguitch	\$ 34,600.00	\$ 38,570.88	0.75	0.59
Wayne/Loa	\$ 10,200.00	\$ 11,374.45	0.25	0.17
Piute/Junction	\$ 10,200.00	\$ 13,374.45	0.25	0.09
Daggett/Manila	\$ 9,000.00	\$ 10,254.40	0.25	0.1
	\$ 141,600.00	\$ 163,253.92	3	2.76
Difference Between Budget and Cont		\$ 21,653.92		

Alternative funding sources, if any:

One-time carryforward funds.

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

If this request is not funded, the four impacted districts (1st, 4th, 6th and 8th) will continue to pay the difference between the budgeted amount and the amount agreed to in the contract. To pay this difference, TCEs must utilize district operating funds that could be used for other needs in their respective districts. Even if not funded, we will work with the local governments to submit a request to the legislature in FY 25.

10. FY 2025 Ongoing Turnover Savings Spending Request – Utah State Law Library Assistant

The Judicial Council approves uses of Ongoing Turnover Savings. This is a request to the Budget and Fiscal Management Committee and the Judicial Council to allocate the use of some of these Ongoing Turnover Savings for ongoing operating or personnel needs that will be utilized beginning in FY 2025.

Date: March 15, 2024

Department or District: Utah State Law Library

Requested by: Kaden Taylor

Request title: Utah State Law Library Assistant

Amount requested: Ongoing: \$85,000¹ (this is a 2024 Legislative ask (#10 in priority) that was not funded)

One-time: \$1,500 (laptop)

Purpose of funding request:

Provide funds to hire one new Law Library Assistant for the Utah State Law Library to allow us to support the increase in responsibilities for this position, which now include supporting the MyCase and ODR programs, and better serving the public who come in person to or contact the library.

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

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

In addition to their traditional roles, our two library assistants are now responsible for assisting patrons who have difficulty accessing MyCase and the two services under the system - Deferred Traffic Prosecution (DTP) and Online Dispute Resolution (ODR). MyCase is available statewide in district and justice courts for almost all case types, DTP is available statewide for eligible traffic court cases, and ODR is available in small claims cases – about 75% of small claims cases flow through ODR. Although MyCase and DTP automatically authenticate many users, patrons who have difficulty creating an account must contact the courts for assistance. Law Library Assistants currently handle inquiries that are sent to the MyCase email account. Between April and September 2023, our library assistants helped create 904 MyCase accounts. In order to create a MyCase account, library assistants often need to take several steps, including gathering case information from the patron, sending them dockets if they are unsure of their case number, authenticating the patron's identity, and verifying their contact information.

¹ Computed as FY 2024 legislative request increased by 3% COLA to \$21.84 per hour x 2080 hours = \$45,427 x 31.3 Tier 2 payroll related benefits = \$59,645 + family health, dental and life insurance @ \$25,333 = \$84,978 rounded to \$85,000.

10. FY 2025 Ongoing Turnover Savings Spending Request – Utah State Law Library Assistant

Confirming the identity of the patron includes extra steps when the person has changed their name since the case was filed, such as locating name change orders in another case or requesting more proof from the patron. When patrons need help accessing both DTP and ODR, library assistants often send instructions to access the system, and if necessary, send screenshots to help users who struggle using the technology. Help with ODR often involves coordination with Courts Information Technology (IT) and justice court administrators when there are problems with the system.

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

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

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

As the demand for the MyCase program grows, the library will feel additional strain as the library assistants attempt to respond to requests in a timely manner. Our two library assistants cannot devote more time to responding to these requests without detriment to their other responsibilities to the library and public – especially when there are lines at our counter with people waiting in person for help. Hiring a new library assistant will allow the library to more adequately respond to these requests and to manage our workload.

Our library assistants are also taking on new projects that have resulted from the court converting to new systems for our website, which has affected the court's forms tool and its connection to the MyCase program. Law Library Assistants assist the Law Librarian and MyCase team with converting over 800 court forms into a format that will function correctly within the MyCase program as fillable forms. This conversion allows these forms to also be used for guided interviews within MyCase when appropriate. These features will eventually allow users to fill out forms and file them directly in MyCase, but the State Law Library needs sufficient staffing to first convert all forms and then maintain forms in the future for this feature to be effective. Library assistants have less time to work on other projects when they must devote more time to the front counter.

The current small staff of the library also hampers our operations generally. With only two library assistants and a reference librarian assigned to be at the public desk, when one employee is absent, either due to sickness or being away at a meeting or other event, this leaves only two people to assist patrons in the library. This drops to one person during lunch hours, when the library is often busiest. In these situations the law librarian often needs to step aside from their duties to assist with covering the

10. FY 2025 Ongoing Turnover Savings Spending Request – Utah State Law Library Assistant

desk. The library has cancelled attending an outreach event due to staff shortages. This setup is directly in tension with our capacity to devote more time to supporting MyCase, DTP, and ODR, and forms work. Hiring an additional library assistant will create more opportunities for service to court patrons and provide more meaningful help at our flagship courthouse. An additional Law Library Assistant would also allow us to handle more traditional library functions, such as scanning and indexing historical minutes and agendas for various court committees so they are available to the public and helping to index and organize our growing body of digital information.

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

Alternative funding sources, if any:

None.

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

The law library and courts are investigating different options to ease the workload associated with MyCase account creation. These options include using a survey to collect information from users needing assistance in an attempt to cut down on the back-and-forth discussion often needed to create an account. There are also discussions surrounding the possibility of having clerks in each district assist in responding to account creation. However, even if each district can assist in creating accounts for cases in their district in the future, the Law Library will still be responding to all requests for people who do not know their case number, what court the case is in, or any other inquiry that would not be neatly sorted into a specific district. The law library anticipates that with the increased popularity of MyCase as new features are released and the program is publicized the demand on the Library Assistant's time will still affect their ability to work on other projects such as form creation and other library activities.

11. FY 2024 OTS Spending Request – 7th District Training Coordinator (previous Legislative Request)

The Judicial Council approves uses of Ongoing Turnover Savings. This is a request to the Budget and Fiscal Management Committee and the Judicial Council to allocate the use of some of these Ongoing Turnover Savings for ongoing personnel and operational needs that will be utilized in FY 2025.

Date: April 15, 2024

Department or District: Seventh District Court

Requested by: Travis Erickson, Trial Court Executive

Request title: Seventh District and Juvenile Courts – Training Coordinator Position Request

Amount requested: **One-time \$** **N/A**

Ongoing \$ **98,500** (Previous Legislative request for \$94,600 increased by COLA and higher benefits)

Purpose of funding request:

Seventh District is one of two districts that do not have a Training Coordinator. These positions have been found throughout the state to be invaluable for increasing productivity, data quality and efficiencies for Judicial Assistant staff at all phases of the career path. The Training Coordinator position is a highly skilled position that provides a breadth of training opportunities as well as a depth of training content to address statewide, local, and even individual clerical needs in a way that existing training modules provided by the Education Department cannot.

This request will provide a Training Coordinator for the Seventh District.

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

The Seventh District provides service in four courthouse locations (Carbon, Emery, Grand and San Juan Counties). The Bench is composed of 5 Judges (2 Juvenile Judges & 3 District Court Judges). Through the efforts of the Judicial Support Team (including 12.25 JAs, 3 Case Managers, 1 Team Manager, & 1 Clerk of Court) service is provided for each front counter, electronic filings, remote, hybrid, and in person court hearings, specialty courts, and remote jury selection.

Judicial Assistants in the Seventh District currently receive the majority of their training from Case Managers who have a limited capacity to train in addition to their wide range of duties and obligations to their office, employees and judges. As site supervisors, they play an integral role in building and office operations, in addition to providing support for up to four judges at any given time. Gaps in training, office and court coverage as well as case management duties are currently being filled by the Team Manager and Clerk of Court.

The creation of a Clerical Training Coordinator position will allow the district to provide more thorough onboarding and training for newer staff as well as ongoing training required to respond to legislatively driven changes, rule changes, and program updates. This approach will drive consistency throughout the district and better compliance with the statutes and rules that govern clerical processes. It will allow Case Managers and other members of the judicial support leadership team to better support the Bench

11. FY 2024 OTS Spending Request – 7th District Training Coordinator (previous Legislative Request)

in case management and coordination of calendars as well as data quality and compliance with separation of duties. Additionally, this will increase the Case Managers' ability to provide quality leadership, coaching and supervision of Judicial Assistants.

In previous years the district attempted to internally fund the needed Training Coordinator position by transitioning a Case Manager vacancy. This change required organizational restructuring to provide needed supervision and leadership. However, after piloting the altered organizational structure, the district found cause to revert the position to its previous Case Manager status to ensure fulfillment of operational needs required to perform essential duties necessary to the court's mission and vision.

Following this reversion in organizational structure the team has experimented with various alternative training efforts both virtual and in person. In the absence of a Training Coordinator Position, these efforts have necessarily shifted responsibilities collectively to all members of the Judicial Support leadership team and as such has impacted team members' available time to address their standing duties. This approach has proven unsustainable in the long term.

The calculations for this request have been updated since the 2024 Legislative Session to include the COLA and increases in benefits costs.

Alternative funding sources, if any:

The district does not have alternative funding opportunities.

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

Previously attempted alternative strategies have been unsuccessful. If not funded, the current judicial support leadership team will continue to balance the expectations for their position with ongoing training demands.

12. FY 2024 Ongoing Turnover Savings Spending Request – Deputy Clerk of Court (Appellate)

The Judicial Council approves uses of Ongoing Turnover Savings. This is a request to the Budget and Fiscal Management Committee and the Judicial Council to allocate the use of some of these Ongoing Turnover Savings for ongoing personnel and operational needs that will be utilized in FY 2025 and onward.

Date: 4/22/2024

Department or District: Court of Appeals

Requested by: Nick Stiles, Appellate Court Administrator

Request title: Deputy Clerk of Court, Utah Court of Appeals

Amount requested: One-time \$ \$2,000

Ongoing \$ \$116,200

Purpose of funding request:

To create a Deputy Clerk of Court for the Court of Appeals. This position is similar to the Team Manager position utilized by the trial courts.

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

Costs of Expansion

The Court of Appeals handled 958 appeals in 2023. The Clerk of the Court is responsible for reviewing all case management decisions that require some form of administrative authority. This includes, for example, reviewing extension requests, motions to supplement the record, and motions to correct the record.

Between 2018 and 2023 there has been a 105% increase in the number of extensions parties are requesting. When an extension is granted, the Clerk of Court must provide an order granting the extension that lists every previous extension.¹ In 2023, the Clerk of the Court received 1433 requests for extensions, equaling 5.5 extension orders every workday. Recent efforts have been made to decrease the number of extensions parties are requesting, however, staffing shortages within government agencies have prevented any considerable movement. Current projections indicate that there will be 1685 extensions request in 2024.²

Motions to supplement or correct the record are also largely handled by the Clerk of Court, and from 2019 to 2023, have nearly doubled.³ Processing these requests is even more involved than extension requests. The Clerk of Court is required to research the record to ensure the accuracy of a moving party's claim, locate the missing record, issue a temporary remand, receive the corrected record, and finally, issue an

¹ See Addendum 1 for an example.

² This figure is calculated by reviewing extension requests filed within the most recent six-month period, July 2023 – January 2024.

³ In 2019 there were 53. In 2023 there were 105.

12. FY 2024 Ongoing Turnover Savings Spending Request – Deputy Clerk of Court (Appellate)

order reestablishing the briefing schedule. With the current number of motions to supplement or correct the record the Clerk of Court must complete all of this once every other day.

The two highlighted tasks are significant, but unfortunately do not represent the full workload of the Clerk of the Court of Appeals. The Clerk of Court is often an attorney’s first call when they have an issue. This leads to a significant amount of work simply responding to calls and emails from attorneys. Additionally, the Clerk of Court handles organizing all the off-site Court of Appeals hearings – each of which requires organizing press releases, security, travel, coordinating with parties, etc. In 2023, the Court of Appeals held off-site hearings in April, June, September, October, and November.

Position	Salary	Benefits	Total Ongoing Costs
Deputy Clerk of Court	<p>\$32.00 per pay hour x 2088 hours = \$66,816</p> <p>Annual Range: \$59,925 - \$97,697</p> <p>Hourly Range: \$28.70-\$46.79</p>	<p>\$46,305.99</p> <p>Benefits are calculated for Tier 2 Employees at 31.3% of salary (\$20,913.41), plus family health insurance is \$24,288.3648, dental is \$1,071.46, and life insurance is \$32.76. Best practices require calculating these rates assuming the employee selects a family program.</p>	\$113,121.99 (round to \$113,200)
Other costs (printers, office supplies, travel, etc.)	\$0	\$0	\$3,000
Total Ongoing			\$116,200
Total 1x (initial laptop)			\$2,000

Alternative funding sources, if any:

If this request is not funded by on-going funding, the Appellate Courts will submit this request to be considered for legislative funding in the next session.

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

I am confident that absent the experience and dedication of our current Clerk of Court, the demands of this position would not be sustainable. A consequence of not providing some support for the Clerk of Court could be, at worst, turnover in the position. In which case, this problem would be magnified due to the loss of experience. Thank you for considering this request!

Addendum 1.

The Order of the Court is stated below:

Dated: [REDACTED]

At the direction of:

/s/ JUDGE JOHN D. LUTHY

by

/s/ Lisa A. Collins

Clerk of Court

IN THE UTAH COURT OF APPEALS

State of Utah,
Appellee,

v.

[REDACTED]
Appellant.

ORDER

Case No. [REDACTED]

Trial Court Case No. [REDACTED]

Pursuant to notice given to all parties by the clerk of the Utah Court of Appeals in accordance with Rule 13 of the Utah Rules of Appellate Procedure, Appellant's brief was due on July 6, 2022. Prior to that date, the parties filed a stipulation with the court in accordance with Rule 21(a), pursuant to Rule 26(a), whereupon the brief became due on August 5, 2022. Prior to the date, Appellant filed a motion for enlargement of time to file Appellant's brief and that motion was granted. Appellant's brief was then due on September 5, 2022. Prior to that date, Appellant filed another motion for enlargement of time, and that motion was also granted, making Appellant's brief due on October 6, 2022. Prior to that date, Appellant filed another motion for enlargement of time, and that motion was also granted, making the Appellant's brief due on November 7, 2022. Prior to that date, Appellant filed another motion for enlargement of time, and that motion was also granted, making the Appellant's brief due on December 7, 2022. Prior to that date, Appellant filed another motion for enlargement of time, and that motion was also granted, making the Appellant's brief due on January 6, 2023. Prior to the due date, Appellant filed yet another motion for enlargement of time and that motion was also granted. Appellant's brief was then due on February 6, 2023. Prior to the due date, Appellant filed yet another motion for enlargement of time and that motion was also granted. Appellant's brief was then due on March 8, 2023. Prior to the due date, Appellant filed yet another motion for enlargement of time and that motion was also granted. Appellant's brief was then due on April 7, 2023. Prior to the due date, Appellant

filed another motion for enlargement of time and that motion was also granted. Appellants brief was then due on May 8, 2023. Prior to that due date, Appellant filed another motion for enlargement of time and that motion was also granted. Appellant's brief was then due on June 7, 2023. Prior to that due date, Appellant filed another motion for enlargement of time and that motion was also granted. Appellant's brief was then due on July 7, 2023. Prior to that due date, Appellant filed another motion for enlargement of time and that motion was also granted. Appellant's brief was then due on August 7, 2023. Prior to that due date, Appellant filed another motion for enlargement of time and that motion was also granted. Appellant's brief was then due on September 6, 2023. Prior to that due date, Appellant filed another motion for enlargement of time and that motion was also granted. Appellant's brief was then due on October 6, 2023. Prior to that due date, Appellant filed another motion for enlargement of time and that motion was also granted. Appellant's brief was then due on November 6, 2023. Prior to the due date, Appellant filed yet another motion for enlargement of time and that motion was also granted. Appellant's brief is now due on December 6, 2023. Prior to the due date under the last extension, Appellant filed a further motion for enlargement of time to file Appellant's brief.

"Motions for an enlargement of time for filing briefs beyond the time permitted by stipulation of the parties under Rule 26(a) are not favored." Utah R. Civ. P 22(b)(1). Nonetheless, the court "may, for good cause shown," extend the time for filing a brief if the motion for enlargement of time is "filed prior to the expiration of the time for which the enlargement is sought." Id. R. 22(b)(2), (3). "[G]ood cause includes, but is not limited to, the complexity of the case on appeal, engagement in other litigation, and extreme hardship to counsel." id R. 22(b)(2). The requirements for a motion for enlargement of time are detailed in Rule 22(b)(4) through 22(b)(5)(D).

The motion sets forth facts intended to establish good cause for purpose of Rule 22(b)(2). The motion is unopposed. IT IS HEREBY ORDERED that the motion is granted. Appellant's brief is now due on January 5, 2024.

End of Order - Signature at the Top of the First Page

13. FY 2024 Ongoing Turnover Savings Spending Request – Juvenile Law Clerk Attorney

The Judicial Council approves uses of Ongoing Turnover Savings. This is a request to the Budget and Fiscal Management Committee and the Judicial Council to allocate the use of some of these Ongoing Turnover Savings for ongoing personnel and operational needs that will be utilized in FY 2025.

Date: April 23, 2024

Department or District: AOC – Juvenile Courts Admin

Requested by: Sonia Sweeney, Juvenile Court Administrator
Board of Juvenile Court Judges

Request title: Additional Juvenile Law Clerk Attorney Position

Amount requested: One-time \$ N/A

Ongoing \$ 139,000

Purpose of funding request:

The Juvenile Court Bench has 32 judges, but only two attorney law clerks to aid them. These attorney law clerk positions also aid the Juvenile Court’s Juvenile Probation Policy Committee, Clerks of Court Policy Committee, the Board of Juvenile Court Judges, the Advisory Committee on the Rules of Juvenile Procedure Committee, and the Administrative Office of the Courts. The purpose of this request is to secure funding to hire a third attorney law clerk to aid the Juvenile Bench in a benefitted, full-time position at a rate of \$41.20/hr., which results in an annual cost of \$139,000.

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

The Juvenile Court plays a pivotal role in ensuring the welfare and protection of our most vulnerable youth across the state. With 32 dedicated judges spread across eight judicial districts, our juvenile courts handle a myriad of cases, ranging from child welfare and delinquency matters to ancillary issues such as Child Protective Orders, Emancipations, Judicial Bypass, and Petitions to Marry. In the fiscal year 2023 alone, we witnessed a total of 20,791 cases filed in juvenile court statewide, highlighting the sheer volume of the complex work undertaken by our juvenile judges.

Moreover, recent appellate court decisions have underscored the necessity for detailed findings of fact, particularly in cases involving the termination of parental rights—a process often drawn out over more than a year of court involvement. Crafting such meticulous findings is undeniably time-consuming, especially amidst the backdrop of burgeoning caseloads, intricate case complexities, and the nuanced, relationship-based dynamics inherent in juvenile justice and child welfare proceedings.

With only two law clerk attorneys available to support the entire juvenile bench, the assistance we can provide the bench is limited. These invaluable law clerks, housed within the Administrative Office of the Courts, provide crucial assistance not only to our judges but also to juvenile probation, a workforce of 200, with probation policy issues, and the juvenile Clerks of Court. Our law clerks do many other things

13. FY 2024 Ongoing Turnover Savings Spending Request – Juvenile Law Clerk Attorney

including keeping the juvenile bench book updated and conducting legislative reviews pertinent to juvenile-specific bills.

In an effort to alleviate the strain on our judges and maximize the efficacy of our resources, we embarked on a trial in the fall of 2023, encouraging judges to use the law clerks for order drafting, including in termination proceedings. The results have been promising, with an uptick in requests for law clerk assistance in drafting decisions for judges. However, it has become evident that the demand now surpasses our current staffing capacity.

As a result, we are submitting this request for the creation of a third attorney law clerk position for the juvenile bench. This request is being made in an intentionally conservative manner to ensure that our staffing meets demand without overage. The creation of a third attorney law clerk position will provide the juvenile bench with a modest amount of additional help. In making this request, we hope the addition will be sufficient to meet the current need for law clerk support for our judges, lessening the strain on their time so they can continue to meet the mission of the Utah Courts.

Attached to this request is documentation from our law clerks (see Attachment) about the various tasks they have been working on with estimates and records of their time.

Alternative funding sources, if any:

The juvenile courts do not have alternative funding opportunities.

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

If this request is not funded, the existing attorney law clerks will continue to do their best to support the Juvenile Bench, but not all requests will be able to be completed or completed in as timely a fashion as is needed.

13. FY 2024 Ongoing Turnover Savings Spending Request – Juvenile Law Clerk Attorney

ATTACHMENT

General Overview of Time *(combined hours spent on categories of responsibility)*

	Sept 23	Oct 23	Nov 23	Dec 23	Jan 24	Feb 24	March 24
Judicial Research	101	117	55	36	122.5	153	75.5
PO Research	10	30	0	0	29	2	1
CoC Research	35	13	0	0	19	0	4.5
Admin Research	25	10	20	0	74.5	49	66
Admin Projects	12	2	56	27	36	30	66
Legislative Time	0	0	0	0	21.5	13.5	99
TOTAL	183*	172*	131*	63*	302.5	247.50**	312

* As this was a new undertaking in the fall of 2023, the Law Clerks were not yet keeping concrete records of time. These are incomplete estimates, and in many cases, the projects carried over into 2024 when the Law Clerks started keeping more standardized records.

**Ms. Von Bose took 6 days of vacation during this time

Things to Note:

- Our two law clerks are Randi Von Bose and Lisa McQuarrie, who both started working for the Courts in the late summer and fall of 2023, respectively. Ms. Von Bose started taking projects in September of 2023. Ms. McQuarrie started taking projects in November of 2023.
- The Law Clerks have seen a steady increase in projects sent to them, increasing from approximately 40 project requests in the last four months of 2023 (120 annualized), to approximately 60 project requests in the first three months of 2024 (240 annualized).
- The 2024 hours include time spent in meetings under the administrative projects category. However, they do not include any projects that took less than .5 hours, responding to emails, transitioning from one project to another, and team collaborative work (consulting and brainstorming).
- New Law Clerks have 12 paid holidays, 13 paid vacation days, and 13 paid sick days. In rough estimates, clerks work 160 hours of regular contract hours per month, with each month ebbing and flowing from the normal time because of either annual or sick leave. An estimate for a good work/life balance is approximately 140 hours of actual work time per law clerk per month.

