

**JUDICIAL COUNCIL MEETING
Minutes**

May 20, 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. Jon Carpenter
Hon. Samuel Chiara
Hon. Michael DiReda
Hon. Ryan Evershed
Hon. James Gardner
Hon. Elizabeth Lindsley
Judge Amber Mettler
Justice Paige Petersen
Margaret Plane, esq.

Presenters:

Lauren Andersen
Suzette Deans
Judge Bartholomew
Alisha Johnson
Kelly Moreira
Jordan Murray
Nathanael Player
Nini Rich
Karl Sweeney
Chris Talbot
Kaden Taylor
Mark Urry

AOC Staff:

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

Excused:

Hon. Paul Farr
Hon. Brian Brower
Hon. Thomas Low

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 Keith Barnes made a motion to approve the April 22, 2024 Judicial Council minutes. Judge Samuel Chiara seconded the motion, and the motion passed unanimously.

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

The judiciary has enlisted the help of the Kem C. Gardner Institute to assist with the Justice Court reform. They are helping to identify some potential funding ideas, sources, models, and formulas. Mr. Gordon added that he will keep the Council informed as more information is received.

The judiciary continues to move forward in hiring staff interpreters according to the appropriation by the legislature, and Mr. Gordon thanked the Judicial Council for their support with these efforts. There will be a few more hired after July 1, 2024 when additional funding is received, which will give the judiciary a total of nine staff interpreters. Any of the staff interpreters, regardless of where they are housed, can be assigned to go anywhere in the state. Mr. Gordon also reported on pending discussions with the leadership of the medical interpretation certification program at Utah State University to explore possibilities about establishing a similar program for court interpretation. He is also exploring an alternative path to licensure that would be more inclusive to those that have the skills necessary to interpret for the judiciary.

Spring Conference season has ended, and Mr. Gordon expressed gratitude to the Education team for doing a phenomenal job putting all of the conferences together.

Mr. Gordon talked about the preparation being made across the state for the pay for performance salary increases funded by the legislature. He discussed the tiers model that the Human Resources team created to help evaluate employees' performance.

3. COMMITTEE REPORTS:

Management Committee Report:

The Management Committee approved two policies - one was an emergency plan for cybersecurity proposed by the IT department, as well as a device standard for laptops and any other court-issued devices.

Budget & Fiscal Management Committee Report:

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

Liaison Committee Report:

Nothing to report.

Policy, Planning, and Technology Committee Report:

Rule 3-306.04. Interpreter appointment, payment and fees, was approved on an expedited basis and then sent out for public comment. Under this rule, the Committee voted that a court employee that can speak the language of a court patron, can assist in the moment to relay general information, when there is not a staff or contracted interpreter available.

Bar Commission Report:

Margaret Plane stated that Billy Walker has retired after serving the OPC for many years. The new Chief of OPC will be Christine Greenwood, who started today. Ms. Greenwood will vacate her position as Chair of the Ethics and Discipline Screening Committee, and that position has been advertised.

Judge Campbell granted the Bar’s motion for summary judgment in the litigation by the Goldwater Institute challenging the constitutionality of a unified Bar.

4. BOARD OF JUVENILE COURT JUDGES REPORT: (Judge Brent Bartholomew, Sonia Sweeney)

Sonia Sweeney gave a brief summary of the Juvenile Court, which consists of 32 judges and is in equal standing with the District Court.

Judge Brent Bartholomew shared some goals decided on by the Board of Juvenile Court Judges for 2024. The first is an initiative to increase the quality and quantity of parent and family time in child welfare cases. This goal is important as it is a significant factor in successfully reuniting families. The second goal is to review child attendance at hearings, as children need to have an opportunity to have their voice heard in court. There are times when the child does not want to appear, but they need to have the option. Judge Bartholomew explained how the Board plans to track hearing attendance and the reasons why the child is not appearing.

5. BUDGETS AND GRANTS: (Alisha Johnson, Kelly Moreira, Jordan Murray)

Alisha Johnson presented the financial reports, as well as the budgets and grants information.

FY 2024 Ongoing Turnover Savings

#	Funding Type	Actual	Forecasted	
		Amount YTD	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

FY 2024 One-Time Turnover Savings

#	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		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

FY 24 Forecasted Available One-time Funds

Forecasted Available One-time Funds			
	Description	Funding Type	Amount
Sources of YE 2024 Funds			
*	Turnover Savings as of PPE 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
	Operational Savings From TCE / AOC Budgets - Forecasted	Internal Operating Savings	620,244
	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		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)	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)	Less: Judicial Council Requests Previously Approved		(587,450)
	Total Potential Carryforward = (c) + (d) less (e) (Legislature approved up to \$3.2M)		2,136,482

Updated 04/30/2024

Budget Requests

Lauren Andersen presented a request for ongoing educational funds. This request, if funded, balances Education's operating budget and eliminates its reliance on one-time turnover savings to pay for training programs for court employees and judicial officers.

