

**JUDICIAL COUNCIL MEETING**

**AGENDA**

**September 10, 2024**

**Meeting held through Webex  
and in person**

**Zermatt Resort  
Neuchatel Room  
784 W. Resort Drive  
Midway, UT 84049**

***Chief Justice Matthew B. Durrant, Presiding***

1. 12:00 p.m. Welcome & Approval of Minutes.....Chief Justice Matthew B. Durrant  
(TAB 1 - Action)
  
2. 12:05 p. m. Chair’s Report.....Chief Justice Matthew B. Durrant  
(Information)
  
3. 12:10 p.m. State Court Administrator’s Report.....Ron Gordon  
(Information)
  
4. 12:20 p.m. Reports: Management Committee.....Chief Justice Matthew B. Durrant  
Budget and Fiscal Management Committee.....Vacant  
Liaison Committee.....Justice Paige Petersen  
Policy, Planning, and Technology Committee.....Judge Samuel Chiara  
Bar Commission.....Margaret Plane, esq.  
(TAB 2 - Information)
  
5. 12:30 p.m. Budget and Grants.....Karl Sweeney  
(TAB 3 - Action) Alisha Johnson  
Jordan Murray
  
6. 12:40 p.m. Minimal Fee Definition.....Keri Sargent  
(TAB 4 – Action) Daniel Meza Rincon
  
7. 12:55 p.m. Extension of Qualification for Office.....Ron Gordon  
(Action)

- |     |                  |  |
|-----|------------------|--|
| 8.  | 1:00 p.m.        | Justice Court Judge Certification.....Jim Peters<br>(Action)                     |
| 9.  | 1:05 p.m.        | Request to Apply for the Cook County Model.....Amy Hernandez<br>(TAB 5 – Action) |
|     | <b>1:15 p.m.</b> | <b>Break</b>   |
| 10. | 1:25 p.m.        | Business and Chancery Court Seal.....Shane Bahr<br>(Action)                      |
| 11. | 1:30 p.m.        | Commissioner Recertification.....Shane Bahr<br>(TAB 6 – Action)                  |
| 12. | 1:35 p.m.        | Virtual Meeting Technology.....Judge Samuel Chiara<br>(TAB 7 – Action)           |
| 13. | 2:05 p.m.        | Old Business / New Business.....All<br>(Discussion)                              |
| 14. | 2:15 p.m.        | Senior Judge Application.....Neira Siaperas<br>(Action)                          |
| 15. | 2:30 p.m.        | Executive Session.....Chief Justice Matthew B. Durrant                           |
| 16. | 2:40 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.

N/A

Tab 1

**JUDICIAL COUNCIL MEETING  
Minutes**

**August 23, 2024**

**Meeting held through Webex  
and in person**

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

**8:00 a.m. – 2:30 p.m.**

***Chief Justice Matthew B. Durrant, Chair, Presiding***

**Members:**

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

**Presenters:**

Lauren Andersen  
Suzette Deans  
Todd Eaton  
Amy Hernandez  
Alisha Johnson  
Judge William Kendall  
Meredith Mannebach  
Jonathan Mark  
Heather Marshall  
Judge Kirk Morgan  
Jordan Murray  
Judge Douglas Nielsen

**AOC Staff:**

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

**Excused:**

Hon. Keith Barnes

**Guests:**

Sean Faherty  
Robbie Foxxe

**Presenters (cont.)**

Zerina Ocanovic  
Bart Olsen  
Nathanael Player  
Tucker Samuelson  
Jon Puente  
Keri Sargent  
Karl Sweeney  
Shelly Waite  
Tonia Wilson

## **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 July 22, 2024 meeting minutes. Margaret Plane seconded the motion, and the motion passed unanimously.

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

Ron Gordon discussed the Management Committee's administrative order mandating the judiciary's use of Webex webinars instead of Webex meetings and personal meeting rooms due to the recent issue involving members of the public sharing inappropriate content. Mr. Gordon recognized the tremendous amount of work the IT Task Force and judicial teams have put in to mitigate this issue. He added that several judges have made recommendations on changes that might be made, which have been forwarded to Cisco to work through. Mr. Gordon shared that Policy, Planning and Technology (PP&T) will discuss a rule in its September meeting that would go into the Code of Judicial Administration to reflect the Management Committee's administrative order, which will then come to the Judicial Council.

## **3. 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 shared that the Liaison Committee will be meeting September 11th to discuss several items the legislature has been working on.

### **Policy, Planning, and Technology Committee Report:**

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

### **Bar Commission Report:**

Ms. Plane shared the following updates: The Bar is working on grading the 353 LSAT exams that were taken last month, and the swearing in will take place in October; the Bar's Fall Forum is scheduled for November 14-15; the Bar hired John Wayas, who will now run the NLTP and LPP program.

## **4.. BUDGETS AND GRANTS: (Karl Sweeney, Alisha Johnson, Jordan Murray)**

Karl Sweeney and Alisha Johnson presented the financial reports.

## FY 24 Year End Requests and Forecasted Available One-time Funds

Forecasted Available One-time Funds			
Description	Funding Type	Amount	
<b>Sources of YE 2024 Funds</b>			
* 1x TOS as of PPE 07/05/2024 (2,080 hrs) (w/ anticipated ARPA reimbursements)	Turnover Savings	2,562,570	
** Turnover savings Estimate for the rest of the year (\$800 x 0 pay hours)	Turnover Savings	-	
<b>Total Potential One Time Turnover Savings</b>		<b>2,562,570</b>	
Less: Judicial Council Delegated to State Court Administrator for Discretionary Use		(250,000)	
Less: Legislative Cut to Budget Savings		(600,000)	
<b>(a) Total Potential One Time Turnover Savings Less LFA Recommendations</b>		<b>1,712,570</b>	
<b>Operational Savings From TCE / AOC Budgets</b>	<b>Internal Operating Savings</b>	<b>1,339,870</b>	
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>(b) Total Operational Savings and Reserve</b>		<b>1,542,867</b>	
<b>(c) Total of Turnover Savings &amp; Operational Savings = (a) + (b)</b>		<b>3,255,437</b>	
<b>Legislative Supplemental Funding:</b>			
American Fork Lease Increases (originally a carryforward request for FY 2024)	Legislative Contingent	389,000	
<b>(d) Subtotal - Legislative Supplemental Funding</b>		<b>389,000</b>	
<b>Uses of YE 2024 Funds</b>			
Less: Judicial Council Requests Previously Approved		(587,450)	
Less: Overage for JW1		(90,396)	
<b>(e) Subtotal - Uses of YE 2024 Funds</b>		<b>(677,846)</b>	
<b>Total Potential Carryforward = (c) + (d) less (e) (Legislature approved up to \$3.2M)</b>		<b>2,966,591</b>	
Less: Wellness Council Portion of Carryforward		4,294	
<b>Available for Beginning Balance 2025</b>		<b>2,962,297</b>	

Updated 08/06/2024

Last Reported (7/3/2024) \$ 3,061,836

## FY 25 Year End Requests and Forecasted Available One-Time Funds

Forecasted Available One-time Funds			
Description	Funding Type	Amount	
<b>Sources of YE 2025 Funds</b>			
* Turnover Savings as of PPE xx/xx/xxxx (no entries yet)	Turnover Savings	-	
Turnover savings Estimate for the rest of the year (\$1,200 x 2088 pay hours)	Turnover Savings	2,505,600	
<b>Total Potential One Time Turnover Savings</b>		<b>2,505,600</b>	
Less: Judicial Council Delegated to State Court Administrator for Discretionary Use		(250,000)	
<b>(a) Total Potential One Time Turnover Savings Less Discretionary Use</b>		<b>2,255,600</b>	
<b>Operational Savings From TCE / AOC Budgets - Estimate</b>	<b>Internal Operating Savings</b>	<b>800,000</b>	
Reserve Balance (balance from FY 2024 Carryforward)	Judicial Council Reserve	847	
Anticipated Reserve Uses - including previously approved and pending requests	Jud. Council Reserve Uses	-	
<b>(b) Total Operational Savings and Reserve</b>		<b>800,847</b>	
<b>(c) Total of Turnover Savings &amp; Operational Savings = (a) + (b)</b>		<b>3,056,447</b>	
<b>Uses of YE 2025 Funds</b>			
<b>(e) Carryforward into FY 2026 (Anticipate request to Legislature for \$3,200,000)</b>	<b>FY 2026 Carryforward</b>	<b>(2,500,000)</b>	
<b>Total Potential One Time Savings = (c) + (d) less Carryforward (e)</b>		<b>556,447</b>	
Less: Judicial Council Requests Previously Approved		(451,427)	
<b>Remaining Forecasted Funds Available for FY 2025 YE Spending Requests</b>		<b>105,020</b>	

Updated 8/7/2024

## Funding Requests

- FY 25 Q1/Q2 Performance Bonus Payments - Revised: Mr. Sweeney explained that the AOC is reducing the request from \$450k to \$294k to match carryforward funds available. He added that if funds are received in the first few months of the year, the AOC will look at boosting that amount back up to the original amount.

