

**JUDICIAL COUNCIL MEETING  
Minutes**

**January 21, 2025**

**Meeting held through Webex  
and in person**

**Matheson Courthouse**

**9:00 a.m. – 12:05 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. Rita Cornish  
Hon. Michael DiReda  
Hon. Susan Eisenman  
Hon. Angela Foncesbeck  
Hon. James Gardner  
Hon. Thomas Low  
Hon. Brendan McCullagh  
Hon. Amber Mettler  
Justice Paige Petersen  
Kristin K. Woods

**Presenters:**

Lisa Watts Baskin  
Katy Collins  
Todd Eaton  
Jordan Murray  
Amy Hernandez  
Alisha Johnson

**AOC Staff:**

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

**Excused:**

Hon. Michael Leavitt

**Presenters (cont.)**

Jace Kinder  
Janine Liebert  
Mark Paradise  
Clayson Quigley  
Mary-Margaret Pingree  
Cris Seabury

**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 Brendan McCullagh made a motion to approve the December 16, 2024 Judicial Council meeting minutes. Judge Rita Cornish seconded the motion, and the motion passed unanimously.

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

Mr. Gordon shared that he, Chief Justice Durrant, Neira Siaperas, and Michael Drechsel met with the Speaker of the House and the President of the Senate, who shared some of the bills or ideas for bills that they were aware of. Mr. Gordon explained that the Speaker of the House was very candid with them and although the conversations were difficult, they were respectful and Chief Justice Durrant did an extraordinary job answering his questions.

Mr. Gordon, Neira Siaperas, and Karl Sweeney met with the chairs of the Judiciary's appropriation subcommittee, Senator Brady Brammer and Representatives Melissa Ballard and Matthew Gwynn, to have a preliminary discussion on the Judicial Council's budget requests. Mr. Gordon explained that this meeting happens every year and is a good opportunity to determine if there are any concerns the chairs have about the Judiciary's budget requests. He commented that it was an extremely difficult conversation, but that they are fortunate to now know about some of the detailed questions the subcommittee has before the full presentation is given in a couple of weeks. Mr. Gordon briefly discussed some of the main concerns, and explained that he, Mr. Sweeney and Ms. Siaperas are meeting with several of the directors tomorrow to make sure they have as much data as possible to be able to respond to the concerns. Mr. Gordon also shared that Judges Mandy Larsen and Suchada Bazzelle will attend the presentation to talk about the work of the Judicial Assistants and Probation Officers, and how they contribute to the Judiciary.

Mr. Gordon reported that the AOC has received a preliminary report on the System Review from the National Center for State Courts. The Steering Committee is currently reviewing the draft report. The final report will be presented to the Judicial Council in the next couple of months.

## **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:**

The Liaison Committee met twice during the past two weeks, and Mr. Drechsel has had some helpful conversations with legislators so far. There are two joint resolutions being considered to close various Justice Courts - Hyde Park and North Logan Justice Courts in Cache County, and the Salt Lake County Justice Court. The Liaison Committee is working through the fiscal implications of those closures to submit to the legislature. There is a judicial officer bill open that includes a Court of Appeals judge, five District Court judges, and two Juvenile Court judges. Mr.

Drechsel briefly discussed HB 49, which is about individuals with a felony conviction being eligible to be considered for jury service.

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

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

**Bar Commission Report:**

The Bar’s Legislative and Government Relations Committee has been meeting and reviewing any bills that might affect attorneys. Bar leadership met with the Governor a few weeks ago, and he expressed that he is opposed to any ideas regarding judicial elections.

**4. BUDGET & GRANTS: (Karl Sweeney, Alisha Johnson)**

Karl Sweeney and Alisha Johnson presented the financial reports.