13. FY 2024 Ongoing Turnover Savings Spending Request – Juvenile Law Clerk Attorney

Judicial Projects

- Since October of 2023, the Law Clerks have received approximately 45 judicial requests (some requests have been ongoing or required follow up).
- The Law Clerks have received requests from 15 of the 32 juvenile judges.
- The request distribution per district is:

DISTRICT	NUMBER OF REQUESTS
First	0
Second	11
Third	10
Fourth	20
Fifth	1
Sixth	2
Seventh	0
Eighth	1

Since November of 2023, the Law Clerks have been helping more judges with trial work and drafting of orders (which includes familiarizing themselves with the case and the judge’s methodology, potential drive time, attending/listening to trial, research, and drafting).

- To date, the Law Clerks have completed drafting of one response to a Motion for Relief (~25 hours), one decision on a Motion to Suppress (~40 hours with hearing time), and three Termination of Parental Rights (TPR) decisions (~60+ hours per case with hearing time).
- Currently, the Law Clerks ongoing trials and drafting work include three TPR’s, one delinquency, and one child welfare case.

Administrative Projects

Over the last seven months, the Law Clerks have taken on the following larger Administrative Projects (in addition to the routine research and review requests from the AOC staff, Clerks of Court, and Probation Team):

13. FY 2024 Ongoing Turnover Savings Spending Request – Juvenile Law Clerk Attorney

- Created a form and process for tracking our projects and time more closely.
- Updated and published the 2023 bench book.
- Assisted with preparing for the 2023 Case Law Review.
- Created the Online Case Law Index, checked over 500 cases for correctness, and created processes for standardization in the future.
- Tracked the incoming legislation during the 2024 legislative session and currently in the process of finalizing the Juvenile Legislative Update Memo.

The projects the Law Clerks have pinpointed but have not had time to initiate are:

- A thorough review of the Judges Intranet page.
- A review of the memos in the Judges memo bank.
- Create a master list of resources for future law clerks.
- Create standardized processes for updating the bench book.

Take Away

In addition to the Law Clerks' already increasing request list, they anticipate their load of judicial requests will increase as more judges use them as a resource. A third Law Clerk Attorney is necessary to meet the needs of the Bench.

Tab 3

Uses of Case Processing Legislative Funds

Sources:	\$ 888,700	Gross Case Processing Funds*
Uses:		
	\$ (365,800)	Restore Budget Cuts - District Court Operations (HJR 22)
	\$ (2,200)	Restore Budget Cuts - Amendments to Mandatory Courts for Family Law Actions (HB 337)
	\$ (11,000)	Restore Budget Cuts - Amendments to Mandatory Courts for Family Law Actions (HB 337)
	\$ (1,100)	Restore Budget Cuts - Ciriminal Defamation Amendments (HB 158)
	\$ (82,000)	Court Ordered Treatment Modifications (HB 299) - Set aside for expected legislative take-back for coordinating clauses.
	\$ (85,000)	Law Library Assistant
	\$ (98,500)	7th District Training Coordinator
	\$ (243,100)	Partially Fund Core IT software
	<u>\$ (888,700)</u>	
	 <u>\$ -</u>	Sources less Uses

* The \$888,700 amount is the total of non-negative case processing funds received.

Items in tan reflect an accounting of the negative case processing funds allocated by the Legislature.

Items in red reflect an accounting of the Legislative appropriation that we are expecting to be removed in the next Legislative session.

Tab 4

Annual Setting of Court Commissioners' Salary - FY 2025

The Judicial Council approves uses of Ongoing Turnover Savings. **This is a request to the Budget and Fiscal Management Committee and the Judicial Council to set the Court Commissioner salary for FY 2025 as required by CJA Rule 3-201 (9) (A).**

Date: 4/29/2024

Department or District: District Courts

Requested by: Ron Gordon, Shane Bahr, and Bart Olsen

Request title: Proposed Court Commissioner FY 2025 Salary

Proposed New Annual Pay: \$192,504 **Funded from 5% Judicial Officers' Legislative Appropriations**

Request:

Per the Code of Judicial Administration rule 3-201 (9) (A),

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

Per the 2024 Legislative session SB 8, district and juvenile judge salaries are scheduled to increase from \$203,700 to \$213,900 effective July 1, 2024 which is a 5% increase. We are seeking to set the salary for all 10 court commissioners for FY 2025 to also increase 5% from \$183,326 to \$192,504 to maintain the approximate 90% ratio. This request will be entirely funded through legislative appropriations for FY 2025; no use of Court internally-generated ongoing turnover savings (TOS) is needed.

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

Historically, court commissioners pay was 90% of the pay of district/juvenile judges. This percentage is not set in rule or statute. As stated in our funding request to the legislature for the March 2021 legislative session, "between July 2015 and August of 2020, 50% of the sitting commissioners left the bench", which as shown in the chart below was also a period where the 90% relationship was lowered.

Fiscal Year	2019	2020	2021	2022	2023	2024	2025 – Proposed ¹
Judge Rate	\$166,300	\$170,450	\$170,450	\$175,550	\$185,200	\$203,700	\$213,900
Commissioner Rate	\$140,670	\$144,186	\$144,186	\$157,997	\$166,700	\$183,326	\$192,504
Commissioner / Judge	84.6%	84.6%	84.6%	90.0%	90.0%	90.0%	90.0%
Comm. Hourly Tier 1							\$92.55
Comm. Hourly Tier 2							\$93.20

In the 2020 general legislative session, the Courts submitted a request for \$92,500 which would have restored the 90% ratio. The request was approved in that general session and then clawed back as part of the 2020

¹ This would be an hourly rate of \$92.55 based upon 2080 hours. FY 2025 has 2088 hours meaning Commissioners will actually be paid \$193,244.40.

Annual Setting of Court Commissioners' Salary - FY 2025

legislative special session to address the effects of the pandemic. The request was again submitted to the legislature for consideration in the 2021 legislative general session but it was not approved. In June 2021, the Judicial Council approved the use of \$92,500 in Court's ongoing turnover savings to be combined with a 3% COLA to increase pay for the 10 court commissioner positions to 90% of the pay of district/juvenile judges. This ratio was also maintained in FY 2023 and FY 2024.

Proposed Hourly Rate

For FY 2025, we recommend the 90% ratio be retained as the baseline ratio, with a special adjustment for retirement Tier II commissioners of .7% (.007) for a legislature-funded pay increase that partially offsets a new .7% retirement contribution for Tier II employees which includes 5 of the 11 commissioners. **We seek approval for all Tier I Commissioners to be paid at a rate of \$92.55 per hour and all Tier II Commissioners to be paid at a rate of \$93.20 per hour.**

The following table presents the proposed Commissioner pay increase by Tier:

FY 2025 Proposed Commissioner Pay Increase

	<u>Tier I</u>	<u>Tier II</u>	
FY 2025 Judges Pay (includes 5% increase @ 90% based on 2080 hours	\$213,900	\$213,900	
Hours and rounded to nearest .01	\$92.55	\$92.55	
@ 2080 standard work hours	\$192,504.00	\$192,504.00	
@ Actual work hours in FY 2025 = 2088	\$193,244.40	\$193,244.40 (a)	
Include .7% (.007) Tier II Legislatively-funded			
Ongoing pay increase	<u>N/A</u>	<u>x.007</u>	(b)
Tier II Special Pay Increase rounded to nearest .01	0	.65	Total \$93.20
Tier II Special Pay Increase annualized for FY 2025		\$1,357.20	(a) x (b)
Gross Pay inclusive of Special Pay		\$194,601.60	
Expected Tier II out-of-pocket retirement contribution		<u>(\$1,357.20)</u>	
Pay net of out-of-pocket retirement contribution		\$193,244.40	

FY 2025 pay increases inclusive of retirement, taxes and other costs will be 100% funded by the pay increase appropriated to the Courts by the Legislature.

See Exhibit A for further discussion of the .7% pay increase authorized for Tier 2 retirement employees.

Alternative funding sources, if any:

The Legislature funded the 5% pay increase. The .7% pay increase was funded by the Legislature for Tier II commissioners, therefore no Courts ongoing TOS funds were needed.

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

We would expect the high turnover rates for Commissioners and reduction in the number of qualified applicants for vacancies will return.

Annual Setting of Court Commissioners' Salary - FY 2025

Exhibit A

Although this is a relatively trivial amount (7/10th of 1% or .007), because the legislature has agreed to fund for all Court employees who are in the Tier 2 Public Employees retirement category a pay increase of .7% to be effective July 1, 2025 and several of the Commissioners are in this retirement category, these commissioners will be paid \$193,856² rather than the \$192,504 noted above. The .7% pay increase was tailored by the legislature to offset an increase in the cost of the Tier 2 Hybrid retirement plan for FY 2025 that requires each participant to contribute from their wages .7% - which is the amount the cost of the Tier 2 Hybrid plan increased above 10% effective for FY 2025 – see table below:

Rate History (Public Employee System)

Year	Contribution Rate (varies year-to-year)	Required Employer Contribution	Employer contribution to your 401(k) (percentage of your salary)	What you must pay to fund your benefit
2024/25	10.70%	10%	0	0.70%
2023/24	9.82%	10%	0.18%	0
2022/23	9.82%	10%	0.18%	0
2021/22	9.32%	10%	0.68%	0
2020/21	9.11%	10%	0.89%	0
2019/20	8.97%	10%	1.03%	0
2018/19	8.85%	10%	1.15%	0
2017/18	8.42%	10%	1.58%	0

Tier 2 Public Employee System

Your employer contributes an amount equal to 10% of your salary to fund this benefit.

If the pension contribution rate is under 10%, you receive the difference in the form of a 401(k) contribution. If the contribution rate exceeds 10%, you may have to contribute from your paycheck to fund your benefit.

Effective July 2024, the pension contribution rate will increase into the range to require an employee contribution equal to 0.7% of your salary. This means you will have to pay a small amount from your paycheck to fund your benefit.

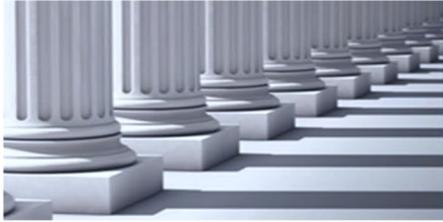
Several factors contribute to rising contribution rates in recent years. Utah's public sector has experienced very significant wage growth in the past few years. This wage growth will result in larger than previously anticipated future benefits for members. Accordingly, larger contributions are required to fund the increased cost of the retirement system. Other smaller factors have also contributed to some of the increased costs to the system.

The .7% pay increase (which is taxable) will be more than offset by the .7% payroll deduction. Future increases above the 10% cap may or may not have a pay raise approved by the legislature to offset the cost of the Tier 2 Hybrid plan above 10%.

[Here](#) are links to the URS website further explaining this increase in retirement costs.

² This would be an hourly rate of \$93.20 based upon 2080 hours. FY 2025 has 2088 hours meaning Commissioners will actually be paid \$194,601.60.

Tab 5



UTAH STATE COURTS

COURT GRANTS REPORT January – March 2024

Administrative Office of the Courts
Finance Department – Grant Administration

May 2024

Grants Portfolio Summary

Active Grants

As of March 31, 2024 the Courts hold six awards comprised of four federal grants and two non-federal grants. Of these, two are directly awarded and four by pass-through agencies.

Newly Awarded Grants

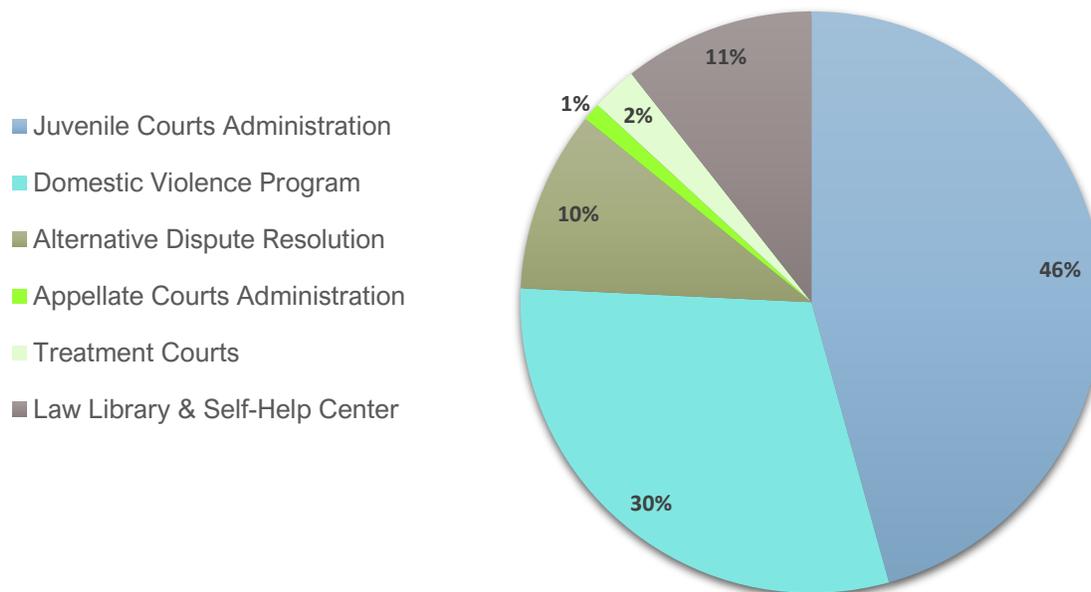
No new grants were awarded between January and March 2024.

Grant Application Proposals (GAP)

The Utah Board of Juvenile Justice Grant Program – Commission on Criminal & Juvenile Justice (\$8,500). This GAP was submitted in support of the Third District’s Village Project Mentoring Program. The Judicial Council approved the grant submission in January, 2024. The grant will be assigned to the “active grants” sections of this report, if awarded.

Active Grants Detail

Distribution of Award Funds by Grant Administering Unit



Unit	Grant Title	Grant Administering Unit	Grantor
F	2936 Stop Violence Against Women Act	Domestic Violence Program	Utah Office for Victims of Crime
F	2957 Court Improvement Program	Juvenile Courts Administration	U.S. Dept. of Health & Human Services
F	2962 State Access & Visitation Program	Alternative Dispute Resolution	U.S. Dept. of Health & Human Services
NF	2980 Eviction Diversion Initiative	Law Library & Self-Help Center	National Center for State Courts
NF	2981 Pilot Pro Bono Program	Appellate Courts Administration	Utah Bar Foundation
F	2999 Rural Domestic Violence Grant	Domestic Violence Program	Utah Domestic Violence Coalition

- Pass-Through Award
- Direct Award
- F Federal Funds
- NF Non-Federal Funds

Alternative Dispute Resolution

Grant: State Access & Visitation Program **Grantor:** U.S. Department of Health & Human Services **Unit:** 2962

Between January 1, 2024 and March 31, 2024 the Co-Parenting Mediation Program received 51 referrals.

Appellate Courts Administration

Grant: Pilot Pro Bono Program
Grantor: Utah Bar Foundation **Unit:** 2981

One virtual continuing legal education (CLE) session was held this quarter. Previously, three sessions were hosted in November by the Appellate Courts, Appellate Practice Section, and the Utah State Bar.

Domestic Violence Program

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

The Stop Violence Against Women Act (VAWA) grant: The Domestic Violence Program (DVP) is revising the civil protective order forms with a workgroup composed of stakeholders across the justice system. The DVP addressed protective order data issues by implementing procedural and technical changes with the help of Information Technology (IT) and the Office of the General Counsel. The DVP distributed protective order resources to victim advocates, court staff, and law enforcement to help court patrons more easily access various protective order services. The DVP worked with the Safe at Home Program (Commission on Criminal and Juvenile Justice) and other stakeholders to develop resources for court patrons seeking to keep their address confidential for safety purposes. The DVP also assisted the Safe at Home Program in training the courts and rolling out the courts' response to the program.

The DVP is developing policies and procedures for the Domestic Violence Criminal Compliance Docket Pilot Program. Domestic Violence (DV) Docket Pilot sites will be implementing the Ontario Domestic Assault Risk Assessment (ODARA) and Domestic Violence Screening Inventory – Revised (DVSI-R) to determine a defendant's risk. These courts will also be requesting feedback from victims and defendants on their court experiences. DVP staff trained 628 professionals about domestic violence, trauma, protective orders, and related subject matter.

DVP staff launched a pilot program with the courts in 5th District where petitioners in protective order and stalking

injunction cases can submit audio and video evidence for the judge or commissioner to review at the ex parte stage. DVP staff have started to distribute printed and laminated versions of the approved bench cards to judges and stakeholders.

The Utah Domestic Violence Coalition (UDVC) Rural Domestic Violence Grant: DVP staff trained court staff and other stakeholders in training events. DVP staff met with Native American Nation leadership to discuss protective order needs. DVP staff collaborated with the Utah Domestic Violence Coalition to address domestic violence and protective order issues in rural areas of Utah.

Juvenile Courts Administration

Grant: Court Improvement Program (CIP) **Grantor:** U.S. Department of Health & Human Services **Unit:** 2957

Throughout the last quarter, the CIP has continued efforts to share initial results data from the evaluation of the hearing quality bench card implementation. Presentations have included judges, DCFS (Division of Child and Family Services), and attorney partners. In February 2024, the Board of Juvenile Court Judges approved the CIP Parent-Time Working Group's proposed "Third Party Factors" bench card. The bench card addresses factors for parties to consider when approving a third-party supervisor for parent time in a child welfare case. Additionally, in March 2024, the Board of Juvenile Court Judges approved the CIP Indian Child Welfare Act (ICWA) Report Working Group's proposed standardized language for court orders in ICWA cases. The proposed standardized language was developed following recommendations from the National Council of Juvenile and Family Court Judges ICWA compliance assessment report completed for Utah in December 2021.

Law Library & Self-Help Center

Grant: Eviction Diversion Initiative
Grantor: National Center for State Courts
Unit: 2980

Utah Legal Services (ULS) was identified as a possible non-profit capable and interested in taking on the grant following the unexpected closure of this project's original sub-awardee. Planning efforts for the transition are in progress. The Judicial Council approved ULS as a suitable partner for this work in February. The AOC Finance Department continues to hold the first disbursement of award funds from the National Center for State Courts.

Grant Awards Financial Summary

State Fiscal Year 2024 | Quarter 3

Data as of March 31, 2024

Unit	Grant Administering Unit	Grant Title	Actual		Budget	Balance
			Expenditures (Fiscal Quarter)	Expenditures (LTD)	Award (Grant Total)	
Federal Awards						
2936	Domestic Violence Program	Stop Violence Against Women Act	\$ 23,092	\$ 24,291	\$ 64,444	\$ 40,153
2957	Juvenile Courts Administration	Court Improvement Program (CIP)	\$ 45,313	\$ 224,640	\$ 452,931	\$ 96,419
		CIP Data & Collaboration (min. 30%)	\$ 50,585	\$ 131,872		
2962	Alternative Dispute Resolution	State Access & Visitation Program	\$ 36,643	\$ 99,310	\$ 100,000	\$ 690
2999	Domestic Violence Program	Rural Domestic Violence Grant	\$ 6,503	\$ 114,928	\$ 233,350	\$ 118,422
<i>Subtotals Federal</i>			\$ 162,136	\$ 595,041	\$ 850,725	\$ 255,684
Non-Federal Awards						
2980	Law Library & Self-Help Center	Eviction Diversion Initiative	\$ -	\$ -	\$ 105,191	\$ 105,191
2981	Appellate Courts Administration	Pilot Pro Bono Program	\$ 1,046	\$ 1,046	\$ 10,000	\$ 8,954
<i>Subtotals Non-Federal</i>			\$ 1,046	\$ 1,046	\$ 115,191	\$ 114,145
TOTAL			\$ 163,182	\$ 596,087	\$ 965,916	\$ 369,829

Tab 5



**Utah State Courts
Facilities Planning Standing Committee
Annual Report 2024**

Utah State Courts
5-Year Capital Development Plan
for State Courthouse Replacement or Expansion
Approved May 2023

- Project #1 Davis County Courthouse
Proposed new courthouse with up to 16 courtrooms to consolidate the existing Farmington, Layton and Bountiful courthouses into one facility. Feasibility study to be completed in FY23.
Estimated cost: TBD
- Project #2 Iron County, Cedar City Courthouse
Proposed new courthouse with additional courtrooms.
Estimated cost: TBD
- Project #3 Grand County, Moab Courthouse
Proposed substantial remodel of existing leased 2 courtroom courthouse.
Estimated cost: TBD
- Project #4 Utah County, American Fork / Lehi Courthouse
Proposed new courthouse with 4 courtrooms to replace the city owned leased facility
Estimated cost: TBD
- Project #5 Sevier County, Richfield Courthouse
Proposed new courthouse with additional courtrooms
Estimated cost: TBD

Utah State Courts
5-Year Capital Development Plan
for State Courthouse Replacement or Expansion
FY25

Recommendations May 2024

- Project #1 Davis County Courthouse
Proposed new courthouse with 15 courtrooms to consolidate the existing Farmington, Layton and Bountiful courthouses into one facility.

Estimated cost: \$139M
- Project #2 Iron County, Cedar City Courthouse
Proposed new courthouse with 5 courtrooms.

Estimated cost: \$56M
- Project #3 Utah County, American Fork / Lehi Courthouse
Proposed new courthouse with 4 courtrooms to replace the City owned leased facility

Estimated cost: \$56M
- Project #4 Grand County, Moab Courthouse
Proposed new courthouse with 2 courtrooms to replace the City owned leased facility.

