

**JUDICIAL COUNCIL MEETING
Minutes**

June 24, 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.

Chief Justice Matthew B. Durrant, 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. Thomas Low
Judge Amber Mettler
Justice Paige Petersen
Margaret Plane, esq.

AOC Staff:

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

Excused:

Hon. Elizabeth Lindsley

Presenters:

Amy Borrer
Katy Collins
Todd Eaton
Alisha Johnson
Shane Kibler
Jessica Leavitt
Jonathan Mark
Jeremy Marsh
Tania Mashburn
Jordan Murray
Bart Olsen

Judge Amy Oliver
Katsi Pena
Alex Peterson
Nathanael Player
Tiffany Power
Jon Puente
Erin Rhead
Nini Rich
Karl Sweeney
Chris Talbot

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

Chief Justice Matthew B. Durrant 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 May 20, 2024 Judicial Council minutes. Justice Paige Petersen seconded the motion, and the motion passed unanimously.

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

Mr. Gordon gave an update on Phase II of the System Review. Currently the AOC is working with the National Center for State Courts (NCSC) on establishing five focus groups, one of which will be judicial officers, that will meet during the middle of July. These focus groups will help to establish the questions for the survey that will go out to all staff and judicial officers.

The Pay for Performance process is complete and Mr. Gordon summarized the different tiers of the model, the top three of which resulted in a pay for performance increase. He expressed thanks to the Human Resources Team for all of their hard work on developing the model.

The judiciary has hired some additional staff interpreters and the AOC continues to work on the certification process for interpreters, which has historically been very challenging. Mr. Gordon shared that the judiciary is looking at possibly partnering with Utah State University to develop a program to help interpreters become certified, as well as potentially developing an alternative route to licensure.

Mr. Gordon and other members of the AOC met with individuals from the Davis County government to talk about joint funding for a multi-level parking structure at the Davis County courthouse that will address the judiciary and county needs at that campus. Mr. Gordon shared that he also plans to meet with 2nd District Court judges, AOC staff and legislators who represent Davis County in September to go into more detail about the need for the Davis County courthouse. Funding for the project is the number one priority on the facilities list.

3. COMMITTEE REPORTS:

Management Committee Report:

Nothing to Report.

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:

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

Bar Commission Report:

The 80’s themed summer Bar meeting will take place July 12 from 4:00pm - 7:0 Christine Greenwood was recently appointed to be the new director of the Office of Professional Conduct, which opened up the Ethics Committee chair position, and Beth Kennedy has accepted that opportunity. Ms. Kennedy’s Ethics Hotline position will be posted soon. The Commission is considering a request to broaden the authority of the Ethics Advisory Opinion Committee regarding lawyers taking Venmo as advance payments, and whether that implicates the comingling of funds. The Bar may come to the judiciary to work through the rules on that. A complaint was authorized to move forward against an entity that has been a frequent subject of concern with the Unauthorized Practice of Law Committee in terms of representing their ability to help individuals with trusts and estates. Margaret Plane’s term on the Judicial Council is nearly complete, and the Bar has named her successor on the Council, Katie Woods.

Chief Justice Durrant thanked Ms. Plane for her service on the Judicial Council as well as on the Utah State Bar.

4. 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
	Internal Savings	(54,820.52)	(54,820.52)
	Internal Savings	1,201,495.35	1,201,495.35
1	Internal Savings	-	100,000.00
		1,146,674.83	1,246,674.83
2		(200,000.00)	(200,000.00)
		(200,000.00)	(200,000.00)
3		946,674.83	1,046,674.83

Prior Report Totals (as of 04/30/2024, with the contingent amount removed) 881,126.67 1,075,053.67

FY 2024 One-Time Turnover Savings

#	Funding Type	Actual Amount
1	Internal Savings	2,181,771.62
2	Reimbursements	583,335.99
3	Internal Savings (Est.)	336,000.00
Total Potential One Time Savings		3,101,107.61