**Motion:** Judge Thomas Low made a motion to approve the amended funding of \$294,000 for Q1/Q2 performance bonuses. Justice Petersen seconded the motion, and the motion passed unanimously.

- **All Rise Welcome Dinner:** Jon Puente requested funding on behalf of the All Rise Utah Project to host the program's welcome dinner that takes place every autumn. He added that the program hasn't needed to request funding for the dinner for the past few years due to partner fundraising but explained that this may not be possible this year.

**Motion:** Judge James Gardner made a motion to approve the request as presented. Judge Michael DiReda seconded the motion, and the motion passed unanimously.

- **Byrne State Crisis Intervention Program** - Jordan Murray and Amy Hernandez requested approval to apply for the Byrne State Crisis Intervention Program (SCIP) grant to build an improved protective order records validation process and support the Domestic Violence Criminal Compliance Docket Pilot Program (AKA the DV docket).

**Motion:** Judge Suchada Bazzelle made a motion to approve the request to apply for grant funding as presented. Judge Jon Carpenter seconded the motion, and the motion passed unanimously.

#### **5. OCAP FEE INCREASE: (Nathanael Player, Jonathan Mark)**

Nathanael Player and Jonathan Mark requested permission from the Judicial Council to seek changes to Utah Code 78-A-2-501 from the legislature, specifically to increase the fee for OCAP. Mr. Player explained that the \$20 fee for OCAP has not been increased since the year 2000 and recommended that it should be adjusted to \$60 to account for inflation.

**Motion:** Judge Amber Mettler made a motion to grant approval to present the requested changes to Utah Code 78-A-2-501 to the legislature. Judge Gardner seconded the motion, and the motion passed unanimously.

#### **6. PROPOSED JUDICIAL EDUCATION PROGRAM REQUIRED BY HB 272: (Ron Gordon, Lauren Andersen, Tonia Wilson, Amy Hernandez)**

Amy Hernandez shared information from HB 272, which requires the state court administrator to develop a judicial educational program that will strengthen the courts' ability to identify domestic violence and child abuse in child custody proceedings and make custody decisions that will bring the judiciary into compliance with (UCA 78A-2-232(2)(a)). She added that the state court administrator is required to present this proposed judicial education program to the Judiciary Interim Committee by the committee's September 2024 interim meeting. To prepare for this presentation, Ms. Hernandez and Lauren Andersen requested feedback from the Judicial Council on their proposed program and the four key presentation topics required by HB 272.

**Motion:** Judge Low made a motion to approve the Education Team to give the presentation to the legislature. Judge Carpenter seconded the motion, and the motion passed unanimously.

## **7. RULE 3-102 AMENDMENT: (Ron Gordon)**

Mr. Gordon presented a recommended change to CJA rule 3-102, Assumption of judicial office, which currently states that a judicial appointee must occupy the office within 60 days. He shared that there is a judge that has been recently appointed and confirmed, but the person she's replacing isn't leaving the bench within 60 days. Mr. Gordon explained that the requested change would allow for the Judicial Council, in those circumstances, to extend the time period upon the appointee's request.

**Motion:** Judge Garner made a motion to approve the amendment to Rule 3-102 as presented, effective immediately. Judge Susan Eisenman seconded the request, and the motion passed unanimously.

There was some discussion on whether to include the clause "upon the appointee's request."

**Motion:** Judge Gardner made a motion to reconsider. Judge Farr seconded the motion to reconsider, and the motion passed unanimously.

**Motion-** Judge Low made a motion to remove the clause "upon the appointee's request" and to put the period after the clause "to extend the time period." Judge Carpenter seconded the motion, and the motion passed unanimously.

## **8. EXECUTIVE COMMITTEE ASSIGNMENTS: (Ron Gordon)**

Mr. Gordon presented a recommendation from the Management Committee's for the following changes to executive committee assignments, effective immediately.

- Add Judge Bazzelle to the Management Committee (to replace Judge Lindsley who has retired) and remove Judge Bazzelle from the Policy, Planning, and Technology Committee.
- Add Judge Eisenman (who was appointed to replace Judge Lindsley until the bench elects a permanent member in September) to the Budget and Fiscal Management Committee.

Mr. Gordon added that the Management Committee will recommend additional changes to executive committee assignments during the October Judicial Council meeting to reflect changes in the membership of the Judicial Council that will follow the Annual Judicial Conference in September.

**Motion:** Judge Low made a motion to approve the executive committee assignments as presented. Ms. Plane seconded, and the motion passed unanimously.

## **9. RULES FOR FINAL APPROVAL: (Keisa Williams, Jace Willard)**

Keisa Williams shared that CJA rules 1-204, 4-202.01 are back from a 45-day public comment period and no public comments were received. PP&T recommended the rules be adopted as final with November 1, 2024 effective date.

**Motion:** Judge Farr made a motion to approve CJA rules 1-204 and 4-202.01 with a November 1, 2024 effective date. Judge Samuel Chiara seconded the motion, and the motion passed unanimously.



Jace Willard presented a request for CJA rules 4-401 and 4-206 to be approved on an expedited basis with a September 1, 2024 effective date, followed by a 45 day comment period. He explained the judiciary will not be retaining exhibits in criminal cases anymore because of the statutory amendments that are restrictive of disposing of evidence in criminal cases, specifically biological evidence. He added that all exhibits will be transferred to the prosecution at the conclusion of a criminal case. Mr. Willard discussed some of the concerns raised by clerks of court regarding exhibits offered but not received, and how to potentially handle evidence in juvenile delinquency cases. Judge Eisenman recommended including juvenile delinquency matters in the criminal evidence retention.

Judge Mortensen recommended that it should be added to the rule that if an exhibit is offered, it should be part of the record. Mr. Willard shared that some were concerned that there are so many exhibits offered and it becomes a logistical problem, but many of the other Council members agreed that it would be helpful to record all exhibits offered, whether or not they were received. Mr. Willard made the recommended changes to the rule.

**Motion:** Judge Low made a motion to approve the changes as presented and discussed. Judge Chiara seconded the motion, and the motion passed unanimously.

#### **10. OLD BUSINESS/NEW BUSINESS: (All)**

There was no old or new business.

#### **11. ADJOURN**

The meeting adjourned.

#### **CONSENT CALENDAR ITEMS**

1. Rules for Public Comment
2. Facilities Planning Standing Committee Term Extension
3. Committee on Fairness and Accountability Vacancy
4. Forms Committee - Forms for Approval

Tab 2

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

**Minutes**

**August 8, 2024**

**Meeting held virtually through WebEx  
12:00 p.m. – 1:35 p.m.**

**Members Present:**

Hon Brian Brower, Acting Chair  
Hon. Keith Barnes  
Justice Paige Petersen  
Margaret Plane, Esq.

**Excused:**

**Guests:**

Brett Folkman  
Mark Urry, TCE, Fourth District Court  
Judge Kirk Morgan  
Judge Douglas Nielsen  
Judge William Kendall  
Megan Haney  
Keri Sargent  
Shelly Waite  
Jessica Leavitt  
Meredith Mannebach  
Rebecca Faatau

**AOC Staff Present:**

Ron Gordon  
Neira Siaperas  
Shane Bahr  
Sonia Sweeney  
Brody Arishita  
Bart Olsen  
Nick Stiles  
Jon Puente  
Jordan Murray  
Karl Sweeney  
Alisha Johnson  
Kelly Moreira  
Suzette Deans, Recording Secretary

**1. WELCOME / APPROVAL OF MINUTES (Judge Brian Brower – “Presenter”)**

Judge Brian Brower welcomed everyone to the meeting and asked for a motion to approve the minutes from the last meeting subject to revising Agenda item #4 Minimal Fees for Governmental Entity Definition Adoption Follow-up to state, “Judge Brower motioned to forward to the council a recommendation to update the accounting manual defining minimal as \$10 or less.”