Estimated cost: \$30M
- Project #5 Sevier County, Richfield Courthouse
Proposed new courthouse with 3 courtrooms

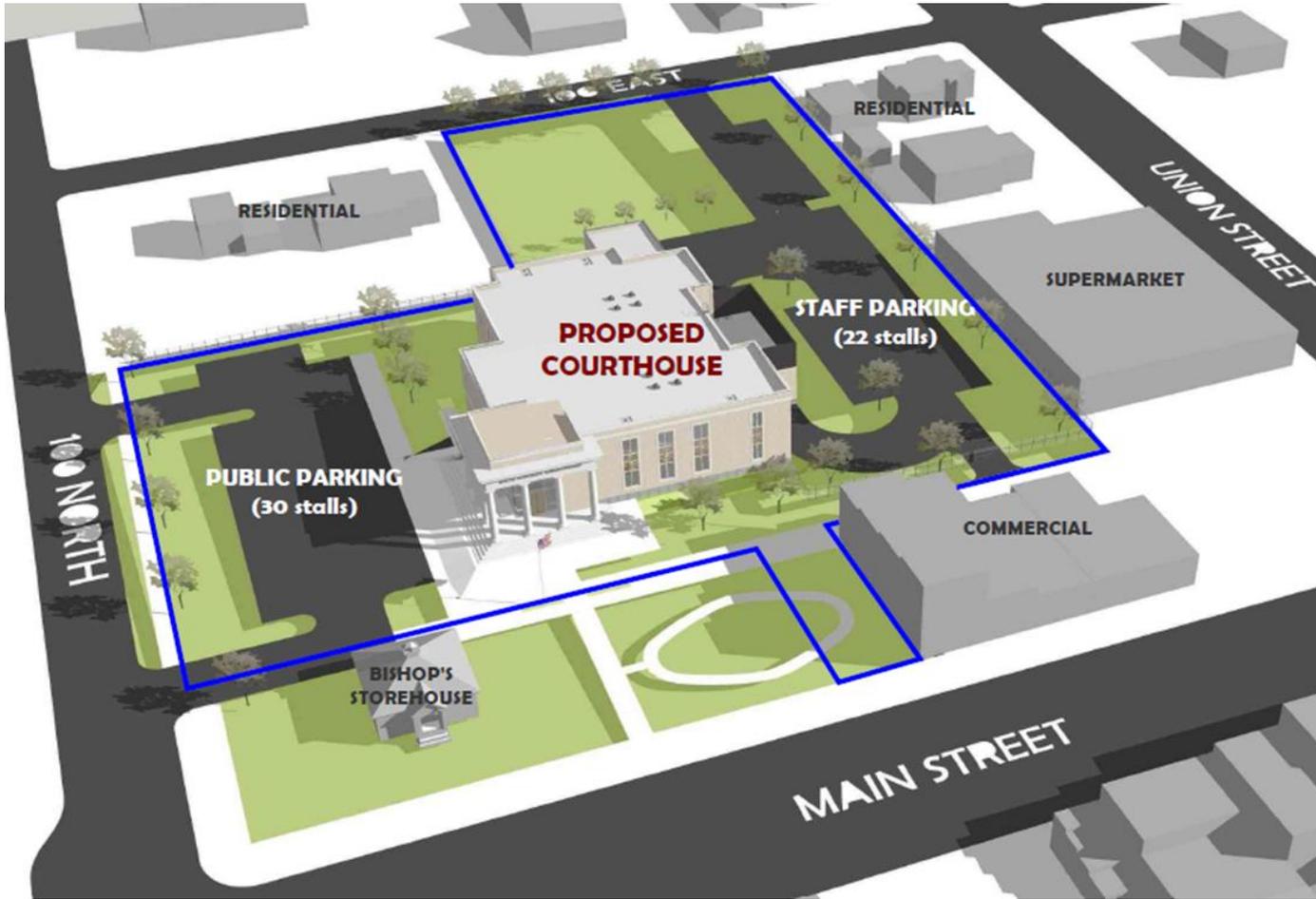
Estimated cost: \$42M
- Project #6 Salt Lake County, West Jordan Courthouse
Proposed expansion of 6 courtrooms

Estimated cost: \$23M

Capital Development Projects



Manti Sixth District Courthouse



Site Plan

Juvenile Courtroom Construction Funded



Construction Progress Photos – 50% Complete

Main Street Elevation



Main Street Elevation with Bishop's Storehouse





View West
from Second
Floor with
Plaza Cleared

North Parking Lot Elevation



West Front Elevation Facing Main Street and Plaza



South and East Elevations with Sallyport and Secured Parking





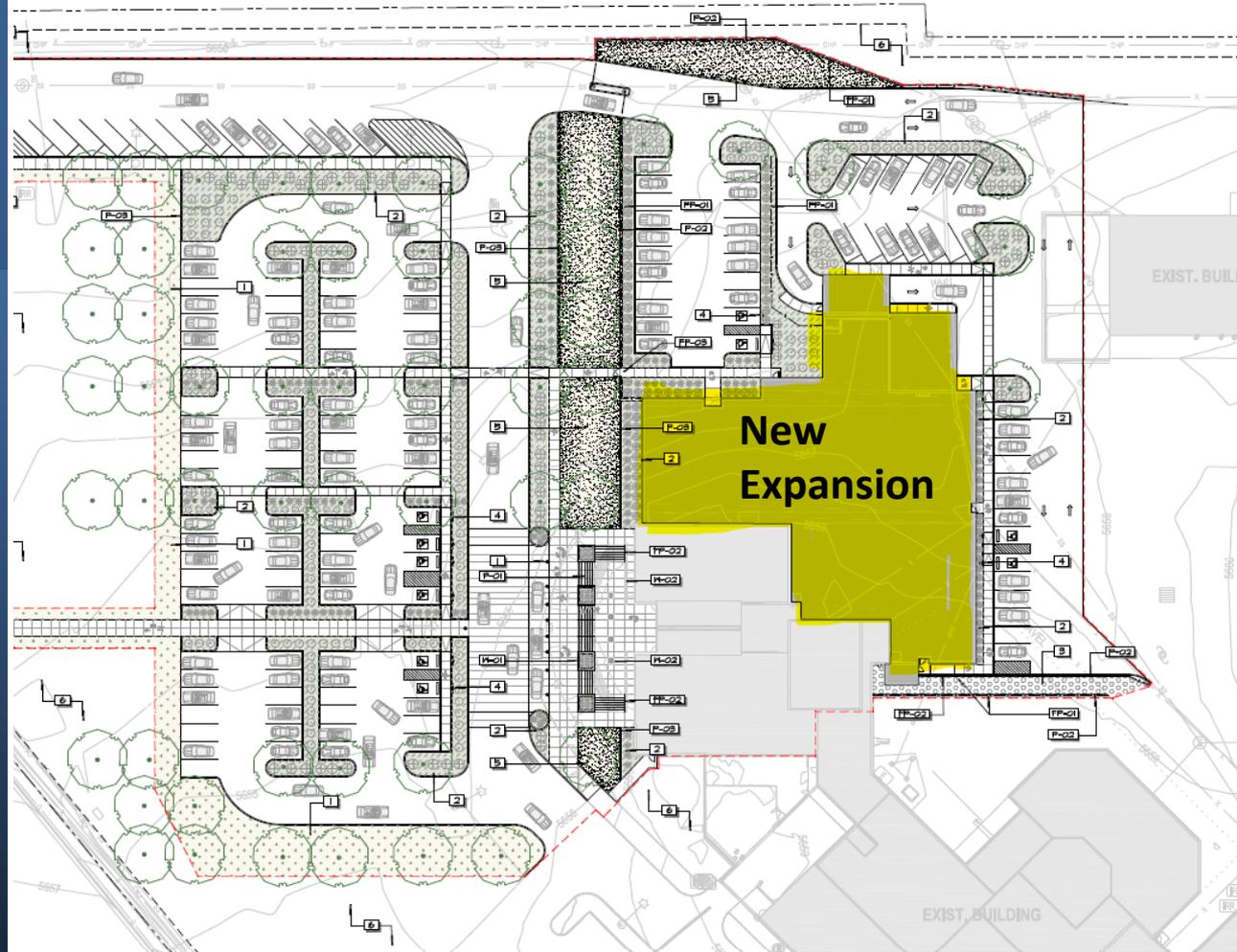
**Interior Work
in Progress -
Main Lobby
and Holding
Area**

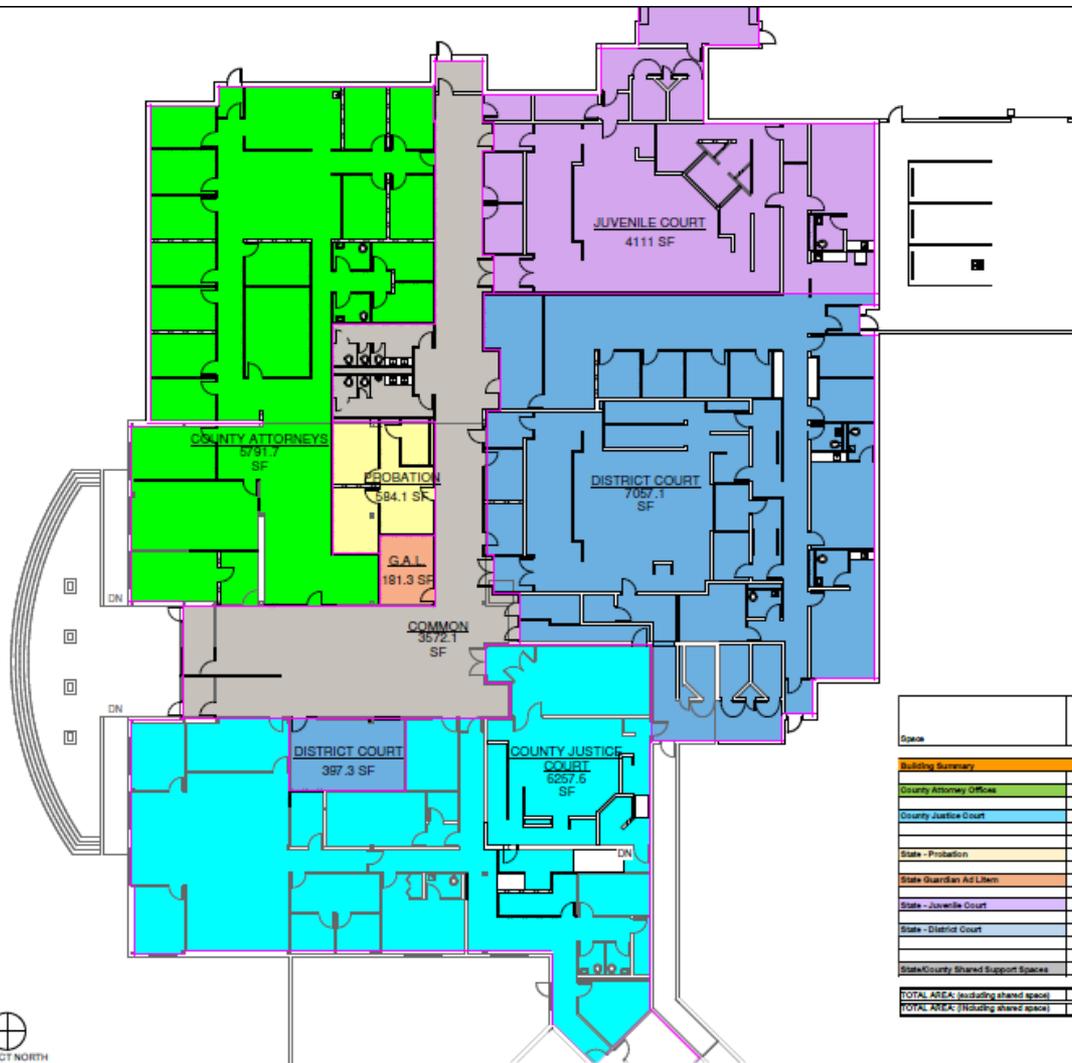
Estimated
Opening
February 2025

Dedication
Ceremony Date
TBD



Wasatch Justice Center Expansion Design





Space	PROGRAM A	PROGRAM B		RESPONSIBILITY OF ENERGY SPACE	RESPONSIBILITY OF TOTAL SPACE
	FEASIBILITY STUDY 2021 (OPTION 1)	OPTION 1 FEASIBILITY STUDY + APPROVED STATE/COUNTY MODIFICATIONS	EDA (CONCEPT 1) USING PROGRAM C		
Building Summary					
County Attorney Offices	3,022	5,740	5,766		
County Justice Court	6,017	6,017	6,355	49.4%	13,764
State - Probation	495	921	900		13,760
State Guardian Ad Litem	150	234	161		
State - Juvenile Court	5,300	5,300	4,116		
State - District Court	7,196	7,196	7,487	90.6%	1,909
State/County Shared Support Spaces	3,451	3,451	3,873		14,142
TOTAL AREA (including shared space)	22,175	25,115	24,397	100.0%	
TOTAL AREA (including shared space)	24,808	27,595	27,930		27,930



WASATCH COUNTY COURTS EXPANSION

18/04/23

1/16" = 1'-0"