Prior Report Totals (as of PPE 4/12/2024) \$ 2,111,691.42

FY 24 Forecasted Available One-time Funds

Forecasted Available One-time Funds		
Description	Funding Type	Amount
Sources of YE 2024 Funds		
* 1x TOS as of PPE 05/10/2024 (1800 hrs) (w/ anticipated ARPA reimbursements)	Turnover Savings	2,765,108
** Turnover savings Estimate for the rest of the year (\$1,200 x 280 pay hours)	Turnover Savings	336,000
Total Potential One Time Turnover Savings		3,101,108
Less: Judicial Council Delegated to State Court Administrator for Discretionary Use		(250,000)
Less: Legislative Cut to Budget Savings		(600,000)
(a) Total Potential One Time Turnover Savings Less LFA Recommendations		2,251,108
<i>Operational Savings From TCE / AOC Budgets - Forecasted</i>	<i>Internal Operating Savings</i>	<i>695,244</i>
<i>Unused Carryforward Request - Webex Virtual Hearing Improvement</i>	<i>Unused Carryforward</i>	<i>150,000</i>
<i>Reserve Balance (balance from FY 2023 Carryforward)</i>	<i>Judicial Council Reserve</i>	<i>52,997</i>
<i>Anticipated Reserve Uses - including previously approved and pending requests</i>	<i>Jud. Council Reserve Uses</i>	<i>-</i>
(b) Total Operational Savings and Reserve		898,241
(c) Total of Turnover Savings & Operational Savings = (a) + (b)		3,149,348
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)		2,950,898

Updated 05/23/2024

Budget Requests

Karl Sweeney and Ms. Johnson recapped the one-time requests, as listed below.

1. 2nd District Conversion/Upgrade for Judicial Settlement Conference Rooms - Glen Proctor
2. Employee Wellness Resources - Ron Gordon and Karl Sweeney
3. Courts EcoPass Program - Suzette Deans/Karl Sweeney
4. Education Assistance Program Funding - Alisha Johnson
5. HR Applicant tracking - Bart Olsen and Jeremy Marsh
6. IT Stipend for Technology Subject Matter Experts - Todd Eaton/Jace Kinder
7. IT Replacement Inventory - Todd Eaton
8. Network/System Maintenance -Staff Augmentation - Todd Eaton/Chris Talbot
9. Employee Incentive Awards - Bart Olsen, Erin Rhead, Alisha Johnson
10. Retention of Contract Developers - Brody Arishita/Todd Eaton
11. Subscription to Westlaw Precision Preferred with AI-Assisted Research - Keisa Williams
12. FY 2025 Q1/Q2 Bonus Payments - Karl Sweeney/Bart Olsen
13. Secondary Language Stipend - Jon Puente/Jessica Leavitt
14. Third District Juvenile Court - Village Project Mentor Program - Tiffany Power
15. New Style Guide Resource - Communications - Tania Mashburn
16. Contract Courts Supplemental Funds - Shane Bahr

17. IT Webex Virtual Hearing Improvement Project - Brody Arishita
18. MyCase Critical Functionality - Self Help Center - Jonathan Mark and Nathanael Player

Motion: Ms. Plane made a motion to approve the one-time budget requests as presented. Judge Michael DiReda seconded the motion, and the motion passed unanimously.

Court's Credit Card Fund Money

Mr. Sweeney reminded the Council that the Court's Credit Card Fund consists of funds that have been set aside over the course of several years. Mr. Gordon discussed the new courtrooms needed in the 3rd District and Juvenile Courts and proposed that the Credit Card Fund be used to pay for these two new courtrooms. As part of this proposal, the Business and Chancery Court will be moved from West Jordan to the Matheson courthouse on the 1st floor.

Motion: Judge David Mortensen made a motion to use the Credit Card Fund for the Facilities Spending Plan as presented. Judge Amber Mettler seconded the motion, and the motion passed unanimously.

Justice Court Technology, Security and Training Account

Jim Peters summarized this year's recommendations from the Justice Court Technology, Security and Training Account. He explained that this is a restricted fund created from a portion of the surcharge that comes from moving violations, adding that it has some statutorily specific uses. The Board of Justice Court Judges has reviewed several requests from the IT Department, Education, and Audit as well as a number of other requests, and made these recommendations to the Council.

Motion: Judge Paul Farr made a motion to approve the spending request as presented. Judge Brian Brower seconded the motion, and the motion passed unanimously.

5. YOUTH DEFENSE COUNSEL IN UTAH (THE GAULT CENTER): (Amy Borrer, Sonia Sweeney)

Sonia Sweeney introduced Amy Borrer, a Senior Youth Policy Strategist with the Gault Center. Ms. Borrer gave a high level explanation on the report findings included in the materials, which can be accessed [here](#).