**Motion:** Margaret Plane moved to approve the July 8, 2024 minutes subject to the revision above. 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 OTS line number three showing the Courts have generated \$1,127,572 of ongoing turnover savings YTD for FY 2024. This amount is subject to change based on those who have been hired in FY 2024 as replacements choosing their medical plan.



**FY 2024 Ongoing Turnover Savings as of 08/05/2024**

#	Funding Type	Actual	Forecasted
		Amount YTD	Amount @ YE
	Internal Savings	(54,820.52)	(54,820.52)
	Internal Savings	1,382,392.11	1,382,392.11
1	Internal Savings	-	-
<b>TOTAL SAVINGS</b>		<b>1,327,571.59</b>	<b>1,327,571.59</b>
2		(200,000.00)	(200,000.00)
<b>TOTAL USES</b>		<b>(200,000.00)</b>	<b>(200,000.00)</b>
<b>3 Total Actual/Forecasted Turnover Savings for FY 2024</b>		<b>1,127,571.59</b>	<b>1,127,571.59</b>

*Prior Report Totals (as of 07/02/2024, with the contingent amount removed)* 1,024,033.62 1,074,033.62

- \* Ongoing turnover savings only happens when a vacant position is filled at a lower rate and / or with lower benefits.
- \* There are currently 9 positions that have turned over within the past 90 days that are currently listed as having unknown benefits from FY 2024. As those employees select their benefits, if they select lower benefits, there will be additional savings.
- \* Currently, 39 FTE are vacant.
  - 1 We are currently no longer forecasting for year end benefit selections and actions as we are down to the last few employees who need to select benefits.
  - 2 Authority was delegated from the Judicial Council to the State Court Administrator/Deputy in October 2022 to expend up to \$200,000 annually.

One-Time Turnover Savings/ FY 2024 YE Requests - One-time TOS are generated from position vacancies and reimbursements of payroll expenditures with ARPA funds. We ended FY 2024 with \$2,562,570 in one-time turnover savings which was down from our prior forecast.



**FY 2024 One Time Turnover Savings**

**Updated as of Pay Period Ending 07/05/2024 (2,080 out of 2,080 hours)**

#	Funding Type	Actual Amount
1	Internal Savings	1,979,233.90
2	Reimbursements	583,335.99
3	Internal Savings (Est.)	-
<b>Total Potential One Time Savings</b>		<b>2,562,569.89</b>

*Prior Report Totals (as of PPE 6/21/2024)* \$ 2,887,045.01

ARPA Expenditures – We have expended \$13.4M of ARPA funds as of August 5, 2024. This leaves an available balance of \$1.64M of the \$15 million that was awarded to the courts. We anticipate that the remaining \$1.64M will be spent by the extended cutoff date of December 31, 2026.



### ARPA Expenses as of 8/5/2024 (period 13 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	3,075,857.40	10,731,579.82	1,641,820.18
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	152,863.52	324,500.00	-
<b>TOTAL</b>	<b>15,000,000</b>	<b>3,750,430.78</b>	<b>5,792,026.58</b>	<b>3,815,722.46</b>	<b>13,358,179.82</b>	<b>1,641,820.18</b>

Expenditures added since last report: \$ 70,726.92

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

#### Historical Trends

##### IT Access to Justice Use - Last 3 Periods

	Period 11	Period 12	Period 13
\$	166,146.45	363,685.18	60,342.30

##### Legal Sandbox - Last 3 Periods

	Period 11	Period 12	Period 13
\$	15,039.26	15,946.37	10,384.62

Period 13 Expenses: \$ 70,726.92

TOTAL INCREASE FROM PRIOR TOTAL EXPENDED AMOUNT: \$ 70,726.92

The FY 2024 Year End Request and Forecasted Available One-time Funds Final numbers shows how we ended the fiscal year. Our operational savings was up from what was on the last report, and our one time turnover savings was down from what was on the last report.



### FY 2024 Year End Requests and Forecasted Available One-time Funds - Final - as of 8/6/2024

Forecasted Available One-time Funds			# One-time Spending Plan Requests		Adjusted Requests Amount	Judicial Council Approved Amount	
Description	Funding Type	Amount					
<b>Sources of YE 2024 Funds</b>			1	Employee Wellness Resources		107,450	
* 1x TOS as of PPE 07/05/2024 (2,080 hrs) (w/ anticipated ARPA reimbursements)	Turnover Savings	2,562,570	2	JWI Centralized Scheduler Software - <i>Legislatively Funded</i>	\$ -	-	
** Turnover savings Estimate for the rest of the year (5800 x 0 pay hours)	Turnover Savings	-	3	JWI Media Outreach Interpreter Recruiting - <i>Legislatively Funded</i>	\$ -	-	
<b>Total Potential One Time Turnover Savings</b>		<b>2,562,570</b>	4	JWI Interpreter Trainer - <i>Legislatively Funded</i>	\$ -	-	
Less: Judicial Council Delegated to State Court Administrator for Discretionary Use		(250,000)	5	OFA Racial and Ethnic Disparity Data Project		30,000	
Less: Legislative Cut to Budget Savings		(600,000)	6	JWI Increase to 2 Hour Minimum - <i>Legislatively Funded</i>	\$ -	-	
<b>(a) Total Potential One Time Turnover Savings Less LFA Recommendations</b>		<b>1,712,570</b>	7	JWI Higher Pay for Rural Assignments - <i>Legislatively Funded</i>	\$ -	-	
Operational Savings From TCE / AOC Budgets	Internal Operating Savings	1,339,870	8	Q1/Q2 Performance Bonuses - PAID		450,000	
Unused Carryforward Request - Webex Virtual Hearing Improvement	Unused Carryforward	150,000	9	Senior Judge and Time Limited JA Funding - <i>Legislatively Funded</i>	\$ -	-	
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>(b) Total Operational Savings and Reserve</b>		<b>1,542,867</b>	<b>Previously Approved 1x FY 2024 YE Spending Request</b>				<b>587,450</b>
<b>(c) Total of Turnover Savings &amp; Operational Savings = (a) + (b)</b>		<b>3,255,437</b>					
<b>Legislative Supplemental Funding:</b>							
American Fork Lease Increases (originally a carryforward request for FY 2024)	Legislative Contingent	389,000					
<b>(d) Subtotal - Legislative Supplemental Funding</b>		<b>389,000</b>					
<b>Uses of YE 2024 Funds</b>							
Less: Judicial Council Requests Previously Approved		(587,450)					
Less: Overage for JWI		(90,396)					
<b>(e) Subtotal - Uses of YE 2024 Funds</b>		<b>(677,846)</b>					
<b>Total Potential Carryforward = (c) + (d) less (e) (Legislature approved up to \$3.2M)</b>		<b>2,966,591</b>					
Less: Wellness Council Portion of Carryforward		4,294					
<b>Available for Beginning Balance 2025</b>		<b>2,962,297</b>					

Updated 08/06/2024

Last Reported (7/3/2024) \$ 3,061,836

Because of the reduced amount of 1x funds, we will be, requesting an adjustment to request #12 for FY 2025 Q1/Q2 bonuses down to \$294,000 from \$450,000. We will begin FY2025 converting the \$847 in one time savings to a reserve. We will show \$42,022 in ongoing savings which will be subject to change as those who were hired in FY 2024 select medical benefits.