Design Complete for New District and Juvenile Court



New Public Lobby and Corridor



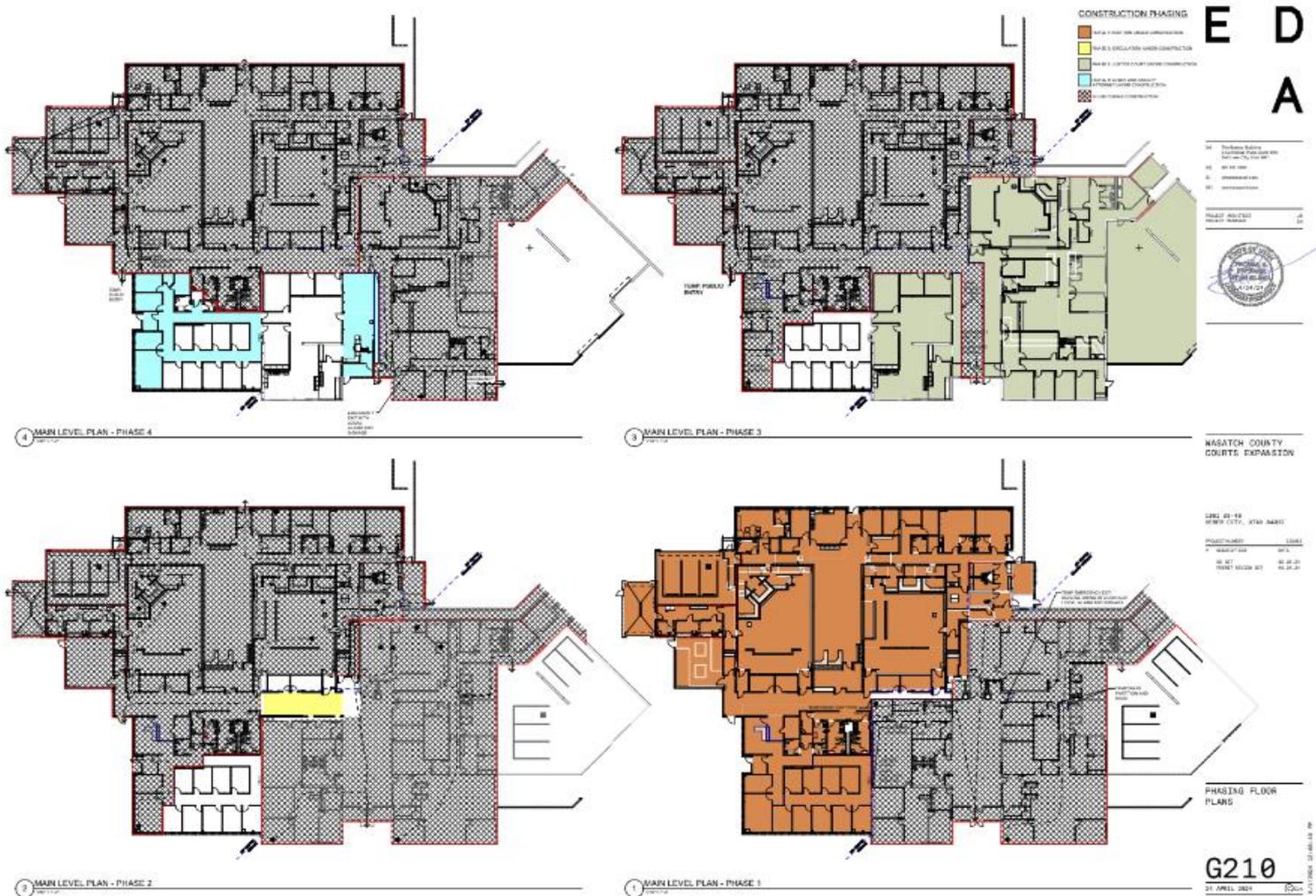
District Courtroom



District Courtroom – View From Bench

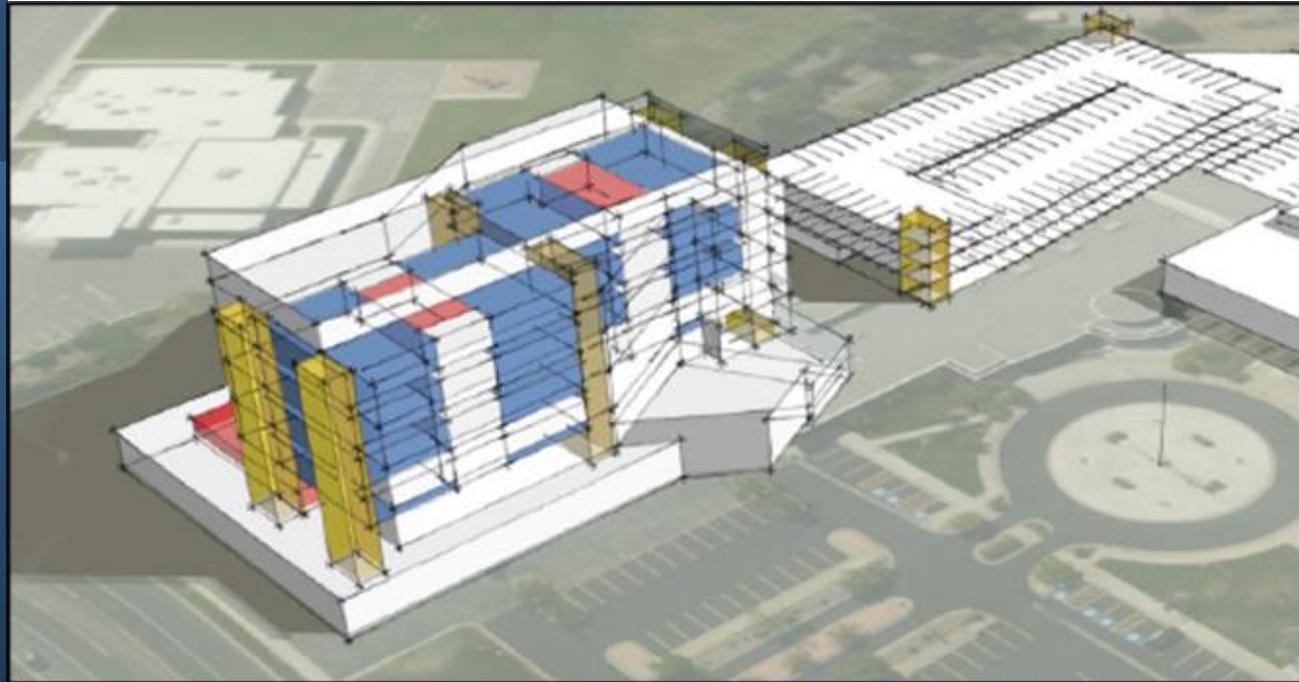


Juvenile Courtroom



First Phase Construction July 2024 – August 2025

Davis
County
Courthouse
Feasibility
Study



Combining
Farmington,
Bountiful and
Layton
Courthouses
into one
modern
facility



Existing Farmington Courthouse / County Campus



Proposed Site Plan - with shared parking and structure



Space Utilization Considerations

Number of Courtrooms Required

Number of Court Personnel

Elimination of Duplicate Spaces to Reduce SF

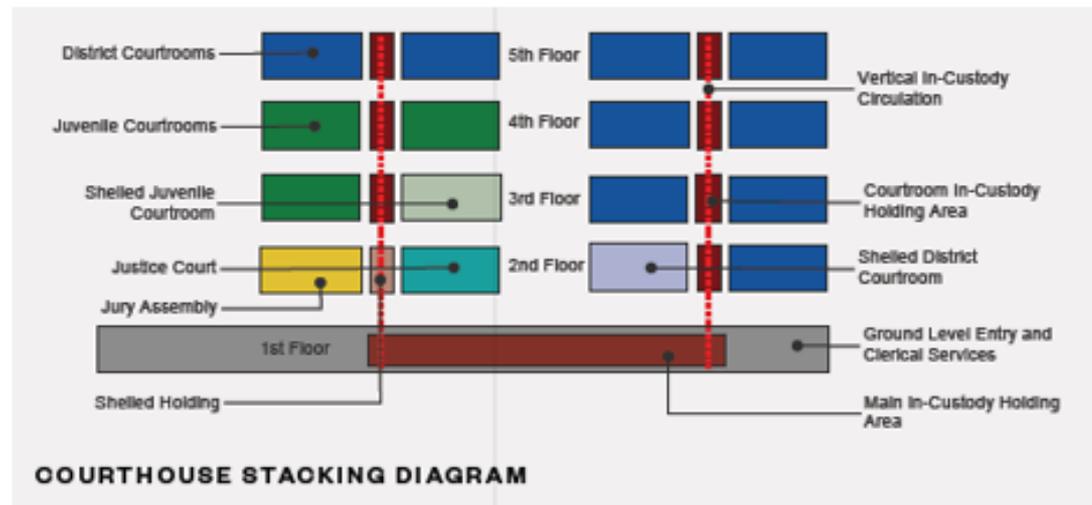
Inclusion of County Justice Courtroom

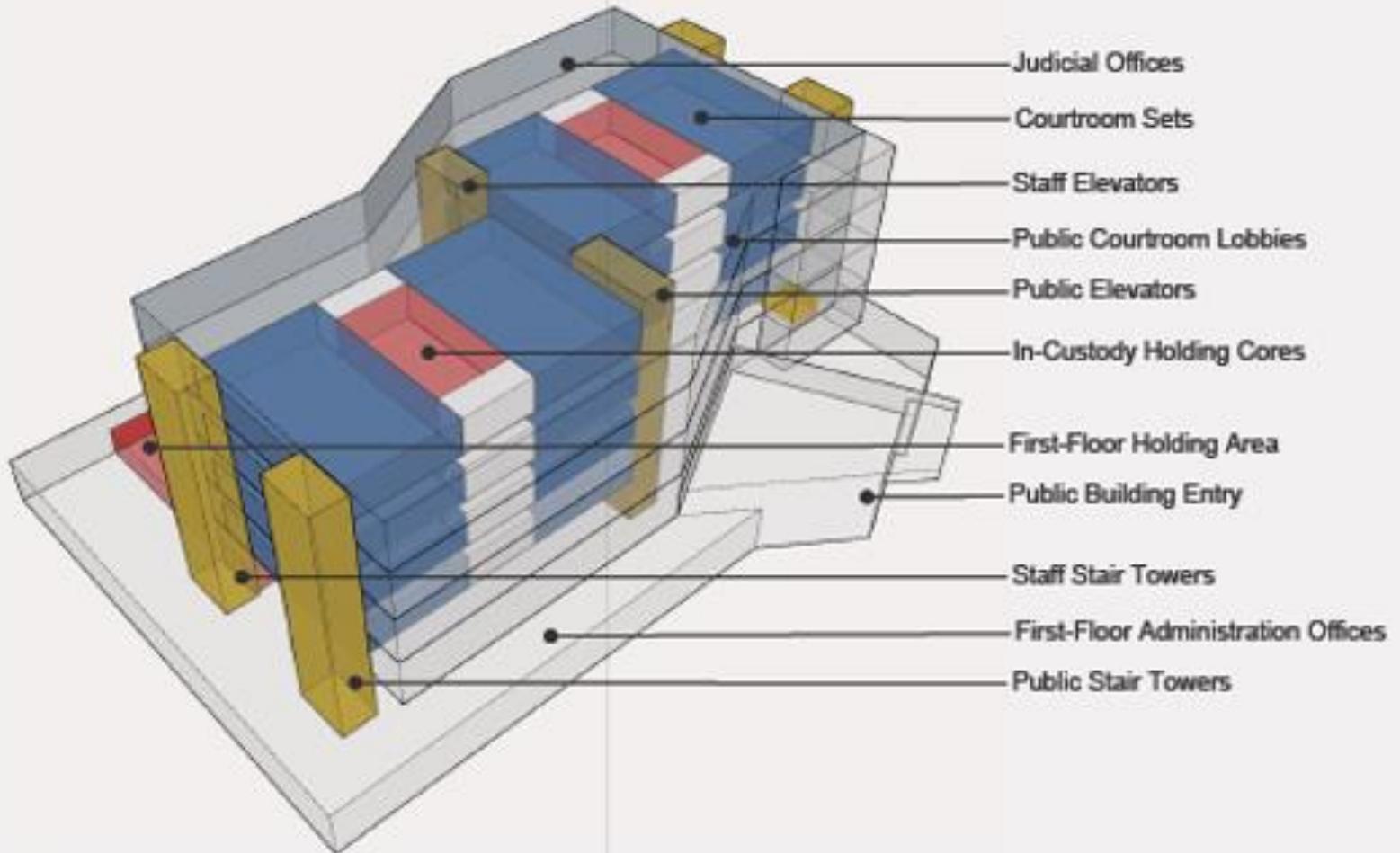
Shelled Courtroom Spaces for Future Expansion

Feasibility Study Stacking Diagram

A detailed feasibility study has confirmed the following needs:

- **13 courtrooms in a 5-story structure**
- **2 shelled courtrooms for future expansion**
- **County Justice Court should be included**





COURTHOUSE MASSING DIAGRAM

New Davis County Courthouse

Property Cost	\$	0
Demolition	\$	2,466,350
Courthouse Building	\$	87,920,300 or \$611 PSF
Parking Structure	\$	20,819,020
<u>DFCM CBE Soft Costs</u>	\$	<u>28,166,183</u>

Total Funding Requested
for FY25 as Estimated
by DFCM

~~\$ 122,960,726~~
\$ 139,371,853

+12%

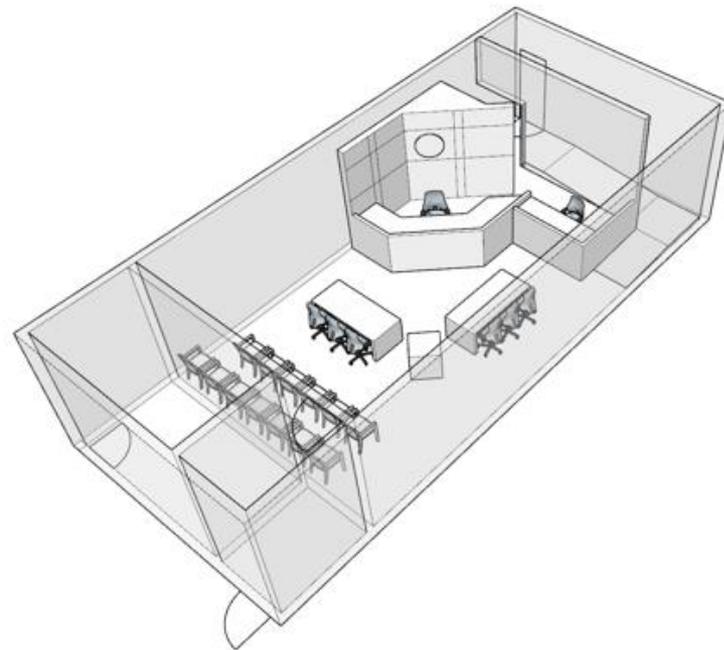
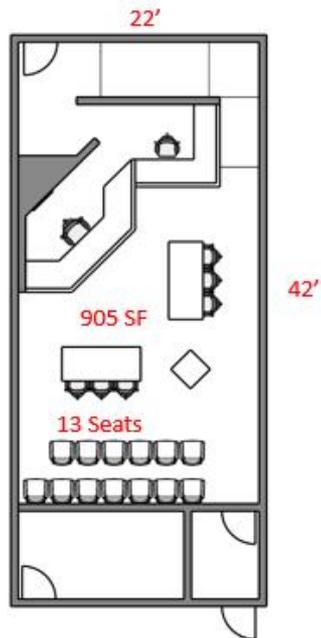
IGG Subcommittee and DFCM Feedback

Provide more detail on the importance of a combined courthouse in Davis County

Courtroom Utilization – Does each Judge need a dedicated courtroom?

Seek a county funding contribution towards shared campus parking and parking structure

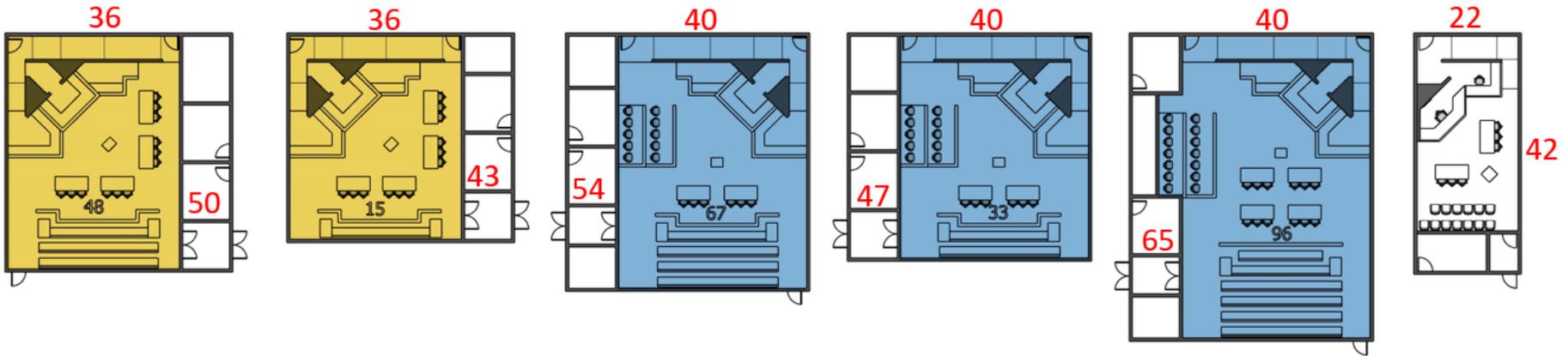
Davis County Courtroom Usage Review with 2nd District Bench



Proposed District Hearing Room Concept

Davis County Courthouse – Courtroom Size Study

March 2024



Juvenile
Standard
Courtroom
1590 SF

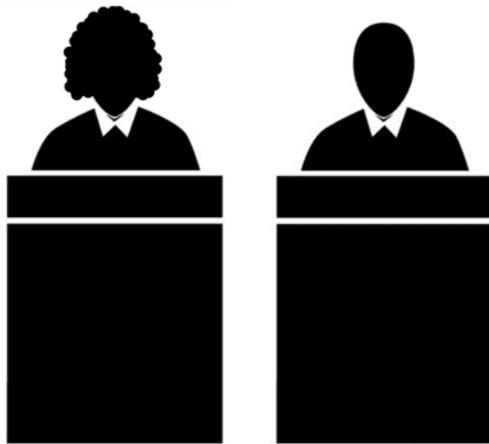
Juvenile
Small
Courtroom
1355 SF

District
Standard
Courtroom
1900 SF

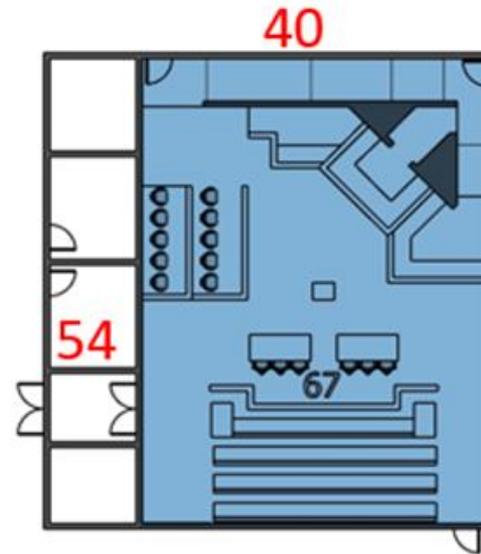
District
Small
Courtroom
1650 SF

Ceremonial
Courtroom
2450 SF

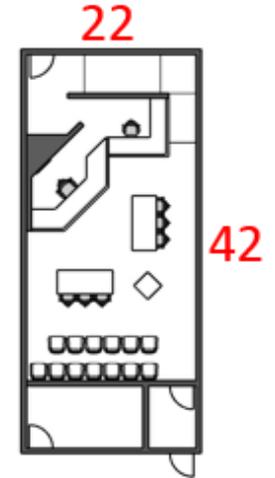
Proposed
Hearing
Room
905 SF



=



District
Standard
Courtroom
1900 SF

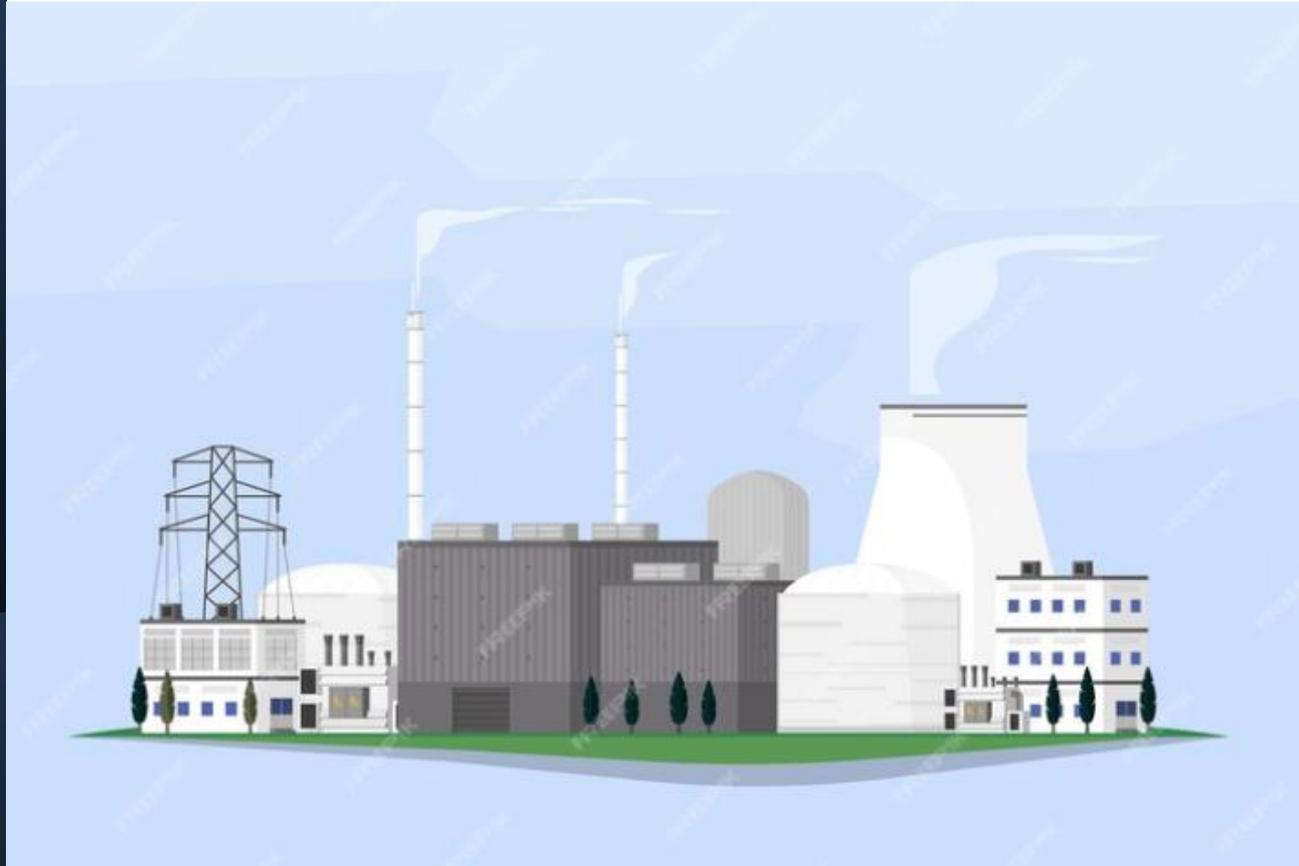


Proposed
Hearing
Room
905 SF

Option Presented for Consideration

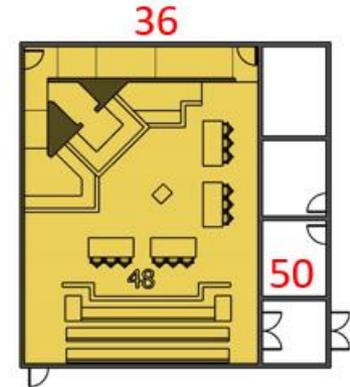
Two Judges Share
a Standard Courtroom and Hearing Room

**Judges
request
Plan for
the surge**

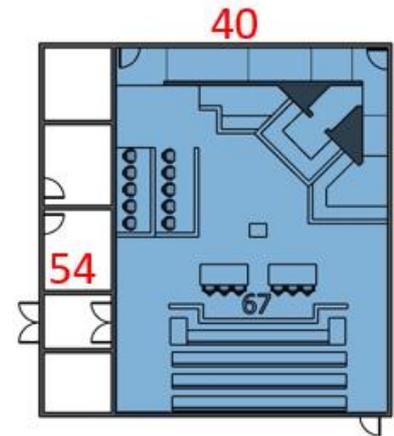


Direction Remains

One Dedicated
Courtroom
per Judge



Juvenile
Standard
Courtroom
1590 SF



District
Standard
Courtroom
1900 SF

**Capital
Improvement
Projects
Completed or
in Progress
FY24**

- **FY24 - prioritized 12 projects approved by Legislature with a total funding of \$7.2M with 84% of projects complete YTD.**
- **Notable Projects in FY24 – Build out of 2 Provo shelled courtrooms and Matheson AV upgrades for 14 courtrooms**

Capital Improvement Projects Approved for FY25

- Top **11** of 78 prioritized projects approved by the Legislature for FY25 with a total funding of **\$8.9M**.
- Notable Projects in FY25 – Additional funding to complete the build out of 2 Provo shelled courtrooms, Matheson AV upgrades phase 2 for remaining 14 courtrooms and St Geo mechanical system component replacements.

Tab 6



Administrative Office of the Courts

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

May 1, 2024

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

MEMORANDUM

TO: Utah Judicial Council

FROM: Judge Rich Mrazik and Nathanael Player, on behalf of the Standing Committee on Resources for Self-represented parties

RE: Annual Report of Standing Committee on Resources for Self-represented Parties

The Standing Committee on Resources for Self-represented Parties (the Self-rep Committee) provides its annual update to the Council, pursuant to CJA 1-205(1)(c).

The Self-rep Committee is authorized and guided by CJA 3-115, which says (in relevant part):

- (1) The committee shall study the needs of self-represented parties within the Utah State Courts, and propose policy recommendations concerning those needs to the Judicial Council.
- (2) Duties of the committee. The committee shall:
 - (2)(A) provide leadership to identify the needs of self-represented parties and to secure and coordinate resources to meet those needs;
 - (2)(B) assess available services and forms for self-represented parties and gaps in those services and forms;
 - (2)(C) ensure that court programs for self-represented litigants are integrated into statewide and community planning for legal services to low-income and middle-income individuals;
 - (2)(D) recommend measures to the Judicial Council, the State Bar and other appropriate institutions for improving how the legal system serves self-represented parties; and
 - (2)(E) develop an action plan for the management of cases involving self-represented parties.

Last year we explained that we were focusing on the development of a navigator program. We are extremely pleased to report that this focus, mostly because of the hard work of Judge Mrazik, is beginning to yield a promising crop of fruit. A brief summary of the budding navigator program is below.

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.

- It will train social workers and employees of nonprofit social services organizations to become community justice advocates (CJAs). The CJAs will provide legal advice and guidance in high-need legal areas, starting with debt collection and then expanding to areas such as housing and domestic violence.
- The program is expected to train approximately 50 CJAs in the first year, split roughly equally between debt collection and housing, and to grow each subsequent year.
- The debt collection CJAs will be trained and supervised through a partnership between Utah State University's Transforming Communities Institute and Nonprofit Legal Services of Utah. The housing stability CJAs (aka housing stability legal advocates) will be trained by Innovation for Justice (i4j) and supervised by a new nonprofit, Community Justice Advocates of Utah.
- The USU/NLSU partnership and Community Justice Advocates of Utah are each applying for authorization to operate within the Supreme Court's Office of Legal Services Innovation (aka "the Sandbox").
- Given the strong commitment from Utah State University, and its physical presence throughout the state, the hope and expectation is that CJA concept can scale up statewide and meaningfully move the needle on access to justice in Utah.

In addition to this work, the Self-Rep Committee has worked to expand efforts to increase community voice in court administration and has worked with the Self-Help Center and the Office of Fairness and Accountability to develop this plan, connect with community agencies, and work on implementation, by pursuing rule changes to add non-lawyer perspectives on Council committees.

The Self-Rep Committee continues to monitor the needs of litigants in Utah and to respond to other issues as they arise, such as the need for more volunteers on the Third District Family Law Pro Se calendar, and to support the new director of the Utah State Bar's Access to Justice Office.

The Committee is also supporting efforts to re-establish a legal clinic for defendants facing eviction in Salt Lake County.

Tab 7



Administrative Office of the Courts

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

May 7, 2024

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

MEMORANDUM

TO: Judicial Council

FROM: Ron Gordon, State Court Administrator

RE: Appointments

SB 200, State Commission on Criminal and Juvenile Justice Amendments, changed the membership structure of both the Commission on Criminal and Juvenile Justice (CCJJ) and the Sentencing Commission. Those changes require the Judicial Council to appoint non-voting members to each commission.

CCJJ

Previously, the voting membership of CCJJ included three representatives from the Judiciary: the Chief Justice or designee, a juvenile court judge, and the state court administrator. The membership now includes one voting member (the state court administrator or designee) and two non-voting members (one district court judge and one juvenile court judge). I will continue serving as a voting member of CCJJ. The Judicial Council needs to appoint the two non-voting members.

Prior to SB 200, Judge Susan Eisenman and Judge Camille Neider served as members of CCJJ. The Board of Juvenile Court Judges recommends that the Judicial Council appoint Judge Eisenman to a new term as a non-voting member. The Board of District Court Judges recommends that the Judicial Council appoint Judge Neider to a new term as a non-voting member. These appointments are permitted under the changes in SB 200.

Sentencing Commission

Previously, the voting membership of the Sentencing Commission included five representatives from the Judiciary: one appellate judge, two district court judges, and two juvenile court judges. The membership now includes one voting member (state court administrator or designee) and

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

two non-voting members (one district court judge and one juvenile court judge). Neira Siaperas will be my designee and voting member on the Sentencing Commission. The Judicial Council needs to appoint the two non-voting members.

Prior to SB 200, Judge Ryan Tenney, Judge Sharon Sipes, Judge Brody Keisel, Judge Vernice Trease, and Judge Camille Neider served as members of the Sentencing Commission. The Board of Juvenile Court Judges recommends that the Judicial Council appoint Judge Keisel to a new term as a non-voting member. The Board of District Court Judges recommends that the Judicial Council appoint Judge Trease to a new term as a non-voting member. These appointments are permitted under the changes in SB 200.

Summary

The Board of Justice Court Judges recommends the following appointments:

- Judge Susan Eisenman as a non-voting member of CCJJ; and
- Judge Brody Keisel as a non-voting member of the Sentencing Commission.

The Board of District Court Judges recommends the following appointments:

- Judge Camille Neider as a non-voting member of CCJJ; and
- Judge Vernice Trease as a non-voting member of the Sentencing Commission.

Tab 8



Administrative Office of the Courts

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

May 14, 2024

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

MEMORANDUM

TO: Judicial Council
FROM: Neira Siaperas, Deputy State Court Administrator
RE: Senior Judge Program and Court Rules

The Code of Judicial Administration (CJA) directs the work of senior judges, including the required qualifications, authority, terms, performance, compensation, and appointment procedures. The Board of Senior Judges and the Administrative Office of the Courts (AOC) have proposed amendments to the senior judge program and relevant court rules with the goal of improving the program and support for senior judges, streamlining processes, and clarifying and aligning court rules.