Brody Arishita presented a request for funding for critical IT software licenses, such as MS Windows, Google applications and Adobe. This year, the legislature funded the judiciary's IT request for \$1.366M with one-time funds only. Because these licenses are vital to the judiciary, it

was proposed that the judiciary utilize ongoing funds to pay for these software licenses going forward.

Wayne Kidd presented a request to fund 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 the Institute of Internal Auditor's Internal Standards for the Professional Practice of Internal Auditing, which includes ongoing professional development, and the department's operating budget is insufficient to cover the costs.

Mark Urry presented a request for ongoing funds to help Fourth District cover operating costs and projects. The Fourth District is one of the larger districts in the Courts in terms of personnel. It is not funded entirely with General Funds, but 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, but the actual collections/receipts have not reached the budgeted levels. Mr. Urry requested ongoing General Funds to replace the shortfall of approximately \$22,000.

Ms. Sweeney presented a request for mandatory Interstate Compact for Juveniles (ICJ) annual dues and other expenses related to the administration of the ICJ office, including extradition funds to return runaway/absconded youth to their home state, including Utah.

Jeremy Marsh presented a request for funding for Human Resources' travel budget. The purpose of the request is to address the critical need for ongoing, in-person training opportunities for HR employees, which are essential for keeping staff up to date with required and necessary ad-hoc training.

Shane Bahr presented a request for an FY25 contract site judicial assistant salary increase, which would close the gap between what is currently budgeted for FY25 and the contracted amount for judicial assistant services in six rural contract sites.

Kaden Taylor presented a funding request for one Utah State Law Library Assistant. This assistant would allow law library staff to keep up with the increase in responsibilities to this position, which now includes supporting the MyCase and ODR programs, and better serving the public who come in person to or contact the library.

Travis Erickson presented a request to fund a Training Coordinator position. Seventh District is one of two districts that do not have a Training Coordinator; a position which has been found throughout the state to be invaluable for increasing productivity, data quality and efficiencies.

Nick Stiles presented a request for a new Deputy Clerk of Court position for the Court of Appeals, similar to the Team Manager position utilized by the trial courts, to assist in the increased workload of the current Clerk of Court.

Ms. Sweeney presented a request for an additional Juvenile Law Clerk Attorney, as the Juvenile Court Bench has 32 judges with only two attorney law clerks to assist them.

Motion: Judge Barnes made a motion to approve all requests as presented. Judge Suchada Bazzelle seconded the motion, and the motion passed unanimously.

Karl Sweeney presented a proposal on how the judiciary should use its Case Processing Funds, including some discretionary items the Council can decide whether or not to include.

Mr. Sweeney presented the proposed Court Commissioner salary for FY25, which must be approved by the Council annually. The request seeks to increase the salary for all 11 court commissioners for FY25 by 5%, from \$183,326 to \$192,502, to maintain the approximate 90% ratio with the increased salary of district and juvenile judges. Court Commissioners on Tier 2 retirement plans will receive a slight increase (funded by the legislature) to offset additional costs of the retirement plans.

Motion: Ms. Plane made a motion to approve the Court Commissioner salary increase, including the two different rates as outlined in the documentation. Judge James Gardner seconded the motion, and the motion passed unanimously.

Grants

Jordan Murray presented the quarterly grants report. He shared that as of March 31, 2024, the judiciary has six active grants, four of which are federal, and two non-federal. No new grants were awarded during this quarter. However, one grant application proposal was approved for submission for funds from the Utah Board of Juvenile Justice Grant Program, which are federal funds that are a pass-through from the Commission on Criminal and Juvenile Justice (CCJJ).

Mr. Gordon added that Mr. Murray has also been working with the AOC to identify potential needs for a relatively new grant through the CCJJ. It's in the preliminary stages, and the AOC is conducting a needs assessment to come up with a proposal to take back to the CCJJ.

7. COURT FACILITY PLANNING COMMITTEE: (Judge Michele Christiansen Forster, Chris Talbot)

Chris Talbot and Judge Michele Christiansen Forster presented the FY25 5-year capital development plan, which reflected the addition of a sixth project.

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: (added): Salt Lake County, West Jordan Courthouse - Proposed expansion of 6 courtrooms.
Estimated cost: \$23M

Motion: Judge Elizabeth Lindsley made a motion to approve the 5-year plan as presented, with the addition of #6 on the list. Judge Amber Mettler seconded the motion, and the motion passed unanimously.