**FY 2025 Carryforward and Ongoing Requests - FINAL 2024**

8/6/2024

*Funding Sources*

	One Time	Ongoing
OTS carried over from FY 2023		\$ (54,820.52)
Forecasted YE OTS from FY 2024*		\$ 1,382,392.11
<b>Subtotal</b>		<b>\$ 1,327,571.59</b>
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)
<b>Expected Carryforward Amount from Fiscal Year 2024</b>	<b>\$ 2,962,297</b>	<b>\$ -</b>
Total Available Funding	\$ 2,953,697	\$ 1,754,171.59
Less: Judicial Council Delegated to State Court Administrator for Discretionary Use	\$ (250,000)	\$ (200,000)
<b>Net Ongoing TOS Available for Use</b>	<b>\$ 2,703,697</b>	<b>\$ 1,554,171.59</b>

*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 - Ron Gordon		\$ 366,900		\$ 366,900
3 Education Budget Deficit - Lauren Andersen		\$ 241,400		\$ 241,400
4 4th District Insufficient Operating Budget - Mark Urry / Karl Sweeney		\$ 46,000		\$ 46,000
5^ Partially Fund IT Software Not Funded by Legislature - Brody Arishita / Karl Sweeney		\$ 350,000		\$ 350,000
6 Internal Audit Insufficient Operating Budget - Wayne Kidd		\$ 10,000		\$ 10,000
7 ICJ Annual Request - per Statute - Sonia Sweeney		\$ 29,950		\$ 29,950
8 HR Travel / Training Insufficient Operating Budget - Jeremy Marsh		\$ 7,500		\$ 7,500
9 Contract Court JA Reimbursement Shortfall - Shane Bahr		\$ 21,700		\$ 21,700
10^ Law Library Assistant Not Funded by Legislature- Kaden Taylor	\$ 1,500	\$ 85,000	\$ 1,500	\$ 85,000
11^ Seventh District Training Coordinator Position Not Funded by Legislature - Travis Erickson		\$ 98,500		\$ 98,500
12 Deputy Clerk of Court - Appellate Court - Nick Stiles	\$ 2,000	\$ 116,200	\$ 2,000	\$ 116,200
13 Juvenile Law Clerk Attorney Position - Sonia Sweeney		\$ 139,000		\$ 139,000
<b>Subtotal</b>	<b>\$ 3,500</b>	<b>\$ 1,512,150</b>	<b>\$ 3,500</b>	<b>\$ 1,512,150</b>
<b>Balance Remaining After Judicial Council Approvals</b>			<b>\$ 2,700,197</b>	<b>\$ 42,022</b>
<b>Balance Remaining Inclusive of "Presented"</b>	<b>\$ 2,700,197</b>	<b>\$ 42,022</b>		

*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		\$ 22,600	
2* Employee Wellness Resources - Ron Gordon and Karl Sweeney	\$ 112,950		\$ 112,950	
3* Courts EcoPass Program - Suzette Deans / Karl Sweeney	\$ 60,000		\$ 60,000	
4* Education Assistance Program Funding - Alisha Johnson	\$ 85,000		\$ 85,000	
5* HR Applicant Tracking - Bart Olsen and Jeremy Marsh	\$ 20,900		\$ 20,900	
6* IT Stipend for Technology Subject Matter Experts - Todd Eaton / Jace Kinder	\$ 65,000		\$ 65,000	
7* IT Replacement Inventory - Todd Eaton	\$ 364,000		\$ 364,000	
8* Network / System Maintenance - Staff Augmentation - Todd Eaton / Chris Talbot	\$ 50,000		\$ 50,000	
9* Employee Incentive Awards - Bart Olsen, Erin Rhead, Alisha Johnson	\$ 280,000		\$ 280,000	
10 Retention of Contract Developers - Brody Arishita / Todd Eaton	\$ 682,000		\$ 682,000	
11 Subscription to Westlaw Precision Preferred with AI-Assisted Research - Keisa Williams	\$ 16,000		\$ 16,000	
12* FY 2025 Q1/Q2 Bonus Payments - Karl Sweeney / Bart Olsen	\$ 294,000		\$ 450,000	
13* Secondary Language Stipend - Jon Puente / Jessica Leavitt	\$ 166,400		\$ 166,400	
14 Third District Juvenile - Village Project Mentor Program - Tiffany Power	\$ 8,500		\$ 8,500	
15 AOC Communications - New Style Guide Resources - Tania Mashburn	\$ 27,000		\$ 27,000	
16* FY 2025 Contract Court Site Supplemental Funds - Shane Bahr	\$ 10,000		\$ 10,000	
17 IT Webex Virtual Hearing Improvement Project - Brody Arishita	\$ 150,000		\$ 150,000	
18 MyCase Critical Functionality - Self Help Center - Jonathan Mark and Nathanael Player	\$ 265,000		\$ 265,000	
19 Water Law Curriculum Phase 2 - Judge Kate Appleby and Ron Gordon	\$ 20,000		\$ 20,000	
<b>Subtotal</b>	<b>\$ 2,699,350</b>	<b>\$ -</b>	<b>\$ 2,855,350</b>	<b>\$ -</b>
<b>Balance Remaining After Judicial Council Approvals</b>			<b>\$ (155,153)</b>	<b>\$ 42,022</b>
<b>+ Balance Remaining Inclusive of "Presented"</b>	<b>\$ 847</b>	<b>\$ 42,022</b>		

Prior Report Balances (07/03/2024) \$ (55,614) \$ (11,516)



The FY2025 Year End Requist and Forecasted Available One-time funds report is a very early estimate for FY 2025. It shows an estimated \$1,200 per pay hour of 1x TOS (which was last year’s actual YE number) x 2088 pay hours for FY25. One-time turnover savings is estimated to be \$2,505,600. We have estimated \$800,000 for operational savings based upon historical numbers. This approach is conservative for operational savings and will be adjusted in January or February 2025 when the forecasted savings come in from TCEs and AOC directors. Adding in the \$847 reserve leaves us a total operational savings/reserve of \$800,847. Total of 1x TOS and operational savings is estimated at \$3,056,447 before our conservative \$2.5M in carryforward.



### FY 2025 Year End Requests and Forecasted Available One-time Funds - Period 1 Estimate

Forecasted Available One-time Funds			# One-time Spending Plan Requests		Adjusted Requests	Judicial Council Approved
Description	Funding Type	Amount			Amount	Amount
<b>Sources of YE 2025 Funds</b>			1	Tooele Courtroom Construction Contingency (10%)	\$ -	451,427
* Turnover Savings as of PPE xx/xx/xxxx (no entries yet)	Turnover Savings	-	2	All Rise Utah Welcome Dinner	\$ 10,000	
Turnover savings Estimate for the rest of the year (\$1,200 x 2088 pay hours)	Turnover Savings	2,505,600				
<b>Total Potential One Time Turnover Savings</b>		<b>2,505,600</b>				
Less: Judicial Council Delegated to State Court Administrator for Discretionary Use		(250,000)				
<b>(a) Total Potential One Time Turnover Savings Less Discretionary Use</b>		<b>2,255,600</b>				
Operational Savings From TCE / AOC Budgets - Estimate	Internal Operating Savings	800,000				
Reserve Balance (balance from FY 2024 Carryforward)	Judicial Council Reserve	847				
Anticipated Reserve Uses - including previously approved and pending requests	Jud. Council Reserve Uses	-				
<b>(b) Total Operational Savings and Reserve</b>		<b>800,847</b>				
<b>(c) Total of Turnover Savings &amp; Operational Savings = (a) + (b)</b>		<b>3,056,447</b>				
<b>Uses of YE 2025 Funds</b>						
(e) Carryforward into FY 2026 (Anticipate request to Legislature for \$3,200,000)	FY 2026 Carryforward	(2,500,000)				
<b>Total Potential One Time Savings = (c) + (d) less Carryforward (e)</b>		<b>556,447</b>				
<b>Less: Judicial Council Requests Previously Approved</b>		<b>(451,427)</b>				
<b>Remaining Forecasted Funds Available for FY 2025 YE Spending Requests</b>		<b>105,020</b>				

Updated 8/7/2024  
 \* No actual turnover savings has been calculated  
 (a) This amount approximates the actual FY 2024 1x turnover savings  
 (b) Operational Savings from TCE / AOC Budgets will be updated in January / February 2025.