Below is an update on the status and proposed implementation of amended court rules, and on the budget for the senior judge program.

CJA Rules

- ❖ The Judicial Council approved for public comment: Rules 1-305 Board of senior judges; 3-104 Presiding judges; 3-108 Judicial assistance; 3-111 Performance evaluations; 3-113 Senior judges; 3-403 Judicial branch education; and 3-501 Insurance benefits upon retirement.
- ❖ The Supreme Court approved for public comment: Rules 11-201 Senior Judges and 11-203 Senior Justice Court Judges.

The public comment period ended on April 25, 2024 for the rules listed above. Contingent on final approvals by the Judicial Council and the Supreme Court, the amended rules will be effective on November 01, 2024.

Implementation

One of the pending rule changes with the most immediate impact involves revisions to the terms of office for senior judges. The terms are presently aligned with calendar years but will be aligned with fiscal years as of November 1, 2024 (contingent on final approval of the amended court rules). The existing terms for many senior judges expire on December 31, 2024. Per current CJA rules, the Judicial Council would begin the process of evaluating qualifications of senior judges for reappointment in July. However, this timeline is no longer operational due to the November 1, 2024 effective date for the amended rules and the changes in terms of office for senior judges.

To ensure effective implementation of new processes, we will request that the Supreme Court extend each senior judge's term by six months which would result in an alignment of terms based on fiscal years for all current senior judges. If approved by the Supreme Court, the extension in terms would also consequently change the process of senior judges applying for reappointments from this spring/summer (per current CJA rule 3-111) to the beginning of next calendar year (per pending amendments to CJA rule 11-201).

Budget

The base budget for senior judges is \$168,100 (\$144,000 for case coverage + \$24,000 for travel expenses). In the fiscal years (FY) 2022, 2023, and 2024, the Courts used \$2,000,000 in ARPA funding as part of the efforts to reduce case backlogs by expanding the use of senior judges and adding time-limited judicial assistants. The ARPA funding for case backlog reduction was fully expended by the end of February 2024. During the 2024 legislative session, the legislature allocated \$1,600,000 (\$400,000 for the remainder of FY 2024 and \$1,200,000 for FY 2025) in one-time funding to continue efforts with using senior judges and time-limited judicial assistants to reduce case backlogs.

As of July 01, 2025, the Courts will return to the base budget of \$168,100 for senior judges. Below is a table illustrating the impact of the drastic reduction in available funding and hours for senior judges.

Fiscal Year	Funding for senior judges (case coverage only)	Funding for time-limited Judicial Assistants	Approximate number of senior judge hours
2022	\$326,587.28	\$441,727.31	3571
2023	\$418,498.27	\$667,008.29	4353
2024	\$525,957.84	\$601,378.14	4964
2025*	\$744,000	\$600,000	6711
2026*	\$144,000	\$0	1299

** Projected*

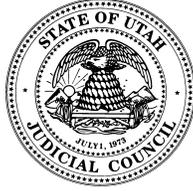
In FY 2022-2024, the Courts have used, on average, 4,296 senior judge hours annually. It is projected that the number of available senior judge hours will be 6,711 in FY 2025. Starting in FY 2026 (July 01, 2025) there will be a 70% reduction in available senior judge hours as compared with the use in FY 2022-2024 and an 80% reduction in available hours as compared with the projections for FY 2025.

We have initiated discussions with Trial Court Executives in preparation for the transition to the base budget and a significant reduction in available senior judge hours. This transition will likely include reviewing the levels of case backlogs in each district; using senior judges for needs narrowly aligned with purposes specified in court rules or other purposes as determined by the Judicial Council; and reviewing options for time-limited judicial assistants.

We also anticipate requesting that the Management Committee terminate all agreements with districts which allow ongoing use of senior judges. For example, the Second District court has utilized senior judges to cover preliminary hearings every Friday on an ongoing basis. These types of agreements will have to be reevaluated to assess the need for senior judges and the available budget.

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

Tab 9



Administrative Office of the Courts

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

May 14, 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 Final Approval

The Policy, Planning, and Technology Committee recommends that the following rules be approved as final. The rules were posted for a 45-day public comment period and no comments were received. Associated Supreme Court rules CJA 11-201 and 11-203 will be presented to the Supreme Court for final approval on May 29, 2024. PP&T recommends that the effective date of the Council rules coordinate with the effective date of the Supreme Court rules (proposed date will be 5/30/24).

CJA 1-305. Board of Senior Judges
CJA 3-104. Presiding judges
CJA 3-108. Judicial assistance
CJA 3-111. Performance evaluations
CJA 3-113. Senior judges
CJA 3-403. Judicial branch education
CJA 3-501. Insurance benefits upon retirement

See the attached memorandum for a detailed explanation of the proposed senior judge amendments.

Note: Rule 3-104 also includes amendments published for comment in December 2023 (lines 227-250, 262-263, and 266-268) regarding cases under advisement. No comments were received. Those changes would be approved as final along with the senior judge amendments in lines 108-112.

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



Administrative Office of the Courts

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

February 2, 2024

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

MEMORANDUM

TO: Policy, Planning & Technology Committee

FROM: Hon. Kate Appleby, Senior Judge
Neira Siaperas, Deputy State Court Administrator

RE: Senior Judge Program and Court Rules

The Utah Judiciary has a robust senior judge program with a current roster of 32 active senior judges and 23 inactive senior judges. Active senior judges provide case coverage for all court levels and have been instrumental in the efforts to reduce the backlog of cases pending in the district court.

The Code of Judicial Administration directs the work of senior judges, including the required qualifications, authority, terms, performance, compensation, and appointment procedures. The Board of Senior judges and the Administrative Office of the Courts (AOC) have been reviewing the program and court rules relevant to senior judges with the goal of improving the program and support for senior judges, streamlining processes, and clarifying and aligning court rules.

The most substantive proposed changes to court rules and the senior judge program are summarized below. The Management Committee, boards of judges, trial court executives, and senior judges have reviewed proposed revisions and provided input.

Court Rules

UCJA Rule 1-305 Board of Senior Judges

- ❖ Expanded membership of the Board to include senior justice court judges
- ❖ Revised the term lengths and the required number of meetings of the Board

UCJA Rule 3-104 Presiding Judges

- ❖ Removed the section on executing the notice of senior judge appointment

UCJA Rule 3-108 Judicial Assistance

- ❖ Added water law cases to the criteria for transferring or assigning senior judges
- ❖ Clarified and simplified considerations for assigning senior judges

UCJA Rule 3-111 Performance Evaluations

- ❖ Removed references to senior judges as the processes to evaluate performance of senior judges were incorporated in rule 11-201

UCJA Rule 3-113 Senior Judges

- ❖ Added a requirement for the AOC to provide a new senior judge orientation
- ❖ Expanded responsibilities of the court executives in providing support for senior judges

UCJA Rule 3-403 Judicial Branch Education

- ❖ Clarified that “annually” refers to the fiscal rather than the calendar year
- ❖ Revised and simplified education requirements for active and inactive senior judges

UCJA Rule 3-501 Insurance Benefits Upon Retirement

- ❖ Revised qualifications for incentive benefits

Revisions to two additional court rules will be presented to the Supreme Court:

UCJA Rule 11-201 Senior Judges (Supreme Court rule)

- ❖ Revised qualifications for appointment and reappointment of senior judges
- ❖ Established qualifications and process for reappointment of senior judges
- ❖ Clarified requirements for an active bar license
- ❖ Incorporated and revised standards of performance and evaluation processes from UCJA Rule 3-111, and created performance improvement procedures
- ❖ Clarified the role of the Judicial Council in the appointment and reappointment of senior judges
- ❖ Revised the terms of office for senior judges and the authority of inactive senior judges

UCJA Rule 11-203 Senior Justice Court Judges (Supreme Court rule)

- ❖ Aligned the changes with Rule 11-201

Senior Judge Program

The most significant changes to the senior judge program involve increasing the support for senior judges by implementing a new senior judge orientation and expanding local training and support in districts. The new senior judge orientation will include information on judicial assignments, forms, compensation, training, and incentive benefits for senior judges. Local training in districts will include information on district practices, case management systems, and local expectations.

Additional changes to the program include:

- ❖ Revised performance evaluation and surveys of attorneys, presiding judges, and court staff
- ❖ New application for reappointment that will align with the revised rules and require active senior judges to declare whether they volunteered for a minimum of two cases per year
- ❖ New compensation structure for senior judges who participate on court committees and projects
- ❖ Implementation of electronic payment and reimbursement forms

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

1 **Rule 1-305. Board of Senior Judges.**

2 **Intent:**

3 To establish a Board of Senior Judges consisting of ~~senior justices and~~ senior judges of courts
4 of record and senior justice court judges.

5 To prescribe the composition of the Board's membership, the method of selection of Board
6 members, the members' terms of office, the Board's officers, the procedures to be followed in
7 the event of vacancies, the frequency of Board meetings, and the procedures to be followed in
8 the conduct of Board meetings.

9 To increase the level of participation of ~~senior justices and~~ senior judges in the development of
10 policy for the judiciary.

11 To improve communication between the Council and ~~senior justices and~~ senior judges.

12 **Applicability:**

13 This rule shall apply to the Board of Senior Judges.

14 **Statement of the Rule:**

15 (1) For purposes of this rule, "senior judge" includes active senior justices, active senior judges
16 of courts of record, and active senior justice court judges~~means active senior justice or active~~
17 ~~senior judge~~.

18 (2) **Board of senior judges.**

19 (2)(A) **Establishment.** There is established a Board of Senior Judges.

20 (2)(B) **Membership.** The Board shall be comprised of ~~five-six~~ active senior
21 judges, elected at the annual judicial conference senior judge business meeting, by all
22 senior judges who are in attendance. Contingent upon availability of senior judges, each
23 court level (appellate, juvenile, district, and justice) shall have a minimum of one member
24 of the Board.

25 (2)(C) **Election.** The senior judges present at the business meeting shall constitute a
26 quorum. Nominations for Board positions may be made by any senior judge. All senior
27 judges present at the meeting shall be entitled to vote for members of the Board.

28 (2)(D) **Terms.** The terms of the Board members shall be ~~two-year~~ three years. A Board
29 member shall not serve more than two consecutive terms and the remainder of a
30 predecessor's term.

31 (2)(E) **Vacancies.** If a vacancy occurs for any reason on the Board, the Board shall elect
32 a replacement for the unexpired term of the vacancy.

33 (3) **Board officers.**

34 (3)(A) **Establishment.** There shall be a chair and vice-chair of the Board. Both the chair
35 and vice chair shall be ~~active~~ senior judges.

36 (3)(B) **Election.** The chair and vice~~_-~~chair shall be elected by the Board members.

37 (3)(C) **Chair and vice~~_-~~chair's term.** The chair and vice-chair shall be elected to serve ~~a~~
38 ~~one~~ two-year terms, effective immediately after the annual judicial conference. The year

39 following election, ~~as the vice-chair shall assume the chair position. A new vice-chair~~
40 ~~shall be appointed each year.~~

41 (3)(D) **Chair and vice-chair's responsibilities.** The chair shall preside over all
42 meetings of the Board and the annual judicial conference senior judge business
43 meeting, and shall perform other duties as set forth in this Code and as directed by the
44 Board. The vice-chair shall serve as chair in the absence of the chair or at the request of
45 the chair.

46 (3)(E) **Vacancy in office of chair or vice-chair.** ~~In the event that~~if the chair resigns or
47 leaves the Board for any reason, the vice-chair shall become chair, serving both the
48 unexpired term of the chair and the full term as chair. ~~In the event that~~if the vice-chair
49 resigns from the Board for any reason, a new vice-chair shall be elected by the Board
50 from among its members to serve the unexpired term of the vice-chair and to succeed as
51 chair as otherwise provided in this rule. Voting and replacement of the vice-chair may
52 be conducted by e-mail if a replacement is needed before the next annual judicial
53 conference.

54 (3)(F) **Secretariat services.** The Administrative Office shall serve as secretariat to the
55 Board.

56 (3)(G) **Board responsibility.** The Board shall exercise such authority and assume such
57 responsibility as delegated by the Council.

58 (4) **Meetings of the Board.**

59 (4)(A) ~~The Board shall meet a minimum of twice a year and otherwise as determined by~~
60 ~~the chair. One of the meetings shall be a combined Board and Bench meeting~~
61 ~~conducted during the annual Judicial Conference. The Board shall meet not less than~~
62 ~~once a year to transact any and all business that is within its jurisdiction.~~

63 (4)(B) The Board shall rule by majority vote. All Board members have the right to vote.
64 ~~Three-Four~~ members of the Board constitute a quorum.

65 *Effective: ~~June 28~~May 1, 2024*

1 Rule 3-104. Presiding judges

2

3 Intent:

4 To establish the procedure for election, term of office, role, responsibilities and authority of
5 presiding judges and associate presiding judges.

6

7 Applicability:

8 This rule shall apply to presiding judges and associate presiding judges in the District and
9 Juvenile Courts.

10

11 Statement of the Rule:

12

13 (1) Election and term of office.

14

15 (1)(A) **Presiding judge.** The presiding judge in multi-judge courts shall be elected by a
16 majority vote of the judges of the court. The presiding judge's term of office shall be at
17 least two years. A district, by majority vote of the judges of the court, may re-elect a
18 judge to serve successive terms of office as presiding judge. In the event that a majority
19 vote cannot be obtained, the presiding judge shall be appointed by the presiding officer
20 of the Council to serve for two years.

21

22 (1)(B) Associate presiding judge.

23

24 (1)(B)(i) In a court having more than two judges, the judges may elect one judge
25 of the court to the office of associate presiding judge. An associate presiding
26 judge shall be elected in the same manner and serve the same term as the
27 presiding judge in paragraph (1)(A).

28

29 (1)(B)(ii) When the presiding judge is unavailable, the associate presiding judge
30 shall assume the responsibilities of the presiding judge. The associate presiding
31 judge shall perform other duties assigned by the presiding judge or by the court.

32

33 (1)(C) **Removal.** A presiding judge or associate presiding judge may be removed as the
34 presiding judge or associate presiding judge by a two-thirds vote of all judges in the
35 district. A successor presiding judge or associate presiding judge shall then be selected
36 as provided in this rule.

37

38 (2) Court organization.

39

40 (2)(A) Court en banc.

41

42 (2)(A)(i) Multi-judge courts shall have regular court en banc meetings, including
43 all judges of the court and the court executive, to discuss and decide court
44 business. The presiding judge has the discretion to excuse the attendance of the
45 court executive from court en banc meetings called for the purpose of discussing
46 the performance of the court executive. In single-judge courts, the judge shall
47 meet with the court executive to discuss and decide court business.

48

49 (2)(A)(ii) The presiding judge shall call and preside over court meetings. If neither
50 the presiding judge nor associate presiding judge, if any, is present, the presiding
51 judge's designee shall preside.

52
53 (2)(A)(iii) Each court shall have a minimum of four meetings each year.

54
55 (2)(A)(iv) An agenda shall be circulated among the judges in advance of the
56 meeting with a known method on how matters may be placed on the agenda.

57
58 (2)(A)(v) In addition to regular court en banc meetings, the presiding judge or a
59 majority of the judges may call additional meetings as necessary.

60
61 (2)(A)(vi) Minutes of each meeting shall be taken and preserved.

62
63 (2)(A)(vii) Other than judges and court executives, those attending the meeting
64 shall be by court invitation only.

65
66 (2)(A)(viii) The issues on which judges should vote shall be left to the sound
67 discretion and judgment of each court and the applicable sections of the Utah
68 Constitution, statutes, and this Code.

69
70 (2)(B) **Absence of presiding judge.** When the presiding judge and the associate
71 presiding judge, if any, are absent from the court, an acting presiding judge shall be
72 appointed. The method of designating an acting presiding judge shall be at the discretion
73 of the presiding judge. All parties that must necessarily be informed shall be notified of
74 the judge acting as presiding judge.

75 76 (3) **Administrative responsibilities and authority of presiding judge.**

77 78 (3)(A) **General—Caseload—Appeals**

79
80 (3)(A)(i) **Generally.** The presiding judge is charged with the responsibility for the
81 effective operation of the court. He or she is responsible for the implementation
82 and enforcement of statutes, rules, policies and directives of the Council as they
83 pertain to the administration of the courts, orders of the court en banc and
84 supplementary rules. The presiding judge has the authority to delegate the
85 performance of non-judicial duties to the court executive. When the presiding
86 judge acts within the scope of these responsibilities, the presiding judge is acting
87 within the judge's judicial office.

88
89 (3)(A)(ii) **Caseload.** Unless the presiding judge determines it to be impractical,
90 there is a presumption that the judicial caseload of the presiding judge shall be
91 adjusted to provide the presiding judge sufficient time to devote to the
92 management and administrative duties of the office. The extent of the caseload
93 reduction shall be determined by each district.

94
95 (3)(A)(iii) **Appeals.** Any judge of the judicial district may ask the Chief Justice or
96 Judicial Council to review any administrative decision made by the presiding
97 judge of that district.

99 **(3)(B) Coordination of judicial schedules.**

100
101 (3)(B)(i) The presiding judge shall be aware of the vacation and education
102 schedules of judges and be responsible for an orderly plan of judicial absences
103 from court duties.

104
105 (3)(B)(ii) Each judge shall give reasonable advance notice of his or her absence
106 to the presiding judge consistent with Rule 3-103(4).

107
108 **(3)(C) Authority to appoint senior judges.** ~~(3)(C)(i)~~ The presiding judge is authorized
109 to assign a senior judge for judicial assistance consistent with Rule 3-108.

110
111 ~~(3)(C)(ii) The presiding judge will notify the State Court Administrator or designee~~
112 ~~when a senior judge assignment has been made.~~

113 **(3)(D) Court committees.** The presiding judge shall, where appropriate, make use of
114 court committees composed of other judges and court personnel to investigate problem
115 areas, handle court business and report to the presiding judge and/or the court en banc.

116
117 **(3)(E) Outside agencies and the media.**

118
119 (3)(E)(i) The presiding judge or court executive shall be available to meet with
120 outside agencies, such as the prosecuting attorney, the city attorney, public
121 defender, sheriff, police chief, bar association leaders, probation and parole
122 officers, county governmental officials, civic organizations and other state
123 agencies. The presiding judge shall be the primary representative of the court.

124
125 (3)(E)(ii) Generally, the presiding judge or, at the discretion of the presiding
126 judge, the court executive shall represent the court and make statements to the
127 media on matters pertaining to the total court and provide general information
128 about the court and the law, and about court procedures, practices and rulings
129 where ethics permit.

130
131 **(3)(F) Docket management and case and judge assignments.**

132
133 (3)(F)(i) The presiding judge shall monitor the status of the dockets in the court
134 and implement improved methods and systems of managing dockets.

135
136 (3)(F)(ii) The presiding judge shall assign cases and judges in accordance with
137 supplemental court rules to provide for an equitable distribution of the workload
138 and the prompt disposition of cases.

139
140 (3)(F)(iii) Individual judges of the court shall convey needs for assistance to the
141 presiding judge. The presiding judge shall, through the State Court Administrator,
142 request assistance of visiting judges or other appropriate resources when
143 needed to handle the workload of the court.

144
145 (3)(F)(iv) The presiding judge shall discuss problems of delay with other judges
146 and offer necessary assistance to expedite the disposition of cases.

147
148 **(3)(G) Court executives.**

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(3)(G)(i) The presiding judge shall review the proposed appointment of the court executive made by the State Court Administrator and must concur in the appointment before it will be effective. The presiding judge shall obtain the approval of a majority of the judges in that jurisdiction prior to concurring in the appointment of a court executive.

(3)(G)(ii) The presiding judge for the respective court level and the state level administrator shall jointly develop an annual performance plan for the court executive.

(3)(G)(iii) Annually, the state level administrator shall consult with the presiding judge in the preparation of an evaluation of the court executive's performance for the previous year, also taking into account input from all judges in the district.

(3)(G)(iv) The presiding judge shall be aware of the day-to-day activities of the court executive, including coordination of annual leave.

(3)(G)(v) Pursuant to Council policy and the direction of the state level administrator, the court executive has the responsibility for the day-to-day supervision of the non-judicial support staff and the non-judicial administration of the court. The presiding judge, in consultation with the judges of the jurisdiction, shall coordinate with the court executive on matters concerning the support staff and the general administration of the court including budget, facility planning, long-range planning, administrative projects, intergovernmental relations and other administrative responsibilities as determined by the presiding judge and the state level administrator.

(3)(H) **Courtrooms and facilities.** The presiding judge shall direct the assignment of courtrooms and facilities.

(3)(I) **Recordkeeping.** Consistently with Council policies, the court executive, in consultation with the presiding judge, shall:

(3)(I)(i) coordinate the compilation of management and statistical information necessary for the administration of the court;

(3)(I)(ii) establish policies and procedures and ensure that court personnel are advised and aware of these policies;

(3)(I)(iii) approve proposals for automation within the court in compliance with administrative rules.

(3)(J) **Budgets.** The court executive, in consultation with the presiding judge, shall oversee the development of the budget for the court. In contract sites, the court executive shall supervise the preparation and management of the county budget for the court on an annual basis and in accordance with the Utah Code.

(3)(K) **Judicial officers.** In the event that another judge or commissioner of the court fails to comply with a reasonable administrative directive of the presiding judge,

199 interferes with the effective operation of the court, abuses his or her judicial position,
200 exhibits signs of impairment or violates the Code of Judicial Conduct, the presiding judge
201 may:

202
203 (3)(K)(i) Meet with and explain to the judge or commissioner the reasons for the
204 directive given or the position taken and consult with the judge or commissioner.

205
206 (3)(K)(ii) Discuss the position with other judges and reevaluate the position.

207
208 (3)(K)(iii) Present the problem to the court en banc or a committee of judges for
209 input.

210
211 (3)(K)(iv) Require the judge or commissioner to participate in appropriate
212 counseling, therapy, education or treatment.

