

**JUDICIAL COUNCIL MEETING
Minutes**

September 10, 2024

**Meeting held through Webex
and in person**

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

12:00 p.m. – 1:10 p.m.

Chief Justice Matthew B. Durrant, Chair, Presiding

Members:

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

Presenters:

Amy Hernandez
Alisha Johnson
Jordan Murray
Bart Olsen
Daniel Meza Rincon
Keri Sargent
Karl Sweeney

AOC Staff:

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

Excused:

Hon. Ryan Evershed
Hon. David Mortensen, Vice Chair
Michael Drechsel

Guests:

Todd Eaton
Suzy Lee
Chris Palmer
Cindy Schut

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 Thomas Low made a motion to approve the August 23, 2024 meeting minutes. Judge Brian Brower seconded the motion, and the motion passed unanimously.

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

Chief Justice Durrant reported on the meeting with the Elected Officials and Judicial Compensation Commission (EJCC) regarding judicial salaries. He thanked Margaret Plane and Judge Paul Farr for their exceptional service on the Judicial Council, as their terms on the Council are ending.

3. STATE COURT ADMINISTRATOR'S REPORT: (Ro Gordon)

Mr. Gordon discussed the National Center for State Courts (NCSC) Cyber Security Workshop he attended last week in Sun Valley, Idaho with Neira Siaperas, Brody Arishita, Stacy Haacke and Judge James Gardner, expressing appreciation for having Mr. Arishita at the head of the judiciary's IT department. He added that the IT Team does a wonderful job with the resources they are given, and highlighted some key points learned from the conference. Mr. Gordon emphasized that there is always more that can be done to protect the judiciary from the cybersecurity threats that are out there.

4. COMMITTEE REPORTS:

Management Committee Report:

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

Budget & Fiscal Management Committee Report:

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

Liaison Committee Report:

The committee will be meeting later in the week to start preparing for the upcoming legislative session.

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 Fall Forum registration is filling up quickly, and there will be a reception at the Bar to celebrate 50 years in law related education coming up on September 19th from 4:30-6:30pm.

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

Alisha Johnson shared the financial reports.

FY 25 Ongoing Turnover Savings

#	Description	Funding Type	Actual	Forecasted
			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
	TOTAL SAVINGS		22,984	522,984
2	2025 Hot Spot Raises Authorized - renews annually until revoked		(81,008)	(200,000)
	TOTAL USES		(81,008)	(200,000)
3	Total Actual/Forecasted Unencumbered Turnover Savings for FY 2025		(58,024)	322,984

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

FY 25 One-Time Turnover Savings

#	Description	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
Total Potential One Time Savings			2,661,425

Prior Report Totals (as of ESTIMATE)

2,505,600

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

Forecasted Available One-time Funds			
	Description	Funding Type	Amount
Sources of YE 2025 Funds			
*	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
	Total Potential One Time Turnover Savings		2,661,425
	Less: Judicial Council Delegated to State Court Administrator for Discretionary Use		(250,000)
(a)	Total Potential One Time Turnover Savings Less Discretionary Use		2,411,425
Operational Savings From TCE / AOC Budgets - Estimate			
	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)	Total Operational Savings and Reserve		800,847
(c)	Total of Turnover Savings & Operational Savings = (a) + (b)		3,212,272
Uses of YE 2025 Funds			
(e)	Carryforward into FY 2026 (Anticipate request to Legislature for \$3,200,000)	FY 2026 Carryforward	(2,500,000)
Total Potential One Time Savings = (c) + (d) less Carryforward (e)			712,272
Less: Judicial Council Requests Previously Approved			(461,427)
Remaining Forecasted Funds Available for FY 2025 YE Spending Requests			250,845

Updated 8/26/2024

6. MINIMAL FEE DEFINITION: (Keri Sargent, Daniel Meza Rincon)

Keri Sargent and Daniel Meza Rincon presented recommendations from the Budget and Fiscal Management Committee (BFMC) and Policy, Planning & Technology (PP&T) on defining “minimal” for the 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. Mr. Meza Rincon clarified that governmental agencies are the only entities who receive the waiver. Judge Samuel Chiara added that it is not clear why the judiciary began waiving those fees or how much in fees is waived every year and commented that the practice may need to be revisited.

Motion: Judge Low made a motion to approve the proposed definition of “minimal” including the reduction of audio record fees as requested. Judge Brower seconded the motion, and the motion passed unanimously.