Mr. Talbot gave an update on the current capital development projects, including the new Manti courthouse, the Wasatch Justice Center expansion, and the Davis County courthouse project, as well as the capital improvement projects approved for FY25.

8. STANDING COMMITTEE ON RESOURCES FOR SELF-REPRESENTED PARTIES ANNUAL REPORT: (Judge Richard Mrazik, Nathanael Player)

Judge Richard Mrazik and Nathanael Player presented an annual report on the Standing Committee on Resources for Self-Represented Parties. Judge Mrazik discussed providing a more justice-friendly system to those who are self-represented, beginning up-stream from the courthouse, using social workers and others trained in this area. The goal is to provide procedural fairness and, in many cases, improve the outcome.

9. CCJJ & SENTENCING COMMISSION APPOINTMENTS: (Ron Gordon)

Mr. Gordon shared updated information regarding the membership of CCJJ and the Sentencing Commission. Going forward, there will be one voting member, which is the State Court Administrator or designee, and one Juvenile Court judge and one District Court judge on each of those commissions serving as non-voting members. The Board of Juvenile Court Judges has recommended that Judge Eisenman continue to serve on CCJJ and Judge Kiesel on the Sentencing Commission as non-voting members. The Board of District Court Judges has recommended that Judge Neider continue to serve on the CCJJ and Judge Trease on the Sentencing Commission as non-voting members.

Motion: Judge Gardner made a motion to approve those non-voting committee members as presented by Mr. Gordon. Judge Mettler seconded the motion, and the motion passed unanimously.

10. BOARD OF DISTRICT COURT JUDGES REPORT : (Judge William Kendall, Shane Bahr)

Judge William Kendall and Mr. Bahr presented an annual report from the Board of District Court Judges. The Board met most recently in Bryce Canyon, and heard from some wonderful speakers. There was also a Law Clerk Conference in Provo within the past few months that received a lot of positive feedback. Judge Kendall then summarized some of the projects the Board has been working on.

11. SENIOR JUDGE BUDGET AND COURT RULES: (Neira Siaperas)

Neira Siaperas discussed pending changes to the Senior Judge Program and court rules. She stated that the judiciary is on track to implement the nine amended CJA rules, two of which are Supreme Court rules. She will present these proposed rules to the Supreme Court on May 29, 2024.

Over the past three fiscal years, the judiciary has used about \$2M in ARPA funding in an effort to reduce the case backlog. During the last legislative session, the judiciary received \$1.6M for case backlog reduction. In July 2025, the budget will decrease back to \$168k for senior judges, which will be a big adjustment from how senior judges have been utilized over the past few years. This coming year will be an important transition to determine if the previous budget of \$168k is sufficient for our current needs and moving forward.

12. RULES FOR FINAL APPROVAL: (Keisa Williams)

Keisa Williams informed the Council that the proposed changes to the senior judge rules went out for public comment for 45 days, and no comments were received. Policy, Planning & Technology recommended that the amended rules be adopted as final with the same proposed effective date as the Supreme Court rules, which is likely to be May 30, 2024 contingent on the Supreme Court's decision.

Motion: Judge Chiara made a motion to approve the proposed changes to CJA 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 with a proposed corresponding effective date as the two Supreme Court rules. Judge Mettler seconded the motion, and the motion passed unanimously.

13. COURTROOM NEEDS: (Ron Gordon)

Mr. Gordon shared a list of the judiciary's current and future courtroom needs. He asked for feedback on whether multiple facilities projects should be presented to the legislature together or one at a time, adding that there is a possibility that some higher cost projects from the list will get skipped if multiple projects are presented. Presenting one project at a time, as has been done in the past, pushes all building timelines farther out when needs exist right now. Judge Mettler pointed out that judicial needs and building needs are connected. For example, it is a problem if the judiciary gets funding for judicial officers but there is no space for them. Mr. Gordon will continue to bring this topic back to the group for further discussion.

14. 2025 JUDICIAL COUNCIL & MANAGEMENT COMMITTEE MEETINGS: (Hilary Wood)

Hilary Wood presented the proposed 2025 Judicial Council and Management Committee meeting dates, and asked for any suggestions or conflicts with the proposed meeting dates. There were none.

Motion: Judge Gardner made a motion to approve the 2025 Judicial Council and Management Committee meeting schedules, adjusting the December Judicial Council meeting to December 15. Ms. Plane seconded the motion, and the motion passed unanimously.

15. OLD BUSINESS/NEW BUSINESS: (All)

There was no old or new business.

16. EXECUTIVE SESSION

An executive session was held.

17. ADJOURN

The meeting adjourned.

CONSENT CALENDAR ITEMS

1. ADR Committee Appointee Request
2. Probation Notification Letters Policy Updates