213
214 (3)(K)(v) Reassign the judge or commissioner to a different location within the
215 district or to a different case assignment.

216
217 (3)(K)(vi) Refer the problem to the Judicial Council or to the Chief Justice.

218
219 (3)(K)(vii) In the event that the options listed above in subsections (i) through (vi)
220 do not resolve the problem and where the refusal or conduct is willful, continual,
221 and the presiding judge believes the conduct constitutes a violation of the Code
222 of Judicial Conduct, the presiding judge shall refer the problem to the Council or
223 the Judicial Conduct Commission.

224
225 **(3)(L) Cases under advisement.**

226
227 (3)(L)(i) A case is considered to be under advisement ~~when the entire case or~~
228 ~~any issue in the case has been submitted to the judge for final determination. For~~
229 ~~purposes of this rule, “submitted to the judge” is defined as follows: if it meets the~~
230 ~~criteria outlined in rule 3-101.~~

231
232 ~~(3)(L)(i)(a) When a matter requiring attention is placed by staff in the~~
233 ~~judge’s personal electronic queue, inbox, personal possession, or~~
234 ~~equivalent;~~

235
236 ~~(3)(L)(i)(b) If a hearing or oral argument is set, at the conclusion of all~~
237 ~~hearings or oral argument held on the specific motion or matter; or~~

238
239 ~~(3)(L)(i)(c) If further briefing is required after a hearing or oral argument,~~
240 ~~when all permitted briefing is completed, a request to submit is filed, if~~
241 ~~required, and the matter is placed by staff in the judge’s personal~~
242 ~~electronic queue, inbox, personal possession, or equivalent.~~

243
244 ~~A case is no longer under advisement when the judge makes a decision~~
245 ~~on the issue that is under advisement or on the entire case.~~

246
247 ~~The final determination occurs when the judge resolves the pending issue~~
248 ~~by announcing the decision on the record or by issuing a written decision,~~

~~regardless of whether the parties are required to subsequently submit for
the judge's signature a final order memorializing the decision.~~

(3)(L)(ii) Once a month, each judge shall submit a statement on a form to be provided by the State Court Administrator notifying the presiding judge of any cases or issues held under advisement for more than two months and the reason why the case or issue continues to be held under advisement.

(3)(L)(iii) Once a month, the presiding judge shall submit a list of the cases or issues held under advisement for more than two months to the appropriate state level administrator and indicate the reasons why the case or issue continues to be held under advisement.

~~(3)(L)(iv) If a case or issue is held under advisement for an additional 30 days,
the state level administrator shall report that fact to the Management Committee.~~

(3)(L)(iv) If a judge fails to submit a statement required under (3)(L)(ii), the presiding judge shall notify the appropriate state level administrator. If a judge the state level administrator determines that a judge has willfully failed to submit a statement ~~for two consecutive months~~, the state level administrator shall notify the Management Committee.

(3)(M) **Board of judges.** The presiding judge shall serve as a liaison between the court and the Board for the respective court level.

(3)(N) **Supervision and evaluation of court commissioners.** The presiding judge is responsible for the development of a performance plan for the Court Commissioner serving in that court and shall prepare an evaluation of the Commissioner's performance on an annual basis. A copy of the performance plan and evaluation shall be maintained in the official personnel file in the Administrative Office.

(3)(O) **Magistrate availability.** The presiding judge in a district court shall consult with the justice court administrator to develop a rotation of magistrates that ensures regular availability of magistrates within the district. The rotation shall take into account each magistrate's caseload, location, and willingness to serve.

Effective May 1, 202~~4~~³

1 **Rule 3-108. Judicial assistance.**

2

3 **Intent:**

4 To establish the authority, procedure and criteria for judicial assistance.

5

6 **Applicability:**

7 This rule shall apply to judicial assistance provided by active senior judges and judges of courts
8 of record.

9

10 **Statement of the Rule:**

11 (1) **Criteria for requesting assistance.** Judicial assistance shall be provided only for the
12 following reasons:

13 (1)(A) when assistance is needed because of a judicial vacancy or an absence due to an
14 illness, accident, or disability;

15

16 (1)(B) to prevent the occurrence of or to reduce a critical accumulated backlog;

17

18 (1)(C) to handle a particular case involving complex issues and extensive time which
19 would have a substantial impact on the court's calendar;

20

21 (1)(D) to replace a sitting judge who is absent because of assignment as a tax judge,
22 illness or to replace the judges in that location because of disqualification in a particular
23 case;

24

25 (1)(E) to mentor a newly appointed judge;

26

27 (1)(F) to handle cases during vacation periods or during attendance at education
28 programs by the sitting judge, following every effort by that judge to adjust the calendar
29 to minimize the need for assistance and only to handle those matters which cannot be
30 accommodated by the other judges of the court during the absence;

31

32 (1)(G) to provide education and training opportunities to judges of one court level in the
33 disposition of cases in another court level;

34

35 (1)(H) in district court, to handle cases involving taxation, as defined in Rule 6-103(4) of
36 the Utah Code of Judicial Administration;

37

38 (1)(I) to handle automatic expungement cases; and

39

40 (1)(J) to serve on a grand jury panel.

41

42 (2) **Assigning a senior judge for judicial assistance.**

43 (2)(A) Unless exigent circumstances occur, a presiding judge shall seek assistance
44 under the priorities listed in paragraph (3) before assigning a senior judge.
45

46 (2)(B) If the assignment of a senior judge shall be for more than 14 judicial days, the
47 presiding judge shall seek approval from the Management Committee, and present to
48 the Management Committee a plan for meeting the needs of the court and a budget to
49 implement the plan. The plan should describe the calendars to be covered by judges of
50 the district, judges of other districts, and senior judges. The budget should estimate the
51 funds needed for travel by the judges and senior judges.
52

53 **(3) Criteria for transferring or assigning judges.** The transfer or assignment of judges for
54 judicial assistance under this rule, shall, in general, be based upon the following priorities:

55 (3)(A) experience and familiarity with the subject matter, including, in district court cases
56 involving taxation, as defined in Rule 6-103(4) of the Utah Code of Judicial
57 Administration, knowledge of the theory and practice of ad valorem, excise, income,
58 sales and use, and corporate taxation;
59

60 (3)(B) active judges before active senior judges with consideration of the following:
61

62 (3)(B)(i) active judges from a court of equal jurisdiction in a different geographical
63 division than the court in need, and who are in close proximity to that court;
64

65 (3)(B)(ii) active senior judges from a court of equal jurisdiction to the court in
66 need and who are in close proximity to that court;
67

68 (3)(B)(iii) active judges from a court of different jurisdiction than the court in need
69 whose subject matter jurisdiction is most closely related to that court and who are
70 in close proximity to that court;
71

72 (3)(B)(iv) active judges from a court of equal jurisdiction in a different
73 geographical division than the court in need who are far removed from that court;
74

75 (3)(B)(v) active or active senior judges from a court of different jurisdiction than
76 the court in need whose subject matter jurisdiction is similar to that court and who
77 are not in close proximity to that court;
78

79 (3)(C) availability;
80

81 (3)(D) expenses and budget.
82

83 **(4) Assignment of active judges.**

84 (4)(A) Any active judge of a court of record may serve temporarily as the judge of a court
85 with equal jurisdiction in a different judicial district upon assignment by the presiding

86 judge of the district in which the judge to be assigned normally sits or, in district court
87 cases involving taxation, as defined in Rule 6-103(4) of the Utah Code of Judicial
88 Administration, assignment by the supervising tax judge with the approval of the
89 presiding officer of the Council.
90

91 (4)(B) Any active judge of a court of record may serve temporarily as the judge of a court
92 with different jurisdiction in the same or a different judicial district upon assignment by
93 the presiding officer of the Council or assignment by the state court administrator or
94 designee with the approval of the presiding officer of the Council.
95

96 (4)(C) The presiding officer of the Council may appoint a district or juvenile court
97 presiding judge as the signing judge for automatic expungements and deferred traffic
98 prosecution orders in all district or juvenile courts within the presiding judge's district with
99 jurisdiction over eligible cases. The length of the assignment may coincide with the
100 judge's term as presiding judge.
101

102 (4)(D) The assignment shall be made only after consideration of the judge's calendar.
103 The assignment may be for a special or general assignment in a specific court or
104 generally within that level of court and shall be for a specific period of time, or for the
105 duration of a specific case. Full time assignments in excess of 30 days in a calendar
106 year shall require the concurrence of the assigned judge. The state court administrator
107 or designee shall report all assignments to the Council on an annual basis.
108

109 (4)(E) Requests for the assignment of a judge shall be conveyed, through the presiding
110 judge, to the person with authority to make the assignment under paragraphs (A) and
111 (B). A judge who is assigned temporarily to another court shall have the same powers as
112 a judge of that court.
113

114 (5) **Notice of assignments.** Notice of assignments made under this rule shall be made in
115 writing, a copy of which shall be sent to the state court administrator or designee.
116

117 (6) **Schedule of trials or court sessions.** The state court administrator or designee, under the
118 supervision of the presiding officer of the Council, may schedule trials or court sessions and
119 designate a judge to preside, assign judges within courts and throughout the state, reassign
120 cases to judges, and change the county for trial of any case if no party to the litigation files
121 timely objections to the change.
122

123 *Effective: ~~October 1, 2022~~ January 1, 2024*

1 **Rule 3-111. Performance evaluation of ~~active senior judges and~~ court commissioners.**

2
3 **Intent:**

4 To establish a performance evaluation, including the criteria upon which ~~active senior judges~~
5 ~~and~~ court commissioners will be evaluated, the standards against which performance will be
6 measured and the methods for fairly, accurately and reliably measuring performance.

7 To generate and ~~to provide to~~ ~~active senior judges and~~ court commissioners information about
8 their performance.

9 To establish the procedures by which the ~~Judicial~~ Council will evaluate and certify ~~senior judges~~
10 ~~and~~ court commissioners for reappointment.

11 **Applicability:**

12 This rule shall apply to presiding judges, ~~the Board of Justice Court Judges and the Judicial~~
13 Council, and ~~to the active senior judges and~~ court commissioners ~~of the Court of Appeals,~~
14 ~~courts of record and courts not of record.~~

15 **Statement of the Rule:**

16
17 **(1) Performance evaluations.**

18 ~~(1)(A) Court commissioners.~~

19 (1)(A)(i) On forms provided by the Aadministrative Office, the presiding judge of a
20 district ~~or court level~~ of which a court commissioner serves shall complete an evaluation
21 of the court commissioner's performance by ~~June~~ July 1 of each year. If a commissioner
22 serves multiple districts or court levels, the presiding judge of each district ~~or court level~~
23 shall complete an evaluation.

24 (1)(~~BA~~)(ii) The presiding judge(s) shall survey judges and court personnel seeking
25 feedback for the evaluation. During the evaluation period, the presiding judge(s) shall
26 review at least five of the commissioner's active cases. The review shall include
27 courtroom observation.

28 (1)(~~CA~~)(iii) The presiding judge(s) shall provide a copy of each commissioner evaluation
29 to the ~~Judicial~~ Council. Copies of plans under paragraph (3)(G) and all evaluations shall
30 also be maintained in the commissioner's personnel file in the Aadministrative Office.

31
32 ~~(1)(B) Active senior judges. An active senior judge's performance shall be evaluated~~
33 ~~by attorneys as provided in paragraph (3)(A) and by presiding judges and court staff as~~
34 ~~provided in paragraph (3)(B).~~

35
36 **(2) Evaluation and certification criteria.** ~~Active senior judges and~~ Ccourt commissioners shall
37 be evaluated and certified upon the following criteria:

38 (2)(A) demonstration of understanding of the substantive law and any relevant rules of
39 procedure and evidence;

40 (2)(B) attentiveness to factual and legal issues before the court;

41 (2)(C) adherence to precedent and ability to clearly explain departures from precedent;

42 (2)(D) grasp of the practical impact on the parties of the commissioner's ~~or senior~~
43 ~~judge's~~ rulings, including the effect of delay and increased litigation expense;

44 (2)(E) ability to write clear judicial opinions;

45 (2)(F) ability to clearly explain the legal basis for judicial opinions;

46 (2)(G) demonstration of courtesy toward attorneys, court staff, and others in the
47 commissioner's ~~or senior judge's~~ court;

48 (2)(H) maintenance of decorum in the courtroom;

49 (2)(I) demonstration of judicial demeanor and personal attributes that promote public
50 trust and confidence in the judicial system;

51 (2)(J) preparation for hearings or oral argument;

52 (2)(K) avoidance of impropriety or the appearance of impropriety;

53 (2)(L) display of fairness and impartiality toward all parties;

54 (2)(M) ability to clearly communicate, including the ability to explain the basis for written
55 rulings, court procedures, and decisions;

56 (2)(N) management of workload;

57 (2)(O) willingness to share proportionally the workload within the court or district, or
58 regularly accepting assignments;

59 (2)(P) issuance of opinions and orders without unnecessary delay; and

60 (2)(Q) ability and willingness to use the court's case management systems in all cases.

61
62 **(3) Standards of performance.**

63 **(3)(A) Survey of attorneys.**

64 (3)(A)(i) The Council shall measure satisfactory performance by a sample survey
65 of the attorneys appearing before the ~~active senior judge or~~ court commissioner
66 during the period for which the ~~active senior judge or~~ court commissioner is being
67 evaluated. The Council shall measure satisfactory performance based on the
68 results of the final survey conducted during a court commissioner's term of office,
69 subject to the discretion of a court commissioner serving an abbreviated initial
70 term not to participate in a second survey under Section (3)(A)(vi) of this rule.

71
72 **(3)(A)(ii) Survey scoring.** The survey shall be scored as follows.

73 (3)(A)(ii)(a) Each question of the attorney survey will have six possible
74 responses: Excellent, More Than Adequate, Adequate, Less Than
75 Adequate, Inadequate, or No Personal Knowledge. A favorable response
76 is Excellent, More Than Adequate, or Adequate.

77 (3)(A)(ii)(b) Each question shall be scored by dividing the total number of
78 favorable responses by the total number of all responses, excluding the
79 "No Personal Knowledge" responses. A satisfactory score for a question
80 is achieved when the ratio of favorable responses is 70% or greater.

81 (3)(A)(ii)(c) A court commissioner's performance is satisfactory if:

82 (3)(A)(ii)(c)(1) at least 75% of the questions have a satisfactory
83 score; and

84 (3)(A)(ii)(c)(2) the favorable responses when divided by the total
85 number of all responses, excluding "No Personal Knowledge"
86 responses, is 70% or greater.

87 ~~(3)(A)(ii)(d) The Judicial Council shall determine whether the senior
88 judge's survey scores are satisfactory.~~

89
90 (3)(A)(iii) **Survey respondents.** The Administrative Office ~~of the Courts~~ shall
91 identify as potential respondents all lawyers who have appeared before the court
92 commissioner during the period for which the commissioner is being evaluated.

93
94 (3)(A)(iv) **Exclusion from survey respondents.**

95 (3)(A)(iv)(a) A lawyer who has been appointed as a judge or court
96 commissioner shall not be a respondent in the survey. A lawyer who is
97 suspended or disbarred or who has resigned under discipline shall not be
98 a respondent in the survey.

99 (3)(A)(iv)(b) With the approval of the Management Committee, a court
100 commissioner may exclude an attorney from the list of respondents if the
101 court commissioner believes the attorney will not respond objectively to
102 the survey.

103
104 (3)(A)(v) **Number of survey respondents.** The Surveyor shall identify 180
105 respondents or all attorneys appearing before the court commissioner, whichever
106 is less. ~~All attorneys who have appeared before the active senior judge shall be
107 sent a survey questionnaire as soon as possible after the hearing.~~

108
109 (3)(A)(vi) **Administration of the survey.** Court commissioners shall be the
110 subject of a survey approximately six months prior to the expiration of their term
111 of office. Court commissioners shall be the subject of a survey during the second
112 year of each term of office. Newly appointed court commissioners shall be the
113 subject of a survey during the second year of their term of office and, at their
114 option, approximately six months prior to the expiration of their term of office.

115
116 (3)(A)(vii) **Survey report.** The Surveyor shall provide to the subject of the survey,
117 the subject's presiding judge(s), and the ~~Judicial~~ Council the number and
118 percentage of respondents for each of the possible responses on each survey
119 question and all comments, retyped and edited as necessary to redact the
120 respondent's identity.

121
122 ~~(3)(B) Non-attorney surveys.~~

123 ~~(3)(B)(i) Surveys of presiding judges and court staff regarding non-
124 appellate senior judges. The Council shall measure performance of active
125 senior judges by a survey of all presiding judges and trial court executives, or in
126 the justice courts, the Justice Court Administrator, of districts in which the senior
127 judge has been assigned. The presiding judge and trial court executive will~~

gather information for the survey from anonymous questionnaires completed by court staff on the calendars to which the senior judge is assigned and by jurors on jury trials to which the senior judge is assigned. The Administrative Office of the Courts shall distribute survey forms with instructions to return completed surveys to the Surveyor. The survey questions will be based on the non-legal ability evaluation criteria in paragraph (2). The Surveyor shall provide to the subject of the survey, the subject's presiding judge, and the Judicial Council the responses on each survey question. The Judicial Council shall determine whether the qualitative assessment of the senior judge indicates satisfactory performance.

~~(3)(B)(ii) Surveys of Court of Appeals presiding judge and clerk of court. The Council shall measure performance of active appellate senior judges by a survey of the presiding judge and clerk of court of the Court of Appeals. The presiding judge and clerk of court will gather information for the survey from anonymous questionnaires completed by the other judges on each panel to which the appellate senior judge is assigned and by the appellate law clerks with whom the appellate senior judge works. The Administrative Office of the Courts shall distribute the survey forms with instructions to return completed surveys to the Surveyor. The survey questions will be based on the non-legal ability evaluation criteria in paragraph (2). The Surveyor shall provide to the subject of the survey, the subject's presiding judge, and the Judicial Council the responses on each survey question. The Judicial Council shall determine whether the qualitative assessment of the senior judge indicates satisfactory performance.~~

(3)(BC) **Case under advisement standard.**

(3)(BC)(i) A case is considered to be under advisement when the entire case or any issue in the case has been submitted to the ~~senior judge or~~ court commissioner for final determination. For purposes of this rule, "submitted to the ~~senior judge or~~ court commissioner" or "submission" is defined as follows:

(3)(BC)(i)(a) When a matter requiring attention is placed by staff in the ~~senior judge's or~~ court commissioner's personal electronic queue, inbox, personal possession, or equivalent;

(3)(BC)(i)(b) 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

(3)(BC)(i)(c) 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 ~~senior judge's or~~ court commissioner's personal electronic queue, inbox, personal possession, or equivalent.

(3)(B)(ii) A case is no longer under advisement when the ~~senior judge or~~ court commissioner makes a decision on the issue that is under advisement or on the entire case.

(3)(BC)(iii) The Council shall measure satisfactory performance by the self-declaration of the ~~senior judge or~~ court commissioner or by reviewing the records of the court.

174 (3)(~~BC~~)(iv~~ii~~) A ~~senior judge or~~ court commissioner in a trial court demonstrates
175 satisfactory performance by holding:

176 (3)(~~BC~~)(iv~~ii~~)(a) no more than three cases per calendar year under
177 advisement more than two months after submission; and

178 (3)(~~BC~~)(iv~~ii~~)(b) no case under advisement more than 180 days after
179 submission.

180 ~~(3)(C)(iv) A senior judge in the court of appeals demonstrates satisfactory~~
181 ~~performance by:~~

182 ~~(3)(C)(iv)(a) circulating no more than an average of three principal~~
183 ~~opinions per calendar year more than six months after submission with no~~
184 ~~more than half of the maximum exceptional cases in any one calendar~~
185 ~~year; and~~

186 ~~(3)(C)(iv)(b) achieving a final average time to circulation of a principal~~
187 ~~opinion of no more than 120 days after submission.~~

188
189 (3)(~~CD~~) **Compliance with education standards.** Satisfactory performance is
190 established if the ~~senior judge or~~ court commissioner annually complies with the judicial
191 education standards of this Code, subject to the availability of in-state education
192 programs. The Council shall measure satisfactory performance by the self-declaration of
193 the ~~senior judge or~~ court commissioner or by reviewing the records of the state court
194 administrator.

195
196 (3)(~~DE~~) **Substantial compliance with Code of Judicial Conduct.** Satisfactory
197 performance is established if the response of the ~~senior judge or~~ court commissioner
198 demonstrates substantial compliance with the Code of Judicial Conduct, if the Council
199 finds the responsive information to be complete and correct and if the Council's review of
200 formal and informal sanctions lead the Council to conclude the court commissioner is in
201 substantial compliance with the Code of Judicial Conduct. ~~Under Rule 11-201 and Rule~~
202 ~~11-203, any sanction of a senior judge disqualifies the senior judge from reappointment.~~

203
204 (3)(~~EF~~) **Physical and mental competence.** Satisfactory performance is established if
205 the response of the ~~senior judge or~~ court commissioner demonstrates physical and
206 mental competence to serve in office and if the Council finds the responsive information
207 to be complete and correct. The Council may request a statement by an examining
208 physician.

209
210 (3)(~~EG~~) **Performance and corrective action plans for court commissioners.**

211 (3)(~~EG~~)(i) The presiding judge of the district a court commissioner serves shall
212 prepare a performance plan for a new court commissioner within 30 days of the
213 court commissioner's appointment. If a court commissioner serves multiple
214 districts or court levels, the presiding judge of each district and court level shall
215 prepare a performance plan. The performance plan shall communicate the
216 expectations set forth in paragraph (2) of this rule.

217 (3)(~~EG~~)(ii) If a presiding judge issues an overall "Needs Improvement" rating on a
218 court commissioner's annual performance evaluation as provided in paragraph
219 (1), that presiding judge shall prepare a corrective action plan setting forth
220 specific ways in which the court commissioner can improve in deficient areas.