### 3. Requests for Funding (Karl Sweeney – “Presenter”)

## FY2026 Legislative Requests

#### 1. IT Essential Software – IT (Brody Arishita “Presenter”)

Brody Arishita is requesting \$963,000 in FY26 ongoing funds for essential IT licenses and programing. The \$963,000 in ongoing general funds will be used as follows:

A	Microsoft Enterprise Agreement*	\$250,000
B	Continued software licensing for Clean Slate Legislation (Senzing)*	\$25,000
C	FTR (For the Record)*	\$220,000
D	Adobe eSignatures*	\$300,000
E	Appellate eFiling*	\$40,000
F	Adobe Acrobat Pro Enterprise*	\$128,000
	<b>Total</b>	<b>\$963,000</b>

**2. Juvenile Court Judicial Officers (Judge Nielsen, Judge Morgan, Sonia Sweeney, Shelly Waite, and Brett Folkman “Presenter”)**

The Board of Juvenile Court Judges requests ongoing funding in the amount of \$1,624,500 for two juvenile court judges, judicial support personnel and probation officer positions, and Guardians ad Litem for the First and Fourth District Juvenile Courts to meet the needs of those communities.

**# FTEs Requested: 10.00**

- Two Judges
- One Clerical Team Manager
- Three Judicial Assistants
- Two Probation Officers
- Two Guardians ad Litem
- Travel and Operating Expenses

Total \$1,624,500

**3. District Court Judicial Officers (Judge Kendall and Shane Bahr “Presenters”)**

The Board of District Court Judges requests \$5,275,700 to fund seven (7) new district court judicial officers, support staff, ongoing operating expenses, and funding to finish one shelled courtroom.

This request includes \$4,052,200 in ongoing funds for:

- 5 District Court Judges
- 2 District Court Commissioners
- 14 Judicial Assistant FTEs
- 2.5 Law Clerk Attorney FTEs
- Ongoing IT, Operating and Travel Cost

This request also includes \$1,223,500 in one-time funding to finish the shelled courtroom located in the Tooele District Courthouse.

**4. JWI Funding (Jon Puente “Presenter”)**

This request is for \$450,000 in FY25 one-time funds and \$1,470,000 in FY26 Ongoing funds.



The new funds will be used for the following items:

	FY 2025	FY 2026
	<u>1x</u>	<u>Ongoing</u>
1. Fund FY 2024 JWI Fund Deficit	\$450,000	\$470,000
<u>See Variance Column in Table 1 – Fund Listed Increases</u>		
2. Language Access Court Personnel		45,200
3. Additional Employee Staff Interpreters		\$268,300
4. Travel – Admin & Interpreters		\$54,300
5. Current Expenses (postage, office, etc.)		\$181,000
6. Data Processing (including scheduling software)		\$30,000
7. Contract Interpreter Fees (raises, 2 hour min/rural pay)		\$200,700
8. Jury and Witness meals		\$3,000
9. Jury and Witness mileage and per diem		<u>\$212,000</u>
Subtotal		<u>\$994,500</u>
Round up to		\$1,000,000
Total	\$450,000	\$1,470,000

**5. Signature Guardianship Program (Keri Sargent “Presenter”)**

The Administrative Office of the Courts (AOC) is seeking \$366,800 to support the equivalent of two contract attorneys who will work through a related agency to represent respondents who have been named in guardianship cases where the respondent and the respondent’s parents are both found to be indigent. This funding would provide a consistent resource to provide individuals who are found to be incapacitated with legal representation as mandated in Utah Code 75-5-303(2), ensure individual needs and best interests are being met, and allow guardianship cases to proceed through the court system without unnecessary delay.

**6. Twenty-Five Judicial Assistants (Ron Gordon, Bart Olsen, and Jeremy Marsh “Presenters”)**

This is a request for ongoing funds in the amount of \$2.168M to increase the clerical staff of the judiciary to meet the needs of an increasing caseload.

Adding 22 JA’s, 2 JCM’s, and a TM will cost a total of \$2.168M.

- JA - \$84,700 x 22 positions = \$1,863,400
  - JCM - \$99,200 x 2 positions = \$198,400
  - TM - \$105,900 x 1 position = \$105,900
- Total – \$2,167,700

This is not a new project or program but a small expansion of our core workforce. The 25 new positions would be a 5% increase in our Judicial Assistant workforce.

**7. Appellate Court Judge (Nick Stiles “Presenter”)**

This request is for \$649,094 to fund a Appellate court judge. Utah created the seven-member Court of Appeals in 1987. The Court of Appeals has not added any new judges since its inception.

**8. Core Courthouse Workforce Retention (Ron Gordon, Bart Olsen, Jeremy Marsh, and Erin Rhead “Presenters”)**

This \$3M request seeks legislative funding for salary increases (both salary range and actual wages) to boost retention levels of the Judiciary’s core courthouse workforce. The Judiciary’s bench faces an increasingly difficult challenge to retain a sufficient level of institutional knowledge in its workforce. Over the last three years, the Judiciary has continued to face a stubbornly high turnover rate of around 21% in its core courthouse workforce.

**FY 2026 Legislative Requests – Ranking for the Judicial Council**

		BFMC Ranking
1.	IT Essential Software	4
2.	Juvenile Court Judicial Officers	5/6
3.	District Court Judicial Officers	5/6
4.	JWI Funding	7
5.	Signature Guardianship Program	8
6.	Twenty-Five Judicial Assistants	3
7.	Core Courthouse Workforce Retention	2
8.	Appellate Court Judge	1

**Motion:** After discussion, Justice Paige Petersen made a motion to approve the rankings as shown above and forward the legislative requests and BFMC ranking on to the Judicial Council. Judge Keith Barnes seconded the motion, and it passed unanimously.

**FY2025 Carryforward Request**

**12. Amended Q1/Q2 FY 2025 Performance Bonus Request (Karl Sweeney - “Presenter”)**

Karl Sweeney is requesting that the previously approved amount of \$450,000 for performance bonus payments be reduced to \$294,000. Due to various factors including a decrease in the 1x TOS rate in the last quarter of FY 2024 due to fewer vacant positions and some Courts supplemental funding to the JWI fund, we are lowering this request from \$450,000 to \$294,000 to match carryforward funds available. By the end of September 2024, if our FY 2025 forecast

supports it, we will bring back to BFMC/JC a YE 2025 1x Request of \$156,000 to increase the FY 2025 Q1/Q2 Performance Bonus funding back to a total of \$450,000.

**Motion:** Judge Keith Barnes made a motion to forward this carryforward request on to the Judicial Council with a recommendation to approve. Margaret Plane seconded the motion, and it passed unanimously.

<b>FY2025 YE Spending Request</b>
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**2. FY 2025 YE Spending Request – All Rise Utah Dinner (Jon Puente – “Presenter”)**

Jon Puente is requesting \$10,000 in 1x turnover savings to host the All-Rise Utah Project welcome dinner. This dinner introduces primarily first-year law students from all backgrounds to members of the bench and practicing lawyers to build their connections with the local legal community.

**Motion:** Margaret Plane made a motion to approve with the caveat that if the private sector steps up and funds it, those funds are used first. Justice Paige Petersen seconded the motion, and it passed unanimously.

<b>Grants</b>
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**2. Byrne Grant through CCJJ (Jordan Murray and Amy Hernandez – “Presenters”)**

The Domestic Violence Program requests approval to apply for Byrne State Crisis Intervention Program (SCIP) grant funding to build an improved protective order record validation process and support the Domestic Violence Criminal Compliance Docket Pilot Program (AKA the DV docket). The Domestic Violence Program plans to apply for \$500,000.

**Motion:** Margaret Plane made a motion to forward this grant application request on to the Judicial Council for consideration. Justice Paige Petersen seconded the motion, and it passed unanimously.

**4. New Business/Old Business**

Adjourned at 1:35 p.m.