7. EXTENSION OF QUALIFICATION OF OFFICE: (Ron Gordon)

Mr. Gordon discussed a timing issue that prevents newly appointed Judge Shawn Howell from taking the bench within 60 days of her confirmation. He asked the Council to approve an extension of that window to January 6, 2025.

Motion: Judge Gardner made a motion to extend the window for Judge Howell to take the bench to January 6, 2025. Judge Farr seconded the motion, and the motion was approved unanimously.

8. JUSTICE COURT JUDGE CERTIFICATION: (Jim Peters)

Jim Peters requested the certification of Justice Court Judge Aaron Randall. Judge Randall was selected by the Mayor of Washington City to take the bench, and has met all of the qualifications.

Motion: Judge Farr made a motion to approve the certification of Aaron Randall as a Justice Court Judge. Judge Jon Carpenter seconded the motion, and the motion passed unanimously.

9. REQUEST TO APPLY FOR THE COOK COUNTY MODEL: (Amy Hernandez)

Amy Hernandez requested approval from the Council to apply for a Child Related Relief in Civil Protection Orders program, a pilot program from the National Council for Juvenile and Family Court Judges. She shared that there is a small amount of money that the National Council is giving to pilot sites to be able to mirror a model that has been set up by the Cook County Domestic Violence Courts in Illinois. She added that in this model, Cook County safety facilitators were able to collect related information for the judges who can then determine if a protective order will be granted, resulting in significant increases in child safety, and safety for both the petitioner and the respondent.

The Education Team has submitted a letter of interest to apply for the funding, and if Utah is deemed a potential candidate, Ms. Hernandez will return in October 2024 with information to apply, adding that the total grant amount for the program would be \$180k for three years, which would include travel costs for participating judges and staff to Cook County.

Motion: Judge Suchada Bazzelle made a motion to approve the request to apply for the Cook County Model as proposed. Ms. Plane seconded the motion, and the motion passed unanimously.

10. BUSINESS AND CHANCERY COURT SEAL: (Shane Bahr)

Shane Bahr shared a draft of the Business and Chancery Court seal, and asked for feedback from the Council. Mr. Bahr added that the seal design is the same as on seals for the Juvenile and District Courts, the only change is the court name and date.

Motion: Judge Susan Eisenman made a motion to approve the Business and Chancery seal as presented. Ms. Plane seconded the motion, and the motion passed unanimously.

11. COMMISSIONER RECERTIFICATION: (Shane Bahr)

Mr. Bahr presented the three court commissioners whose terms expire December 31, 2024 that are up for reappointment. This was discussed in a prior Council executive session but is being brought back to the group for a vote.

Motion: Judge Bazzelle made a motion to approve the reappointment of the three court commissioners as presented. Judge Low seconded the motion, and the motion passed unanimously.

12. VIRTUAL MEETING TECHNOLOGY: (Judge Samuel Chiara)

Judge Chiara presented proposed rule CJA 4-401, drafted by Keisa Williams, for discussion and direction to take back to PP&T. Judge Chiara's recommendation was that the rule should outline the goals of the meeting technology rather than identifying a specific vendor or platform to provide that technology. Mr. Gordon posed the question of whether the details should be outlined in the Code of Judicial Administration or in the contract with whatever vendor the AOC selects. Judge Gardner recommended that it be addressed in rule by simply stating that a uniform platform to be used across the judiciary for remote hearings, which will be approved by the Judicial Council or the Management Committee. Judge Farr expressed concern about Justice Courts all committing to a uniform platform since there isn't as much administrative oversight. Judge Michael DiReda suggested that IT be the body to vet the various platforms and to make the recommendations. Judge Gardner commented that IT doesn't necessarily understand the different nuances of each court and that there should be collaboration between IT and the governing committees. Mr. Arishita explained that there is already a process in place which begins with a recommendation from the Tech Advisory Committee that includes members of the different courts across the state, that is then forwarded to PP&T, ending with the Judicial Council for final approval. Several Council members agreed with the idea to have basic language stated in rule stating that a uniform platform must be used in all of the courtrooms.

13. OLD BUSINESS/NEW BUSINESS: (All)

There was no old or new business.

14. SENIOR JUDGE APPLICATION: (Neira Siaperas)

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

15. EXECUTIVE SESSION: (Chief Justice Matthew B. Durrant)

There was an executive session.

Motion: Judge Chiara made a motion that the Judicial Council finds that Judge James Brady meets qualifications for an active senior judge status. Ms. Plane seconded the motion, and the motion passed unanimously.

16. ADJOURN: (Chief Justice Matthew B. Durrant)

The meeting was adjourned.

CONSENT CALENDAR ITEMS

N/A