221
222

(4) Judicial Council certification process

223 (4)(A) **July Council meeting.** At its meeting in July, the Council shall begin the process
224 of determining whether the ~~senior judges and~~ court commissioners whose terms of office
225 expire that year meet the standards of performance provided for in this rule. The
226 Administrative Office ~~of the Courts~~ shall assemble all evaluation information, including:

- 227 (4)(A)(i) survey scores;
- 228 (4)(A)(ii) judicial education records;
- 229 (4)(A)(iii) self-declaration forms;
- 230 (4)(A)(iv) records of formal and informal sanctions;
- 231 (4)(A)(v) performance evaluations, if the court commissioner ~~or senior judge~~
232 received an overall rating of Needs Improvement; and
- 233 (4)(A)(vi) any information requested by the Council.

234

235 (4)(B) **Records delivery.** Prior to the meeting the Administrative Office ~~of the Courts~~
236 shall deliver the records to the Council and to the ~~senior judges and~~ court
237 commissioners being evaluated.

238

239 (4)(C) **July Council meeting closed session.** In a session closed in compliance with
240 ~~r~~Rule 2-103, the Council shall consider the evaluation information and make a
241 preliminary finding of whether a ~~senior judge or~~ court commissioner has met the
242 performance standards.

243

244 (4)(D) **Certification presumptions.** If the Council finds the ~~senior judge or~~ court
245 commissioner has met the performance standards, it is presumed the Council will certify
246 the ~~senior judge or~~ court commissioner for reappointment. If the Council finds the ~~senior~~
247 ~~judge or~~ court commissioner did not meet the performance standards, it is presumed the
248 Council will not certify the ~~senior judge or~~ court commissioner for reappointment. The
249 Council may certify the ~~senior judge or~~ court commissioner or withhold decision until
250 after meeting with the ~~senior judge or~~ court commissioner.

251

252 (4)(E) **Overcoming presumptions.** A presumption against certification may be
253 overcome by a showing that a ~~senior judge's or~~ court commissioner's failure to comply
254 with paragraphs (3)(~~B~~) and (3)(~~C~~) were beyond the ~~senior judge's or~~ court
255 commissioner's personal control. A presumption in favor of certification may be
256 overcome by:

257 (4)(E)(i) reliable information showing non-compliance with a performance
258 standard, except as otherwise provided in paragraph (4)(E); or

259 (4)(E)(ii) formal or informal sanctions of sufficient gravity or number or both to
260 demonstrate lack of substantial compliance with the Code of Judicial Conduct.

261

262 (4)(F) **August Council meeting.** At the request of the Council the ~~senior judge or~~ court
263 commissioner challenging a non-certification decision shall meet with the Council in
264 August. At the request of the Council the presiding judge(~~s~~) shall report to the Council
265 any meetings held with the ~~senior judge or~~ court commissioner, the steps toward self-
266 improvement identified as a result of those meetings, and the efforts to complete those

267 steps. Not later than 5 days after the July meeting, the Administrative Office ~~of the~~
268 ~~Courts~~ shall deliver to ~~the senior judge or~~ court commissioner being evaluated notice of
269 the Council's action and any records not already delivered to the ~~senior judge or~~ court
270 commissioner. The notice shall contain an adequate description of the reasons the
271 Council has withheld its decision and the date by which the ~~senior judge or~~ court
272 commissioner is to deliver written materials. The Administrative Office ~~of the Courts~~ shall
273 deliver copies of all materials to the Council and to the ~~senior judge or~~ court
274 commissioner prior to the August meeting.

275
276 (4)(G) **August Council meeting closed session.** At its August meeting in a session
277 closed in accordance with ~~r~~Rule 2-103, the Council shall provide to the ~~senior judge or~~
278 court commissioner adequate time to present evidence and arguments in favor of
279 certification. Any member of the Council may present evidence and arguments of which
280 the ~~senior judge or~~ court commissioner has had notice opposed to certification. The
281 burden is on the person arguing against the presumed certification. The Council may
282 determine the order of presentation.

283
284 (4)(H) **Final certification decision.** At its August meeting in open session, the Council
285 shall approve its final findings and certification regarding all ~~senior judges and~~ court
286 commissioners whose terms of office expire that year.

287
288 (4)(I) **Communication of certification decision.** The ~~Judicial~~ Council shall
289 communicate its certification decision to the ~~senior judge or~~ court commissioner and to
290 the presiding judge(s) of the district(s) the commissioner serves. ~~The Judicial Council~~
291 ~~shall communicate its certification decision for senior judges to the Supreme Court and~~
292 ~~for court commissioners to the presiding judge of the district the commissioner serves.~~

293
294 *Effective: ~~November~~ May 1, 20240*

1 **Rule 3-113. Senior judges.**

2 **Intent:**

3 To establish the responsibility to provide ~~for~~ support services for active senior judges.

4 To provide for the compensation of active senior judges.

5 **Applicability:**

6 This rule shall apply to judicial employees and to ~~senior judges and~~ active senior judges of
7 courts of record.

8 **Statement of the Rule:**

9 **(1) Support services.**

10 (1)(A) Orientation. The Administrative Office shall provide a new senior judge
11 orientation within three months of the appointment as active senior judge. The
12 orientation shall include information on judicial assignments, forms, compensation,
13 available training, and reappointment processes.

14 (1)(BA) Services. The court executive of the court in which an active senior judge is
15 serving shall make available services as would normally be needed in the performance
16 of a judge's official duties.

17 (1)(CB) Notice of appointment – assignment. The court executive of the court in which
18 an active senior judge is serving shall execute the necessary notice of appointment for
19 the case or matters to which the judge has been assigned. The order of assignment
20 shall include the district the judge will serve, the court location, the assignment for which
21 service is needed, and the signature and date of the presiding judge or the presiding
22 judge's designee. The order shall be sent to the state court administrator or designee.

23 (1)(DC) Assistance. The court executive of the district in which an active senior judge
24 serves shall provide the following assistance as needed:

25 (1)(D)(i) administrative services;

26 (1)(D)(ii) orientation on case management system, district processes, and
27 equipment; mail services;

28 (1)(D)(iii) access to electronic files, and court documents, and a computer;

29 (1)(D)(iv) travel arrangements; and

30 (1)(D)(v) preparation of reimbursement vouchers.

31 **(2) Compensation.** Active senior judges shall be compensated at the rate and for the services
32 and duties as set forth herein.

33 (2)(A) Compensation for the performance of judicial duties related to the assignment of
34 cases, service on a grand jury panel, service on court committees, service on court
35 projects, rules and policies, or the mentoring of a new judge shall be at an hourly rate
36 equal to the hourly rate of a district trial court judge, and shall be paid in half-day
37 increments.

38 (2)(B) Compensation for all other duties, such as attendance at Board meetings,
39 committee meetings, and educational functions required by this Code court rules shall be

40 paid at the rate of \$50.00 per half day (1-4 hours) and \$100.00 per full day (over 4
41 hours).

42 (2)(C) For travel required in the performance of judicial duties related to assigned cases
43 or calendars, senior judges shall be compensated for travel time in excess of one and
44 one-half hours round trip at the hourly rate of a district trial court judge, and for
45 expenses, e.g., per diem, mileage, and lodging, at the rates allowed for state employees.
46 Active senior judges are required, as court employees, to complete the Defensive Driver
47 Training every two years.

48 (2)(D) For travel required in the performance of judicial duties not related to an assigned
49 case, senior judges shall be compensated:

50 (2)(D)(i) for round-trip travel time as follows:

51 (2)(D)(i)(a) 0 - 1.5 hours: No payment

52 (2)(D)(ii)(b) 1.5 - 5.5 hours: \$25.00

53 (2)(D)(iii)(c) More than 5.5 hours: \$50.00

54 (2)(D)(ii) ~~and~~ for expenses, e.g., per diem, mileage, and lodging, at the rates
55 allowed for state employees.

56 (2)(E) Because senior judges do not have access to state vehicles, mileage shall be paid
57 at the higher rate ~~for state employees~~ according to the state travel policy.

58 (2)(~~FE~~) Except for the incentive benefit in rRule 3-501, compensation shall not include
59 any form of benefits, i.e., state retirement contributions, medical or life insurance
60 premiums, etc.

61
62 *Effective: ~~June 28~~ May 1, 20241*

1 **Rule 3-403. Judicial branch education.**

2

3 **Intent:**

4 To establish the Judicial Branch Education Committee's ("Committee") responsibility to develop
5 and evaluate a comprehensive education program for all judicial officers and court staff.

6 To establish education standards for judicial officers and court staff, including provisions for
7 funding and accreditation for educational programs.

8 To ensure that education programs, including opportunities for job orientation, skill and
9 knowledge acquisition, and professional and personal development, are available to all
10 members of the judicial branch and that such programs utilize the principles of adult education
11 and focus on participative learning.

12 To emphasize the importance of participation by all judicial branch employees in education and
13 training as an essential component in maintaining the quality of justice in the Utah courts.

14 **Applicability:**

15 This rule shall apply to all judicial officers and court staff, except seasonal employees and law
16 clerks.

17 **Statement of the Rule:**

18 **(1) Organization.**

19 (1)(A) **Judicial branch education committee.** The Committee shall submit to the
20 Council for approval proposed policies, standards, guidelines, and procedures applicable
21 to all judicial branch education activities. It shall evaluate and monitor the quality of
22 educational programs and make changes where appropriate within the approved
23 guidelines for funding, attendance, and accreditation.
24

25 (1)(B) **Responsibilities of members.** Committee members shall propose policies and
26 procedures for developing, implementing, and evaluating orientation, continuing skill
27 development, and career enhancement education opportunities for all judicial branch
28 employees; formulate an annual education plan and calendar consistent with the judicial
29 branch education budget; and serve as advocates for judicial branch education,
30 including educating the judiciary about the purpose and functions of the Committee.
31

32 **(1)(C) Committee meetings.**

33 (1)(C)(i) The Committee shall meet twice a year. Additional meetings may be
34 called as necessary. A majority of voting members in attendance is required for
35 official Committee action.

36 (1)(C)(ii) The chairperson may recommend to the Council that a Committee
37 member be replaced if that member is absent without excuse from two
38 consecutive Committee meetings or fails to meet the responsibilities of
39 membership as outlined in paragraph (1)(B).
40

41 **(2) Administration.**

42 **Judicial Education Officer.** The Judicial Education Officer, under the direction of the
43 Court Administrator, shall serve as staff to the Committee and be responsible for the
44 administration of the judicial education program consistent with this rule.

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(3) Education standards for judicial officers.

(3)(A) Requirements for judicial officers (judges, court commissioners, active senior judges and active senior justice court judges).

(3)(A)(i) All new judicial officers shall participate in the first designated orientation program offered after the date the judge is administered the oath of office, unless attendance is excused for good cause by the Management Committee.

All judicial officers shall complete 30 hours of pre-approved education ~~annually~~each fiscal year, to be implemented on a schedule coordinated by the Committee. To satisfy annual program requirements judicial officers will complete training on harassment and abusive conduct prevention; ethics; inclusion and elimination of bias.

Judicial officers may attend a combination of approved local, state, or national programs. Active and inactive senior judges and retired judges may attend approved local or state programs and the annual judicial conference, but an inactive senior judge or retired judge must pay all expenses.

~~(3)(A)(ii) Active senior judge. If an active senior judge applies to be reappointed and will have completed at least 60 total education hours in the two years preceding the effective date of reappointment, the Management Committee may, for good cause shown, excuse the judge from having to complete the annual 30 hour education requirement.~~

(3)(A)(iii) **Inactive senior judges and retired judges.** If an inactive senior judge or a retired judge applies to be an active senior judge, the judge shall demonstrate that:

~~(3)(A)(iii)(a) less than three years has passed since he or she last complied with the continuing education requirements of an active senior judge;~~

~~(3)(A)(iii)(b) he or she has complied with the MCLE requirements of the Utah State Bar for at least three years before the application;~~

(3)(A)(iii)(~~a~~) he or she has attended 30 hours of approved judicial education within one year before the application; or

(3)(A)(ii~~a~~)(~~b~~) he or she has attended the new judge orientation for judges of the courts of record within one year before the application.

(3)(B) Program components. Education programs for judicial officers shall include: a mandatory new judge orientation program; a variety of programs addressing substantive and procedural law topics, aimed at skill and knowledge acquisition; and programs geared to professional and personal development, to meet the continuing needs of judicial officers.

(3)(C) Annual conferences. Justice court judges and active senior justice court judges shall attend the annual justice court conference unless excused by the Board of Justice Court Judges for good cause. Because the annual judicial conference represents the

90 only opportunity for judges to meet and interact as a group and to elect their
91 representatives, judicial officers are strongly encouraged to attend that conference.
92

93 **(4) Standards for court staff.**

94 **(4)(A) State employees.**

95 **(4)(A)(i) Program requirements.** All court staff employed by the state shall
96 complete 20 hours of approved coursework annually. To satisfy annual program
97 requirements state employees must complete training on harassment and
98 abusive conduct prevention; ethics; inclusion and elimination of bias.
99

100 **(4)(A)(ii) Program components.** Education programs for court staff employed by
101 the state shall include: onboarding for new employees as well as new employee
102 orientation; skill development programs that teach technical and job-related
103 competencies; and enhancement programs that promote personal and
104 professional growth within the organization.
105

106 **(4)(B) Local government employees.**

107 **(4)(B)(i) Program requirements.** All court staff employed by the justice courts
108 shall complete 10 hours of approved coursework annually.
109

110 **(4)(B)(ii) Program components.** Education programs for court staff employed by
111 local government shall include: annual training seminar; skill development
112 programs that teach technical and job-related competencies; and enhancement
113 programs that promote personal and professional growth. Professional and
114 personal development programs may include training on harassment and
115 abusive conduct prevention; ethics; inclusion and elimination of bias.
116

117 **(5) Reporting.**

118 **(5)(A)** Judicial officers and court staff governed by these standards shall report
119 participation in education programs on a form developed by the Committee.

120 **(5)(B)** For court staff, compliance with judicial branch education standards shall be a
121 performance criterion in the evaluation of all staff.

122 **(5)(B)(i)** Supervisory personnel are responsible to ensure that all staff have an
123 opportunity to participate in the required education. Failure of a supervisor to
124 meet the minimum education standards or to provide staff with the opportunity to
125 meet minimum education standards will result in an unsatisfactory performance
126 evaluation in the education criterion.

127 **(5)(B)(ii)** Failure of staff to meet the minimum education requirements will result
128 in an unsatisfactory evaluation on the education criterion unless the employee
129 provides documented reasons that the employee's failure to meet the education
130 standards is due to reasons beyond the employee's control.
131

132 **(6) Credit.** Judicial education procedures shall include guidelines for determining which
133 programs qualify as approved education within the meaning of these standards.
134

135 **(7) Funding.**

136 (7)(A) **Budget.** In preparing its annual request for legislative appropriations, the Council
137 shall receive and consider recommendations from the Committee. The Committee's
138 annual education plan shall be based upon the Council's actual budget allocation for
139 judicial education.
140

141 (7)(B) **In-state education programs.** Judicial branch funds allocated to in-state judicial
142 education shall first be used to support mandatory in-state orientation programs for all
143 judicial branch employees and then for other education priorities as established by the
144 Committee with input from the Boards of Judges and Administrative Office.
145

146 (7)(C) **Out-of-state education programs.** To provide for diverse educational
147 development, to take advantage of unique national opportunities, and to utilize education
148 programs which cannot be offered in-state, the annual education plan shall include out-
149 of-state education opportunities. The Committee shall approve national education
150 providers and shall include in the education procedures, criteria to be applied by the
151 Administrative Office to out-of-state education requests. Criteria shall include relevance
152 to the attendee's current assignment and attendance at in-state programs.
153 Disagreement with a decision to deny an out-of-state education request may be
154 reviewed by a quorum of the Committee at the applicant's request.
155

156 (7)(D) **Tuition, fees, and travel.** The Committee shall develop policies and procedures
157 for paying tuition, fees, per diem, and travel for approved programs. State funds cannot
158 be used to pay for discretionary social activities, recreation, or spouse participation. The
159 Committee may set financial limits on reimbursement for attendance at elective
160 programs, with the individual participant personally making up the difference in cost
161 when the cost exceeds program guidelines.
162

163 **(8) Mentoring.**

164 (8)(A) Within seven business days after a new district or juvenile judge has been sworn
165 in, the Presiding Judge shall appoint a mentor to the new judge.

166 (8)(B) Within fourteen business days after a new district or juvenile judge has been
167 sworn in, the mentor and the new judge shall meet and review the Judicial Mentoring
168 Guidelines and Best Practices Recommendations, complete the Mentors' Checklist
169 contained therein and the mentor, within that same fourteen business day period, shall
170 provide the completed Mentor's Checklist to the Judicial Education Officer.
171

172 *Effective: May 1, 202~~4~~3*

1 **Rule 3-501. Insurance Benefits Upon Retirement.**

2

3 **Intent:**

4 To establish uniform policies regarding sick leave for justices, judges, active senior judges of
5 courts of record, and court commissioners and conversion of sick leave to paid up medical,
6 dental and life insurance at the time of retirement.

7 **Applicability:**

8 This rule shall apply to all justices, judges, active senior judges of courts of record, and court
9 commissioners of courts of record.

10 **Statement of the Rule:**

11 **(1) Earned benefits.**

12 (1)(A) For each year of full-time employment that a justice, judge, or court commissioner
13 uses less than four days of sick leave in a calendar year, the judge, justice, or court
14 commissioner will be eligible for and accumulate eight months of paid up medical
15 insurance, dental insurance, prescription drug insurance and life insurance benefits at
16 the time of retirement. Upon retirement, the submission of an annual application and a
17 showing that the judge, justice, or court commissioner is not otherwise covered by a
18 comparable medical insurance policy, the judge, justice, or court commissioner shall be
19 eligible for and receive the insurance benefits which have accrued.

20 (1)(B) Maternity leave and parental leave is considered sick leave for determining
21 benefits under this rule.

22 (1)(C) Medical and dental insurance coverage provided will be the same as that carried
23 by the justice, judge, or court commissioner at retirement, i.e., family, two party, single.

24 **(2) Automatic benefits.** Notwithstanding the provisions of paragraph (1), a justice, judge, or
25 court commissioner who retires and who is eligible for retirement benefits at the time of
26 retirement shall receive a maximum of five years medical insurance, dental insurance,
27 prescription drug insurance and life insurance.

28 **(3) Duration of benefits.**

29 (3)(A) The duration of benefits shall be calculated from the effective date of the justice's,
30 judge's or court commissioner's retirement. Earned benefits shall not exceed seven
31 years. Automatic benefits shall not exceed five years. Earned benefits and automatic
32 benefits shall not exceed seven years.

33 (3)(B) Earned benefits and automatic benefits shall terminate when the justice, judge, or
34 commissioner is eligible for Medicare, except that prescription drug insurance and
35 supplemental Medicare insurance shall continue for the balance of the term of earned or
36 automatic benefits.

37 (3)(C) If the spouse of the justice, judge, or court commissioner qualifies for medical
38 insurance, prescription drug insurance or dental insurance under subsection (1)(C), such
39 insurance shall continue for the period of earned or automatic benefits or until the
40 spouse becomes eligible for Medicare, whichever is earlier, except that prescription drug
41 insurance and supplemental Medicare insurance for the spouse shall continue for the
42 balance of the term of earned or automatic benefits.

43 (3)(D) Earned or automatic benefits for dependents, other than a spouse, of the justice,
44 judge, or court commissioner terminate when the justice, judge, or court commissioner
45 reaches age 65.

46 (4) **Sick leave.** As authorized by Utah Code Section§ 78A-2-107(9), the state court
47 administrator or designee will develop methods for recording sick leave use by justices, judges,
48 and court commissioners and for recording sick leave conversion to paid up medical, dental and
49 life insurance benefits.

50 (5) **Active senior judge incentive benefit.**

51 (5)(A) The judiciary will pay 50% of the cost of medical and dental insurance premiums
52 for a qualifying active senior judge and spouse until the qualifying active senior judge is
53 age 65. The judiciary will pay 50% of the cost of supplemental Medicare insurance and
54 prescription drugs for a qualifying active senior judge and spouse if the active senior
55 judge is age 65 or older.

56 (5)(B) To qualify for the incentive benefit the active senior judge must:

57 (5)(B)(i) qualify as an active senior judge pursuant to ~~r~~Rule 11-201;

58 (5)(B)(ii) have exhausted the earned and automatic benefits provided for by this
59 rule;

60 (5)(B)(iii) submit to the state court administrator or their designee ~~on or before~~
61 ~~July 1 of each year~~ a letter expressing an intent to participate in the incentive
62 benefit program;

63 (5)(B)(iv) ~~perform case work, subject to being called~~comply with qualifications for
64 reappointment as outlined in rule 11-201 during the active senior judge's term of
65 appointment; and

66 (5)(B)(v) show good cause to the ~~Judicial~~ Council why the active senior judge
67 should not be disqualified for the incentive benefit if the active senior judge ~~has~~
68 ~~turned down case assignments and~~ has not performed case work for two or more
69 fiscal years.

70 (5)(C) The State Retirement Office shall deduct from the active senior judge's retirement
71 benefit the portion of the cost payable by the active senior judge.

72 (6) **Inactive status.** If an active senior judge who receives the incentive benefit changes to
73 inactive status, the senior judge shall notify the state court administrator or designee in writing
74 that the active senior judge has converted to inactive status and is receiving the incentive
75 benefit. The state court administrator or designee shall notify Human Resources and URS of the
76 change in status.

77 (7) This policy will be implemented subject to availability of funds.