Next meeting August 29, 2024

Tab 3



# Item 1



## FY 2025 Ongoing Turnover Savings as of 08/26/2024

			Actual		Forecasted
#		Funding Type	Amount YTD		Amount @ YE
	Net Carried over Ongoing Savings (from FY 2024)	Internal Savings	53,594		53,594
	Ongoing Turnover Savings FY 2025 (actual year-to-date)	Internal Savings	(30,610)		(30,610)
1	Ongoing Turnover Savings FY 2025 (forecast \$50,000 / month x 10 months remaining)	Internal Savings	-		500,000
	<b>TOTAL SAVINGS</b>		<b>22,984</b>		<b>522,984</b>
2	2025 Hot Spot Raises Authorized - renews annually until revoked		(81,008)		(200,000)
	<b>TOTAL USES</b>		<b>(81,008)</b>		<b>(200,000)</b>
<b>3</b>	<b>Total Actual/Forecasted Unencumbered Turnover Savings for FY 2025</b>		<b>(58,024)</b>		<b>322,984</b>

*Prior Report Totals N/A; this is the first report of FY 2025)*

- \* Ongoing turnover savings only happens when a vacant position is filled at a lower rate and / or with lower benefits.
- \* There are currently 23 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, 45.5 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 One Time Turnover Savings

**Updated as of Pay Period Ending 08/02/2024 (200 out of 2,088 hours)**

#		Funding Type	Actual Amount
1	One Time Turnover Savings (from actual payroll data versus budget as of PPE 08/02/2024)	Internal Savings	395,825
2	Est. One Time Savings for 1,888 remaining pay hours (1,888 @ \$1,200 / pay hour)	Internal Savings (Est.)	2,265,600
<b>Total Potential One Time Savings</b>			<b>2,661,425</b>

*Prior Report Totals (as of ESTIMATE)*

2,505,600

- 2 \$1,200/ pay hour represents the actual FY 2024 average; going with this conservative amount for the balance of the year.
- \* Actual per hour turnover savings for the last 3 pay periods (oldest to newest) are \$1,172 (1/2 pay period), \$2,201, and \$2,160. The average per hour turnover savings FY 2025 YTD is \$1,979.





## FY 2025 Year End Requests and Forecasted Available One-time Funds - Period 2

Forecasted Available One-time Funds			
	Description	Funding Type	Amount
	<b>Sources of YE 2025 Funds</b>		
*	Turnover Savings as of PPE 08/02/2024	Turnover Savings	395,825
	Turnover savings Estimate for the rest of the year (\$1,200 x 1,888 pay hours)	Turnover Savings	2,265,600
	<b>Total Potential One Time Turnover Savings</b>		<b>2,661,425</b>
	Less: Judicial Council Delegated to State Court Administrator for Discretionary Use		(250,000)
(a)	<b>Total Potential One Time Turnover Savings Less Discretionary Use</b>		<b>2,411,425</b>
	<i>Operational Savings From TCE / AOC Budgets - Estimate</i>	<i>Internal Operating Savings</i>	<b>800,000</b>
	<i>Reserve Balance (balance from FY 2024 Carryforward)</i>	<i>Judicial Council Reserve</i>	<b>847</b>
	<i>Anticipated Reserve Uses - including previously approved and pending requests</i>	<i>Jud. Council Reserve Uses</i>	-
(b)	<b>Total Operational Savings and Reserve</b>		<b>800,847</b>
(c)	<b>Total of Turnover Savings &amp; Operational Savings = (a) + (b)</b>		<b>3,212,272</b>
	<b>Uses of YE 2025 Funds</b>		
(e)	Carryforward into FY 2026 (Anticipate request to Legislature for \$3,200,000)	FY 2026 Carryforward	(2,500,000)
	<b>Total Potential One Time Savings = (c) + (d) less Carryforward (e)</b>		<b>712,272</b>
	<b>Less: Judicial Council Requests Previously Approved</b>		<b>(461,427)</b>
	<b>Remaining Forecasted Funds Available for FY 2025 YE Spending Requests</b>		<b>250,845</b>

	# One-time Spending Plan Requests	Adjusted Requests	Judicial Council Approved
		Amount	Amount
1	Tooele Courtroom Construction Contingency (10%)	\$ -	451,427
2	All Rise Utah Welcome Dinner	\$ -	10,000
	<b>Previously Approved 1x FY 2024 YE Spending Request</b>	-	461,427

Updated 8/26/2024

- \* Actual per hour turnover savings for the last 3 pay periods (oldest to newest) are \$1,172, \$2,201, and \$2,160. The average per hour turnover savings YTD was \$1,979.
- (b) Estimate only; Operational Savings from TCE / AOC Budgets will be updated in January / February 2025. FY 2024 operational savings were \$1.3M.



## ARPA Expenses as of 8/26/2024 (period 2 not closed)

	A	B	C	D	E	F	G
	Judicial Council Approved	Actual FY 2022 Expended	Actual FY 2023 Expended	Actual FY 2024 Expended	Actual FY 2025 Expended	Total Expended Amount	Balance Available
IT Access to Justice - Part I + II	12,373,400	3,042,467.67	4,613,254.75	3,075,857.40	124,875.00	10,856,454.82	1,516,945.18
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	152,863.52	-	324,500.00	-
<b>TOTAL</b>	<b>15,000,000</b>	<b>3,750,430.78</b>	<b>5,792,026.58</b>	<b>3,815,722.46</b>	<b>124,875.00</b>	<b>13,483,054.82</b>	<b>1,516,945.18</b>

*Expenditures added since last report: \$ 124,875.00*

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

### Historical Trends

#### IT Access to Justice Use - Last 3 Periods

Period 13	Period 1	Period 2
\$ 60,342.30	\$ 51,245.00	\$ 73,630.00

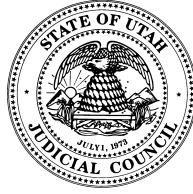
#### Legal Sandbox - Last 3 Periods

Period 13	Period 1	Period 2
\$ 10,384.62	\$ -	\$ -

Period 1 and 2 Expenses \$ 124,875.00

TOTAL INCREASE FROM PRIOR TOTAL EXPENDED AMOUNT: \$ 124,875.00

Tab 4



# Administrative Office of the Courts

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

August 6, 2024

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

## MEMORANDUM

**TO: Judicial Council**

**FROM: Daniel Meza Rincón, Deputy Juvenile Court Administrator  
Keri Sargent, Deputy District Court Administrator**

**RE: Definition of “Minimal” in CJA Rule 4-202.08(10)(A)(i)**

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This memorandum is being submitted to the Judicial Council to seek approval of the recommendations from the Budget and Fiscal Management Committee to define “minimal” for purposes of UCJA 4-202.08(10)(A)(i) as anything \$10 or less, and to further amend UCJA Rule 4-202.08 so that the fee for copies of audio records shared via the FTR cloud can be reduced. The history behind this request is set forth below.

[UCJA Rule 4-202.08](#) applies to all courts of record and not of record and to the Administrative Office of the Courts (AOC). Its intent is to establish uniform fees for requests for records, information, and services. Subsection (10), “Waiver of fees” has historically been interpreted and applied differently throughout the state. On December 1, 2023, the Trial Court Executive (TCE) group tasked the Clerk of Court (CoC) group to create a proposal to define “minimal” to remedy the disparate interpretations and applications of this rule statewide. Both groups and the AOC agree that uniformity throughout the state in the application of these waivers of fees is important.

UCJA 4-202.08(10)(A) and (10)(A)(i) state:

*(10)(A) Subject to (10)(B), fees established by this rule, other than fees for public online services, shall be waived for:*

*(10)(A)(i) any government entity of Utah or its political subdivisions if the fee is minimal;*

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.

In January of 2024, the CoC group agreed on the following proposed definition of “minimal” and application of the rule: any request for court records, by any government entity of Utah or its political subdivisions, totaling less than \$10 per transaction.<sup>1</sup>

The CoC group discussed that this waiver would not apply to requests for either certified or exemplified copies of a document as these fees are not established by UCJA 4-202.08 but rather by [Utah Code 78A-2-301](#).

This proposed definition of the word “minimal” for UCJA 4-202.08(10)(A)(i) was considered and approved by the TCE group on February 2, 2024.

AOC Juvenile Court and District Court administration then collaborated with the Accounting Manual Committee to ensure this direction was memorialized in the manual. The Accounting Manual Committee proposed an update to accounting manual policy [02-10.09 Miscellaneous Payments](#). The proposed update is as follows:

*Government agencies requesting copies shall have the fees waived if the fee is minimal. By policy, minimal is defined to mean fees less than \$10.00 per transaction. Certified or exemplified copy fees cannot be automatically waived as they are established by the legislature and not by court rule. This does not prohibit a state agency from filing a motion/order to waive fees.*

This proposed accounting manual change, along with the proposed definition of “minimal,” was presented to the Budget and Fiscal Management Committee (Committee) for review and approval on June 10, 2024. The Committee requested more information regarding current practices in order to better assess the impact of this change. The Committee further highlighted the need to give stakeholders ample notice of any potential changes that may result from this policy change. The accounting manual change was not approved at that time.