6. COMMITTEE ON JUDICIAL OUTREACH: (Judge Amy Oliver, Katsi Pena)

Katsi Pena introduced Judge Amy Oliver as the new Chair for the Judicial Outreach Committee. Ms. Pena then gave an overview of the Committee's work over the past year. She explained that the Judicial Outreach Committee is tasked with connecting with the community and building public trust on behalf of the judiciary. Over the past year, the Outreach Committee conducted over 50 events, spoke to over 4,800 community members, involved 161 court staff and 36 judges in outreach events over 410 hours across the state. As of June 2024, the Outreach Committee has already been very busy engaging with the community in 34 events and is working on future projects to provide opportunities for all court employees to get involved.

7. JUDICIAL CONDUCT COMMISSION: (Alex Peterson)

Alex Peterson gave a presentation on the Judicial Conduct Commission, announcing a new member, Judge Michael Edwards from the 2nd District, who will replace Judge Todd Shaughnessy. The caseload continues to be robust, ending the fiscal year with an estimated 180 complaints from which the Commission plans to do some trend analyses. Lastly, Mr. Peterson shared plans to bring on another judicial investigator to address the caseload.

8. NOTICE OF INTENT TO VACATE HYDE PARK CITY & NORTH LOGAN CITY JUSTICE COURTS: (Jim Peters)

Mr. Peters presented letters of intent to vacate the Justice Courts in Hyde Park City and North Logan City. The cases from these courts will transfer to the appropriate District Courts. Once these courts obtain legislative approval, they will be a little short of the one-year notice requirement, and therefore request an exception, hoping to be closed by April 1, 2025.

Mr. Peters shared that these Justice Courts haven't given a reason for dissolving.

Motion: Judge Mortensen made a motion to approve the accelerated dissolution of the Hyde Park City and North Logan City Justice Courts, effective April 1, 2025. Ms. Plane seconded, and the motion passed unanimously.

9. RULES FOR FINAL APPROVAL: (Keisa Williams)

Rule CJA 6-304 was posted for a 45-day public comment period and no comments were received. It is proposed that this rule be approved as final with a November 1, 2024 effective date.

Motion: Judge Mortensen made a motion to approve CJA 6-304 as final with a November 1, 2024 effective date. Judge Mettler seconded the motion, and the motion passed unanimously.

Keisa Williams summarized the proposed changes to Rule CJA 4-403. Electronic signature and signature stamp use would grant judges and commissioners significantly more discretion than what is currently authorized under the rule. There was discussion on two options discussed in Policy, Planning & Technology (PP&T), and what type of documents clerks would be able to stamp with a judge's signature. PP&T members voted for option 1, which would maintain the status quo with respect to discretion, and the Council would decide which document types may be signed without judicial review. If judicial officers want to add to the list in paragraph (1), they must propose a rule amendment. Option 2 would grant each district the authority to allow clerks to electronically sign or stamp additional document types not listed in paragraph (1) via a standing order issued by the Presiding Judge of the district (or for Justice Courts, a local standing order pre-approved by the Presiding Justice Court Judge of the district). Individual judicial officers would maintain the discretion to determine which of their documents a clerk may electronically sign or stamp.

There was discussion about the pros and cons of each option. The majority of the Judicial Council preferred Option #2. The Council discussed whether a process should be added to the rule creating an avenue for judges to bring concerns about a local standing order to the Boards of

Judges or Judicial Council. The Council determined that those avenues already exist and an official process does not need to be added to the rule. The Council sent the rule back to Policy, Planning & Technology to conduct a final review of Option #2.

10. OLD BUSINESS/NEW BUSINESS: (All)

There was no old or new business.

Motion: Judge Mortensen made a motion to move into an executive session for the purpose of discussing legal advice of counsel and the character, professional competence, or physical or mental health of an individual. Judge Farr seconded the motion, and the motion passed unanimously.

11. EXECUTIVE SESSION

An executive session was held.

12. ADJOURN

The meeting adjourned.

CONSENT CALENDAR ITEMS

1. Rules for Public Comment
 - a. CJA 1-205. Standing and ad hoc committees
 - b. CJA 3-422. Tribal Liaison Committee (NEW)
 - c. CJA 2-102. Council agenda
 - d. CJA 3-501. Insurance benefits upon retirement
 - e. CJA 4-101. Manner of appearance (NEW)
2. Facilities Standing Committee Member Appointment
3. Committee on Fairness & Accountability Member Appointment
4. Committee on Statewide Treatment Court Steering Committee Members