78 *Effective: ~~May 1 June 28, 2024~~*

Tab 10

2025 Schedule		
Management Committee	Judicial Council	Notes
<i>Management meetings are the second Tuesday of each month, unless otherwise noted.</i>	<i>Council meetings are the fourth Monday of each month, unless otherwise noted. Annual budget meeting is the third Friday in August.</i>	

January 14	12:00 p.m.	January 21	9:00 a.m.	First day of the Legislative General Session & State of the Judiciary is January 21. Martin Luther King Holiday is January 20.
February 11	12:00 p.m.	February 24	9:00 a.m.	President's Day is February 17.
February 24	Following Council mtg			Second Management meeting held to set the March Council agenda.
March 11	12:00 p.m.	March 13	12:00 p.m.	The March Management meeting will not include approval of the Council agenda, Council meeting held in conjunction with the Bar Spring Convention in St. George.
April 8	12:00 p.m.	April 28	9:00 a.m.	
May 13	12:00 p.m.	May 19	9:00 a.m.	Council meeting moved up a week because Memorial Day is May 26.
June 10	12:00 p.m.	June 23	9:00 a.m.	Juneteenth is June 16.
July 8	12:00 p.m.	July 21	9:00 a.m.	Pioneer Day is July 24.
August 5	12:00 p.m.	August 15	8:00 a.m.	Management meeting needs to be moved to accommodate time to approve the Council agenda. Council meeting held in conjunction with Annual Budget & Planning meeting.
TBD	12:00 p.m.	TBD	12:00 p.m.	Council meeting held in conjunction with the Annual Conference. Dates TBD.
October 14	12:00 p.m.	October 27	9:00 a.m.	
November 11	12:00 p.m.	November 24	9:00 a.m.	Thanksgiving is November 27.
December 9	12:00 p.m.	December 22	9:00 a.m.	
		Alternate option would be December 15		Council may consider an earlier meeting to avoid holding their meeting too close to the holiday.

Tab 11



Administrative Office of the Courts

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

March 27, 2024

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

MEMORANDUM

TO: Management Committee
FROM: Nini Rich, ADR Director
RE: ADR Committee Appointee Request

Name of Committee: Alternative Dispute Resolution Committee

Staff: Nini Rich

Reason for Vacancy: This vacancy is the result of the resignation of Benjamin Cook, a professor and mediation instructor at the J. Reuben Clark Law School at Brigham Young University, who was appointed by the Judicial Council.

Eligibility Requirements: This vacancy is for a faculty representative of the J. Reuben Clark Law School.

Description of recruitment process: A request for recommendation was sent to David H. Moore, Dean of the J. Reuben Clark Law School. Dean Moore recommended LeeAnn Glade.

Nominees for consideration: The ADR Committee, Chaired by Judge Adam T. Mow, has recommended Professor LeeAnn Glade for appointment to the ADR Committee. (resume attached)

Current ADR Committee Members: list attached

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.

LeeAnn Glade
598 East 2825 North, Provo, Utah 84604
801-369-0320
laglade@xmission.com

PROFESSIONAL EXPERIENCE

Mediation Experience

Types of cases mediated over the last twenty-one years include:

Business/Commercial, Construction, Contract, Debt Collection,
Domestic (Divorce and Post-Divorce), Education/Truancy, Employment,
Landlord-Tenant, Malpractice, Municipal, Neighborhood, Parent-Teen,
Personal Injury, Small Claims and Victim-Offender

Instructor/Adjunct Faculty

J. Reuben Clark Law School, Brigham Young University, 2000 - 2008, 2010 - Present

Adjunct faculty, Mediation Clinic

- 19 years teaching and supervising mediation to second and third year law students enrolled in the Basic Mediation course (8 years) and the Mediation Practicum and Mediation Clinic (11 years).
- Court mediation program has grown from two to eleven courts throughout Salt Lake County, Utah County and Wasatch County as judges learn of our program's integrity and performance.

Utah Valley University, 2008 - Present

- Twelve years teaching and mentoring Communications, Legal Studies, Behavioral Science and Criminal Justice undergraduate students.
- Teach Basic Mediation and Negotiation, Small Group Communications, and Communications and Conflict.

Volunteer Work Experience

Online Dispute Resolution Facilitator for Utah State Courts,
August 2018 - present

Legal Experience

Family Law Practice, 2008-2012

Assisted sole practitioner attorney in a family law practice where I researched, contacted parties, drafted documents and assisted in other areas of the practice until attorney discontinued the practice.

PRESENTATIONS and AWARDS

Presenter, Family Life Conference at Utah Valley University
Presenter, Family Life Conference at Utah Valley University
Presenter, Utah Center for Conflict Resolution Symposium
Recipient of 2013 Peter W. Billings, Sr. Outstanding Dispute Resolution Service Award,
Utah State Bar
Friend of the Court Award from Utah State Courts

EDUCATION

University of Utah, Conflict Resolution Program
Program Director: Michelle Hawes
Graduate Certificate in Conflict Resolution, 2011

J. Reuben Clark Law School, Brigham Young University, Provo, UT
J.D., 1997

Brigham Young University, Provo, UT
B.A., English, 1994
cum laude, University Honors

BAR MEMBERSHIPS

Utah State Bar

TRAINING AND CERTIFICATIONS

Mediator Trainer
Certified Member Utah State Court Mediation Roster
Domestic Mediation Training
Victim-Offender Training
Parent-Teen Training

REFERENCES

Judge David Nuffer
~~351 South West Temple~~
~~Salt Lake City, UT 84101~~
801-243-2254
724mediation@gmail.com

Dr. Carolynn Clark
4400 South 1500 East
Salt Lake City, UT 84124
801-518-2574
campc@law.byu.edu

Dr. Grant Richards
LA 012
Utah Valley University
800 West University Parkway
Orem, Utah 84058
801-222-0829
Grant.Richards@uvu.edu

Judge Vernon F. Romney
75 East 1700 South, Suite 100
Provo, UT 84601
801-852-7177

Utah Judicial Council's ad hoc Committee on Alternative Dispute Resolution

ADR Committee Membership as of March 29, 2024

Judge Adam T. Mow, Chair, Third District Court

Judge Ryan M. Harris, Utah Court of Appeals

Judge Troy Little, Fifth District Juvenile Court

Commissioner Michelle C. Tack, Third District Court

Michele Mattsson, Chief Appellate Mediator, Utah Court of Appeals

Professor James Holbrook, S.J. Quinney College of Law, University of Utah

Carolynn Clark, Professional Mediator and Mediation Instructor

Michelle M. Oldroyd, Utah State Bar, Director of Professional Education

Stephen D. Kelson, Attorney/Mediator

Anne A. Cameron, Attorney/Mediator

Nini Rich, staff, ADR Director, Administrative Office of the Courts

Tab 12



Administrative Office of the Courts

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

April 29, 2024

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

MEMORANDUM

TO: Members of the Judicial Council Management Committee

FROM: Blake Murdoch, Deputy Juvenile Court Administrator

RE: Proposed Probation Policy for Review and Approval

The Board of Juvenile Court Judges has proposed a revision of the following policy which is now advanced to the Management Committee for review and consideration. Additionally, we are seeking placement on the Judicial Council’s consent agenda for May 20, 2024.

Notification Letters Policy

This policy was last updated on November 17, 2023. The policy provides direction to probation officers regarding communication with outside agencies by statutorily mandated court orders for notification letters. The proposed policy revisions are to align the policy with changes made to UCA 80-6-103 that are effective as of May 1, 2024. The following statutory changes are reflected in the proposed policy:

1. The definitions of “school official” and “transferee school official” include a superintendent’s or principal’s designee, expanding the list of those to whom notification letters can be sent by the court under the statute.
2. The definition of “serious offense” is added. “Serious offense” means (i) a violent felony as defined in Section 76-3-203.5; (ii) an offense that is a violation of Title 76, Chapter 6, Part 4, and the property stolen is a firearm; or (iii) an offense that is a violation of Title 76, Chapter 10, Part 5, Weapons.
3. Clarification is added that notice by the juvenile court will be sent if the juvenile court orders *formal* probation. Under existing statute, letters are sent “if the juvenile court orders probation...”, which may include both formal and intake probation orders.

Notification Letters

Policy:

This policy provides guidance for probation teams regarding communication with outside agencies in accordance with statutorily mandated court orders for notification letters.

Scope:

This policy applies to all probation staff of the Utah State Juvenile Court.

Authority:

- [UCA 76-3-203.5](#)
- [UCA 76-10-5](#)
- [UCA 80-6-710](#)
- [UCA 80-6-103](#)
- [UCA 80-6-304](#)
- [UCA 80-6-205](#)
- [UCA 80-6-702](#)

References:

- [Legal Memo: The Agency Responsible for Providing Information to Crime Victims](#)
- [Law Clerk Memorandum: DRAT Notification Letter Requirements](#)
- [80-6-103\(1\)\(a\) - "School Official" means: \(i\) the school superintendent, or the superintendent's designee, of the district in which the minor resides or attends school; or \(ii\) if there is no school superintendent for the school, the principal, or the principal's designee, of the school where the minor attends.](#)
- [80-6-1-3\(1\)\(b\) - "Transferee school official" means: \(i\) the school superintendent, or the superintendent's designee, of the district in which the minor resides or attends school if the minor is admitted to home detention; or \(ii\) if there is no school superintendent for the school, the principal, or the principal's designee, of the school where the minor attends if the minor is admitted to home detention.](#)
- [80-6-103 \(1\)\(d\) - "Serious Offense" means: \(i\) a violent felony as defined in Section 76-3-203.5; \(ii\) an offense that is a violation of Title 76, Chapter 6, Part 4, and the property stolen is a firearm; or \(iii\) an offense that is a violation of Title 76, Chapter 10, Part 5, Weapons.](#)

Procedure:

1. Court employees assigned to submit statutorily mandated notification letters will ensure that the following letters are sent with all required information:
 - 1.1. Notification to inform the appropriate local law enforcement agency and school official of the juvenile court's order for formal probation ([80-6-103](#))
 - 1.1.1. Notice shall be sent upon the juvenile court's order placing a youth on formal probation;

- 1.1.2. Notice shall be sent upon the juvenile court's order terminating a youth from formal probation.
 - 1.2. Notification to inform the appropriate local law enforcement agency and school official following a detention hearing for a minor who is alleged to have committed a serious offense.
 - 1.2.1. Notice under this section shall include the juvenile court's decision, including any disposition, order, or no-contact order ([80-6-103](#)).
 - 1.3. Notification to inform the school official if the juvenile court adjudicates a minor for a serious offense.
 - 1.3.1. Notice shall be given within three days after the day on which a minor is adjudicated ([80-6-103](#));
 - 1.3.2. Notice under this section shall include the minor's name, the offense for which the minor was adjudicated, and, if available, the name of the victim if the victim resides in the same school district as the minor or attends the same school as the minor ([80-6-103](#)).
 - 1.4. Notification to inform the appropriate local law enforcement agency and school official that the minor has been admitted to home detention if a designated staff member of a detention facility admits a minor to home detention under [80-6-103](#) and notifies the juvenile court of that admission
2. Probation shall ensure that a Victim Impact Statement is sent to all reasonably identifiable and locatable victims.
 - 2.1. Notice under this section shall include:
 - 2.1.1. notice of the offense;
 - 2.1.2. and notice of the restitution process ([80-6-710\(2\)](#)).
 - 2.2. Notice under this section shall be sent within seven days of a probation officer receiving a referral if the case is eligible for a nonjudicial agreement ([80-6-304\(2\)\(a\)](#)), or within seven days after the petition is filed ([80-6-710\(2\)](#)).
3. Probation shall ensure that a restitution letter is sent once a minor is adjudicated and restitution has been ordered.
4. Probation shall ensure that a restitution letter is sent once a minor has signed a nonjudicial agreement and restitution has been determined.

Addendum: [Violent Crimes & Weapons Offense List](#)

History:

Approved as interim policy by the Judicial Council on November 17, 2023

Notification Letters

Policy:

This policy provides guidance for probation teams regarding communication with outside agencies in accordance with statutorily mandated court orders for notification letters.

Scope:

This policy applies to all probation ~~department~~ staff of the Utah State Juvenile Court.

Authority:

- [UCA 76-3-203.5](#)
- [UCA 76-10-5](#)
- [UCA 80-6-710](#)
- [UCA 80-6-103](#)
- [UCA 80-6-304](#)
- [UCA 80-6-205](#)
- [UCA 80-6-702](#)

References:

- [Legal Memo: The Agency Responsible for Providing Information to Crime Victims](#)
- [Law Clerk Memorandum: DRAT Notification Letter Requirements](#)
- [80-6-103\(1\)\(a\) - "School Official" means: \(i\) the school superintendent, or the superintendent's designee, of the district in which the minor resides or attends school; or \(ii\) if there is no school superintendent for the school, the principal, or the principal's designee, of the school where the minor attends.](#)
- [80-6-1-3\(1\)\(b\) - "Transferee school official" means: \(i\) the school superintendent, or the superintendent's designee, of the district in which the minor resides or attends school if the minor is admitted to home detention; or \(ii\) if there is no school superintendent for the school, the principal, or the principal's designee, of the school where the minor attends if the minor is admitted to home detention.](#)
- [80-6-103 \(1\)\(d\) - "Serious Offense" means: \(i\) a violent felony as defined in Section 76-3-203.5; \(ii\) an offense that is a violation of Title 76, Chapter 6, Part 4, and the property stolen is a firearm; or \(iii\) an offense that is a violation of Title 76, Chapter 10, Part 5, Weapons.](#)

Procedure:

1. Court employees assigned to submit statutorily mandated notification letters will ensure that the following letters are sent with all required information:
 - 1.1. Notification to inform the appropriate local law enforcement agency and school official of the juvenile court's order for **formal** probation ([80-6-103](#))
 - 1.1.1. Notice shall be sent upon the juvenile court's order placing a youth on **formal** probation;

- 1.1.2. Notice shall be sent upon the juvenile court's order terminating a youth from **formal** probation.
 - 1.2. Notification to inform the appropriate local law enforcement agency and school official following a detention hearing for a minor who is alleged to have committed a **serious offense**, ~~violent felony, or an offense in violation of [Title 76, Chapter 10, Part 5, Weapons \(80-6-103\)](#)~~
 - 1.2.1. Notice under this section shall include the juvenile court's decision, including any disposition, order, or no-contact order ([80-6-103](#)).
 - 1.3. Notification to inform the school official if the juvenile court adjudicates a minor for an **serious offense**, ~~offense of violence, or an offense in violation of [Title 76, Chapter 10, Part 5, Weapons](#)~~
 - 1.3.1. Notice shall be given within three days after the day on which a minor is adjudicated ([80-6-103](#));
 - 1.3.2. Notice under this section shall include the minor's name, the offense for which the minor was adjudicated, and, if available, the name of the victim if the victim resides in the same school district as the minor or attends the same school as the minor ([80-6-103](#)).
 - 1.4. Notification to inform the appropriate local law enforcement agency and school official that the minor has been admitted to home detention if a designated staff member of a detention facility admits a minor to home detention under [80-6-103](#) and notifies the juvenile court of that admission
2. ~~The p~~ Probation officer shall ensure that a Victim Impact Statement is sent to all reasonably identifiable and locatable victims.
 - 2.1. Notice under this section shall include:
 - 2.1.1. notice of the offense;
 - 2.1.2. and notice of the restitution process ([80-6-710\(2\)](#)).
 - 2.2. Notice under this section shall be sent within seven days of a probation officer receiving a referral if the case is eligible for a nonjudicial agreement ([80-6-304\(2\)\(a\)](#)), or within seven days after the petition is filed ([80-6-710\(2\)](#)).
3. ~~The p~~ Probation officer shall ensure that a Restitution Letter is sent once a minor is adjudicated and restitution has been ordered.
4. ~~The p~~ Probation officer shall ensure that a Restitution Letter is sent once a minor has signed a nonjudicial agreement and restitution has been determined.

Addendum: [Violent Crimes & Weapons Offense List](#)

History:

Approved as interim policy by the Judicial Council on November 17, 2023

Violent Crimes & Weapons Offense List

Utah Code § [80-6-103](#) references both Utah Code § [76-10-5](#) & § [76-3-203.5](#) with regard to offenses and violent felonies (**this also includes an attempt, solicitation or conspiracy of any of the felonies listed in 76-3-203.5**). The offenses and violent felonies listed below are provided for convenience and for clerical purposes.

Please notify an AOC CARE representative of any offense or violent felony added to or removed from this list. CARE must also be updated to add or remove any notification letter buttons that are programmed to automatically appear.

Utah Code § 76-3-203.5 (Felony-level offenses)	Description
76-6-103	Arson, Aggravated
76-6-102(3)(a), (b), or (c)	Arson
76-6-105(3)(a) or (b)	Knowingly Causing a Catastrophe
76-6-106(3)(c) or (3)(d)(i) or (ii)	Criminal Mischief
76-5-102.5	Assault by Prisoner
76-5-102.8(3)(a) or (b)	Disarming a Police Officer
76-5-103(3)(a), (b), or (c)	Assault, Aggravated
76-5-103.5(3)(a) or (b)	Assault, Aggravated Assault by a Prisoner
76-5-105	Mayhem
76-5-106.5(2)	Stalking
76-5-107.3(3)(a)(i) or (ii)	Threat of Terrorism
76-5-109.2(3)(a) or (b)	Aggravated Child Abuse
76-5-114	Commission of Domestic Violence in Presence of a Child
76-5-110	Abuse or neglect of a Disabled Child

76-5-111	Abuse, neglect, or Exploitation of a Vulnerable Adult
76-5-111.2(3)(a) or (b)	Aggravated abuse of a vulnerable adult
76-5-111.3	Personal dignity exploitation of a vulnerable adult
76-5-111.4(3)(a) or (b)	Financial exploitation of a vulnerable adult
76-5-112.5(3)(a),(b),or (c)	Endangerment of Child or Vulnerable Adult
76-5-202	Murder, Aggravated
76-5-203	Murder
76-5-205	Manslaughter
76-5-206	Homicide, Negligent
76-5-207	Negligently Operating a Vehicle Resulting in Death
76-5-207.5	Homicide, Automobile Homicide Involving a Handheld Wireless Communication Device While Driving
76-5-208(3)(a) or (b)	Homicide, Child Abuse
76-5-209	Homicide, by Assault
76-5-301	Kidnapping
76-5-301.1	Kidnapping, Child
76-5-302(3)(a) or (b)	Kidnapping, Aggravated
76-5-402	Rape
76-5-402.1	Rape of a Child
76-5-402.2	Rape, Object Rape
76-5-402.3	Rape, Object Rape-Victim under 14
76-5-403	Sodomy, Forcible

76-5-403.1	Sodomy on a Child
76-5-404	Sexual Abuse, Forcible
76-5-404.1	Sexual Abuse of a Child
76-5-404.3	Sexual Abuse of a Child, Aggravated
76-5-405	Sexual Assault, Aggravated
76-5b-201	Sexual Exploitation of a Minor
76-5b-201.1	Sexual Exploitation of a Minor, Aggravated
76-5b-202	Sexual Exploitation of a Vulnerable Adult
76-6-203	Burglary, Aggravated
76-6-202(3)(b)	Burglary, of a Dwelling
76-6-301	Robbery
76-6-302	Robbery, Aggravated
76-6-404	Theft - Firearm
76-6-404.5	Unauthorized Possession of Property - Firearm
76-6-405	Theft by Deception - Firearm
76-6-406(1)(a)(i) or (ii)	Extortion, Theft by Extortion - Threatens to Cause Physical Harm
76-6-407	Theft of Lost, Mislaid, or Mistakenly Delivered Property - Firearm
76-6-408	Receiving Stolen Property - Firearm
76-6-410	Theft by Person Having Custody of Property Pursuant to Repair or Rental Agreement
76-8-508(1)	Tampering with a Witness
76-8-508.3	Retaliation Against a Witness, Victim, or Informant

76-8-508.5(2)(c)	Tampering with a Juror
76-8-509 via 76-6-406(1)(a)(i), (ii), or (ix)	Extortion to Dismiss a Criminal Proceeding (if threat or use of force was used to commit theft by extortion)
76-10-306(3), (4), (5), or (6)	Explosive, Chemical, or Incendiary Device, Possession, Use, or Removal of
76-10-307	Explosive, Chemical, or Incendiary Device, Unlawful Delivery
76-10-503	Dangerous Weapon, Purchase or Possession of a Dangerous Weapon or Handgun by Restricted Person* (Exception: because this is listed in 76-10-5 as well, a letter should be sent out for all offenses under this statute)
76-10-508	Firearm, Unlawful Discharge of a Firearm* (Exception: because this is listed in 76-10-5 as well, a letter should be sent out for all offenses under this statute)
76-10-1306(1)(a)	Exploitation of Prostitution, Aggravated
76-10-1504	Bus Hijacking
76-10-1505	Firearms, Discharging and hurling missiles into Buses/Terminals
76-3-203.5(1)(c)(ii)	Any felony violation of a criminal statute of any other state, the United States, or any district, possession, or territory of the United States which would constitute a violent felony as defined in this Subsection (1) if committed in this state.
Utah Code § 76-10-5 (this statute encompasses "offenses" generally (e.g., felonies, misdemeanors, infractions))	Description

76-10-503	Firearm, Purchase or Possession of a Dangerous Weapon or Handgun by Restricted Person
76-10-504	Carrying a Concealed Weapon - Short Barreled Rifle or Shotgun
76-10-505	Firearm, Carrying a Loaded Firearm in a Vehicle or on Street
76-10-505.5	Dangerous Weapon, Firearm, or Short Barreled Shotgun at School or About School Premises
76-10-506	Dangerous Weapon, Threatening with or Using Dangerous Weapon in a Fight or Quarrel
76-10-507	Dangerous Weapon, Possession of a Deadly Weapon with Criminal Intent
76-10-508	Firearm, Discharge of Firearm From a Vehicle, Near a Highway, or in Direction of Specified Items.
76-10-508.1	Felony Discharge of a Firearm
76-10-509	Dangerous Weapon by a Minor, Possession of
76-10-509.4	Firearm, Possession of a Handgun by a Minor
76-10-509.5	Firearm, Providing Firearm to a Minor
76-10-509.6	Firearm, Providing a Firearm to a Violent Minor from Parent or Guardian
76-10-509.7	Dangerous Weapon, Parent/Guardian knows minor possesses
76-10-509.9	Firearm, Sale to a Minor
76-10-521	Firearm, Unlawful Marking of Pistol or Revolver
76-10-522	Firearm, Altering Serial Number or mark on pistol or revolver
76-10-527	Firearm, Penalties

76-10-528	Dangerous Weapon, Possession Under the Influence
76-10-529	Dangerous Weapon, Possession in Airport
76-10-530	Firearm, Trespass in a House of Worship or Private Residence with a Firearm

OLD VERSION WITH EDITS

Notification Letters Policy Comment and Response Summary:

No comments were submitted during the comment period ending on March 8, 2024.