At the request of the Committee, districts were surveyed and asked the following questions. Their responses and observations from the AOC are as follows:

**1. How do you currently define "minimal" when complying with [CJA Rule 4-202.08\(10\)\(A\)\(i\)](#)**

Most of the districts treat all requests from a governmental agency as minimal and thus waive the associated fees. One district reported not waiving fees for audio recordings for multi-day trials. Three districts have specific guidelines:

- Anything below \$25 per transaction or request.
- Anything below \$100 in a month per agency.
- Anything below \$50 in a month per agency.

If the definition of “minimal” is set as any request for court records totaling less than \$10 per transaction, this would impact many state agencies in some districts whose requests

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<sup>1</sup> In deciding to recommend the \$10 amount, the CoC group observed that this dollar amount is in line with several accounting policies, such as [02-14.00 Credits](#) which allows teams to waive fine/interest on certain cases in the amount of less than \$10, without a court order, and [02-8.00 Overpayments](#), which notes that “all overpayments which are \$10 or less will be retained as revenue and distributed to the miscellaneous revenue account, unless a refund is requested by the payer.”

may be completely waived right now. This survey response also highlights the need for a more consistent approach to the application of CJA Rule 4-202.08(10)(A)(i).

**2. What entities do you currently waive fees for under CJA Rule 4-202.08(10)(A)(i)?**

Districts reported waiving fees for the following: Prosecutors (County/District Attorneys), Attorney General’s Office, Guardian Ad Litem, DCFS, AP&P and other Probation Agencies, FBI, BCI, State Police/Law Enforcement Agencies, Defense Attorneys/Public Defenders (UJDA), ORS, and Out of State Government Agencies.

CJA Rule 4-202.08(10)(A)(i) notes that for “any government entity of Utah or its political subdivisions if the fee is minimal” fees should be waived. Waiving fees for out of state government agencies may be a practice that needs to be corrected.

**3. On average how much are you waiving a month per agency? Is this for audio or copy fees? Can you provide a rough estimate? [Please list agency and estimated amount]**

There is no uniform way of tracking these waivers across the state. The table below summarizes information provided by the districts. These are averages.

<b>District</b>	<b>Juvenile Court</b>	<b>District Court</b>
<b>1st</b>	Not currently tracking	Not currently tracking
<b>2nd</b>	10 audio requests and 10 copy requests mainly from the Guardian Ad Litem’s Office and the Attorney General’s Office	AP&P: 5 copies Prosecutors: 100 certified copies, 8-9 audio requests FBI: 85 copies Out of State: 30 copies BCI: 10 copies AG: 2 audio requests, 10 copies
<b>3rd</b>	AG: \$120 in audio, \$20 copies. UJDA: \$45 audio GAL: \$30 audio	Not currently tracking. All copy fees are waived.
<b>4th</b>	On average 40-45 requests per month that includes certified copy requests from DCFS and limited audio requests.	Information not available

<b>5th</b>	On average 10 requests are waived per month.	On average 15 requests are waived per month.
<b>6th</b>	On average around \$50 per month (audio for public defenders, certified copies for AAGs)	
<b>7th</b>	On average \$30 per month for county attorney's offices. (audio fees for prosecutors)	
<b>8th</b>	An estimated \$50 a month [certified/exemplified copies for prosecutors and audio copies for the AAGs and GALs]	

Many districts currently waive requests for audio, and certified/exemplified copies for state agencies. With the proposed definition of “minimal” all state agencies would be impacted as requests for an “electronic copy of audio record or video record of court proceeding” is “\$15.00 for each one-half day of testimony or part thereof.” State agencies have already begun to be impacted as districts realized that UCJA Rule 4.202.08 does not apply to certified and exemplified fees.

**4. How do you currently track these requests and waivers?**

Six districts do not currently track these waivers or requests. Five districts only track requests for audio outside of the case management systems. One district tracks requests in CARE by creating the fees and then decreasing them. The fact that this is not being tracked appears related to the fact that there are no consistent statewide practices.

HB531, which was passed during the 2023 legislative session, requires the judiciary to report on waived fees, among other things, which adds to the importance of tracking these waived fees.

**5. Have you had local conversations with partners about the proposed change and what if any feedback have you received?**

Five districts report providing some notification to partner agencies. No district reported receiving any feedback from them. Internal feedback received includes:

- Implementation of this change may result in an increased number of fee waiver requests that require judicial review and staff time that may surpass the financial savings if the minimal amount is too low.
- Outside agencies may think that a \$10 definition of minimal sounds arbitrary because the accounting manual is an internal policy and they may think we set it intentionally below the \$15 audio fee so that we could charge for those.

- The Attorney General's Office understood the change in charging for certified and exemplified copies but noted concerns having to pay for audio fees when they are being asked to prepare orders.
- 6. **It's been reported that providing copies of audio records via FTR cloud is much easier than making copies in CDs/USBs. Copies of audio recordings are \$15 per unit according to Rule 4-202.08(3)(C). How much do you think a copy of a hearing should cost if shared via FTR cloud?**

Districts provided the feedback that copies of audio records shared via the FTR cloud is in fact easier than providing them using CDs or USBs. They recommend these be free or \$5 since they are sent or shared via email. One district noted that fees to send a document by email is \$5.00 for 10 pages or less, and that it takes about the same amount of time to share audio records via the FTR cloud. Districts agreed that if fee payments ought to match work input then the amount charged for these should be lowered.

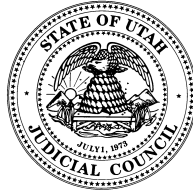
At the July 8, 2024 Budget and Fiscal Management Committee Meeting, the Committee considered these responses and recommended that this be forwarded to the Judicial Council for final approval. Their recommendations included:

- Defining minimal in the accounting manual as anything \$10 or less. A slight change in definition from the initially proposed definition of "anything less than \$10 per transaction."
- That this change be accompanied by an amendment to CJA Rule 4-202.08(10)(A)(i) so that the fee for copies of audio records shared via the FTR cloud can be reduced.

Based on the foregoing, we respectfully request the Council adopt the recommendations of the Committee.



Tab 5



# Administrative Office of the Courts

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

August 1, 2024

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

## MEMORANDUM

**TO:** The Judicial Council

**FROM:** Ron Gordon (State Court Administrator), Lauren Anderson (Judicial Institute Director), Tonia Wilson (Judicial Educator), and Amy Hernandez (Domestic Violence Program Manager)

**RE:** Proposed Judicial Education Program Required by HB 272

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During the 2024 session, the legislature passed [HB 272](#) to address the protection of children in district court proceedings involving child custody and parent-time issues. In addition to imposing specific requirements for evidence admission and orders in these cases, HB 272 requires the state court administrator to develop a judicial education program. This judicial education program must strengthen the courts' ability to identify domestic violence and child abuse in child custody proceedings and make custody decisions that "prioritize a child's physical and psychological safety and well-being" ([UCA 78A-2-232\(2\)\(a\)](#)).

The state court administrator must present this proposed judicial education program to the Judiciary Interim Committee by the committee's September interim meeting. To prepare for this presentation, we are seeking the Judicial Council's feedback on the proposed program and the four key presentation topics required by HB 272.

We anticipate that this judicial education program will be carried out over 18 months to two years with assistance from local and national technical assistance providers. This program will provide training about domestic violence, child abuse, and how the courts can address these issues in civil cases. The training options will range from basic, introductory trainings to in-depth and advanced trainings to meet the diverse needs and backgrounds of Utah's judicial officers.

To comply with HB 272 requirements and ensure an effective education program, we are proposing the following:

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.

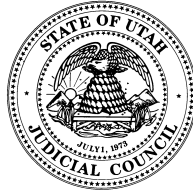
1. specific personnel positions that will be required to participate in the program:
  - a. Judicial Education Department Team,
  - b. Domestic Violence Program Manager,
  - c. Grants Coordinator (i.e., grants may be needed to fund the program),
  - d. District Court Administrative Team and
  - e. Self-Help Center Team (i.e., to provide training and guidance for working with self-represented court patrons).
2. performance metrics for the program and how those metrics may be tracked:
  - a. increased knowledge tracked by pre and post knowledge assessment outcomes.
  - b. improved judicial skills in cases involving parent-time and custody decisions tracked by implementation survey responses.
  - c. the implementation of trauma-informed care practices tracked by a completed trauma-informed care audit (whether conducted by the AOC or Trauma-Informed Utah),
  - d. improved domestic violence, child abuse, and procedural justice outcomes for court patrons tracked by court patron feedback collected through:
    - i. survey responses and
    - ii. focus groups conducted by the Utah Domestic Violence Coalition.
3. an estimate of the costs to implement the program:
  - a. Low range: \$5,000<sup>1</sup>
    - i. online, on-demand content
  - b. High Range: \$160,000
    - i. \$50,000 for conference costs (includes speaker fees, lodging, per diem, and travel costs for judicial officers)
    - ii. \$110,000 for a position within the Utah Domestic Violence Coalition to manage and conduct the focus groups
4. an identification of potential grant sources, if any, that may be available to fund the program in whole or in part.
  - a. STOP Abuse Formula Program Grant,
  - b. Justice for Families Program Grant,
  - c. State Justice Institute Curriculum Adaptation & Training Grant, and
  - d. Disability Program Grant.

We look forward to getting your feedback on the proposed education program; thank you.

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<sup>1</sup> This cost may be feasible if national technical assistant providers use their grant funding to assist the courts with training.

Tab 6



# Administrative Office of the Courts

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

August 22, 2024

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

## MEMORANDUM

**TO: Judicial Council**

**FROM: Shane Bahr, District Court Administrator**

**RE: Certification of Court Commissioners**

### A. COURT COMMISSIONER REAPPOINTMENTS

The court commissioner evaluation and retention processes are governed by the following Utah Code of Judicial Administration rules:

- [Rule 3-111](#): governs court commissioner performance evaluations.
- [Rule 3-201](#): governs the retention of court commissioners.

The Judicial Council is responsible for recertifying court commissioners whose terms expire December 31. The following court commissioners are up for recertification and are seeking retention:

#### Court Commissioners:

Last Name	First Name	Salute	Geographic Division	Term Start	Term End
Winkler	Julie	Commissioner	First and Second Judicial Districts	2/1/2022	12/31/2024
Luhn	Kim M.	Commissioner	Third Judicial District	1/1/2021	12/31/2024
Snow	Marla	Commissioner	Fourth Judicial District	12/17/2021	12/31/2024

The Judicial Council shall determine whether the court commissioners meet the standard of performance as provided in Rule 3-111.

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.

According to the information reported in the self-declaration form, surveys and annual performance evaluations Commissioner Julie Winkler, Commissioner Kim M. Luhn, and Commissioner Marla Snow meet the standard performance standards in the following areas:

- Survey scores
- Judicial education records
- Self-declaration
- No formal or informal sanctions
- Performance evaluations, if the court commissioner received an overall rating of Needs Improvement
- Other information requested by the Council

## **B. THE COMMISSIONER CERTIFICATION PROCESS**

At its July meeting the Council begins the process of determining whether a commissioner whose term of office expires that year meets performance standards established in UCJA Rule 3-111. In a closed session the Council considers the information provided by the Administrative Office and makes a preliminary finding whether a court commissioner has met performance standards.

The Council may consider the information regarding each court commissioner in an executive session, but your decision of whether to certify must be made at a public hearing.

If a court commissioner meets all certification standards, it is presumed that the Council will certify the individual for retention. If the court commissioner fails to meet all the standards, it is presumed the Council will not certify the individual. However, the Council has the discretion to overcome a presumption against certification upon a showing of good cause. Before declining to certify a commissioner, the Council must invite them to meet in closed session at the August meeting to present evidence and arguments of good cause. If the Council declines to certify a court commissioner, the person will not be retained after the end of his or her term of office.

At the August Council meeting in open session, a final certification decision is made regarding all commissioners whose terms of office expire December 31<sup>st</sup> of that year.

Any court commissioner certified by the Council will be sent to the judges of the commissioner's district for a decision. Retention is automatic unless the judges in the district decide to not retain.

## **C. PERFORMANCE STANDARDS FOR COMMISSIONERS**

### **i. Attorney Survey of Court Commissioners**

A satisfactory score for an attorney survey question is achieved when the ratio of favorable responses is 70% or greater. A court commissioner's performance is satisfactory if at least 75% of the questions have a satisfactory score; and the favorable responses when divided by the total number of all responses, excluding "No Personal Knowledge" responses, is 70% or greater.

### **ii. Cases Under Advisement**

A case is considered to be under advisement when the entire case or any issue in the case has been submitted to the court commissioner for final determination. The Council shall measure satisfactory performance by the self-declaration of the court commissioner or by reviewing the records of the court.

A court commissioner in a trial court demonstrates satisfactory performance by holding:

- no more than three cases per calendar year under advisement more than 60 days after submission; and
- no case under advisement more than 180 days after submission.

**iii. Education**

Court commissioners must comply annually with judicial education standards, which is at least 30 hours of continuing education per year.

**iv. Substantial Compliance with the Code of Judicial Conduct**

A commissioner's performance is satisfactory if the commissioner's response in their self-declaration form demonstrate substantial compliance with the Code of Judicial Conduct, and if the Council's review of formal and informal sanctions leads you to conclude the commissioner is in substantial compliance with the Code of Judicial Conduct.

**v. Physical and Mental Competence**

If the response of the court commissioner demonstrates physical and mental competence to serve in office and if the Council finds the responsive information to be complete and correct, the commissioner's performance is satisfactory.

**vi. Performance Evaluations of Commissioners**

Performance evaluations are required annually for all court commissioners. The presiding judge is to provide a copy of each commissioner evaluation to the Judicial Council.

Tab 7



1 **Rule 4-401. Proceedings conducted by remote transmission**

2  
3 **Intent:**

4  
5 To ensure the security of remote court proceedings.

6  
7 **Applicability:**

8  
9 This rule applies to courts of record and not of record.

10  
11 **Statement of the Rule:**

12  
13 **(1) Definitions.**

14  
15 (1)(A) “**Court proceeding**” means any trial, hearing or other matter involving a  
16 participant.

17  
18 (1)(B) “**Participant**” means the same as that term is defined in Rule 87 of the Utah  
19 Rules of Civil Procedure, Rule 17.5 of the Utah Rules of Criminal Procedure, or Rule 61  
20 of the Utah Rules of Juvenile Procedure.

21  
22 (1)(C) “**Remote**” or “**Remotely**” means a judge, participant, or court staff assisting with  
23 the proceeding will appear by video conference or other electronic means approved by  
24 the court.

25  
26 **(2) Video conferencing platforms.**

27  
28 (2)(A) All remote court proceedings will be conducted exclusively via a video  
29 conferencing platform approved by the Management Committee (such as Webex  
30 webinars) where the Court can better control the behavior of those attending remotely  
31 (such as locking audio and video).

32  
33 (2)(B) Remote court proceedings may not be conducted via a video conferencing  
34 platform not approved by the Management Committee (such as Webex meetings and  
35 Webex personal rooms) where the Court cannot adequately control the behavior of  
36 those attending remotely (such as locking audio and video).

37  
38 **(3) Exceptions.**

39  
40 (3)(A) The Management Committee may grant exceptions for nonpublic remote court  
41 proceedings.

42  
43 (3)(B) Courts granted an exception under paragraph (3)(A) must ensure the remote court  
44 proceeding is locked. Links to those proceedings may not be shared publicly, but judges  
45 may grant permission to share the links with participants or other interested individuals.

46

47 (4) **Links.** Links to public remote court proceedings conducted via a video conferencing platform  
48 described in paragraph (2) must be made available to the public unless otherwise ordered by  
49 the court. Exceptions may be granted by the Management Committee.

50

51 *Effective: November 1, 2024*