**FY 2025 One Time Turnover Savings**

#		Funding Type	Actual Amount
1	One Time Turnover Savings (from actual payroll data versus budget as of PPE 11/08/2024)	Internal Savings	1,734,711
2	Est. One Time Savings for remaining pay hours (1,088 @ \$1,200 / pay hour)	Internal Savings (Est.)	1,305,600
<b>Total Potential One Time Savings</b>			<b>3,040,311</b>

*Prior Report Totals (as of 11/08/2024)* 3,053,690

**FY 2025 Ongoing Turnover Savings**

#		Funding Type	Actual Amount YTD	Forecasted Amount @ YE
	Net Carried over Ongoing Savings (finalized from FY 2024)	Internal Savings	140,594	140,594
	Ongoing Turnover Savings FY 2025 (actual year-to-date, Salary Differential only)	Internal Savings	400,673	400,673
1	Ongoing Turnover Savings FY 2025 (forecast \$50,000 / month x 6 months, Salary Differential only)	Internal Savings	-	300,000
	Benefit Differential Savings FY 2025 (will be recognized in this row starting in Q4)	Internal Savings	-	-
<b>TOTAL SAVINGS</b>			<b>541,267</b>	<b>841,267</b>
2	2025 Annual Authorized Hot Spot Raises		(115,189)	(200,000)
<b>TOTAL USES</b>			<b>(115,189)</b>	<b>(200,000)</b>
<b>Total Actual/Forecasted Unencumbered Turnover Savings for FY 2025</b>			<b>426,078</b>	<b>641,267</b>

*Prior Report Totals as of 11/26/2024* 313,068.35 559,373.25

## FY 2025 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 12/20/2024	Turnover Savings	1,734,711
	Turnover savings Estimate for the rest of the year (\$1,200 x 1,000 pay hours)	Turnover Savings	1,305,600
	<b>Total Potential One Time Turnover Savings</b>		<b>3,040,311</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>2,790,311</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>Received unclaimed property</i>	<i>Additional Revenue Received</i>	<b>718,154</b>
	<i>Anticipated Reserve Uses - including previously approved and pending requests</i>	<i>Jud. Council Reserve Uses</i>	<b>-</b>
(b)	<b>Total Operational Savings and Reserve</b>		<b>1,519,001</b>
(c)	<b>Total of Turnover Savings &amp; Operational Savings = (a) + (b)</b>		<b>4,309,312</b>
<b>Uses of YE 2025 Funds</b>			
(e)	Carryforward into FY 2026 (Anticipate request to Legislature for \$3,700,000)	<i>FY 2026 Carryforward</i>	<b>(3,200,000)</b>
<b>Total Potential One Time Savings = (c) + (d) less Carryforward (e)</b>			<b>1,109,312</b>
<b>Less: Judicial Council Requests Previously Approved</b>			<b>(617,427)</b>
<b>Less: Judicial Council Current Month Spending Requests</b>			<b>-</b>
<b>Remaining Forecasted Funds Available for FY 2025 YE Spending Requests</b>			<b>491,885</b>

Updated 01/06/2025

## Facilities Spending Plan for Large Projects FY25

### Facilities Spending Plan for Large Projects FY25 - 1/8/25 update

Credits in FY25 Only						Details
Richfield Bond	\$ 219,000					To be reallocated to Heber rent in FY26
Farmington Bond	\$ 399,000					To be reallocated to Heber rent in FY26
Heber Additional Rent	\$ 163,000					To be reallocated to Heber rent in FY26
50% Annual Carry Over	\$ -					
Court Complex Surplus*	\$ 800,000					Approved one-time for AF hearing room
<b>Sub Total</b>	<b>\$ 1,581,000</b>					
		(a)	(b)	(c)	b) - (a) or (c) - (a)	
<b>Projects</b>	<b>Budget</b>	<b>Actual To Date</b>	<b>Bid + 20% Contingency</b>	<b>(Under)/Over Budget</b>	<b>Contingency Available for Use</b>	
Provo FF&E	\$ 60,000	\$ 72,404		\$ 12,404		Completed
Heber FF&E **	\$ -	\$ -		\$ -		N/A
Manti Security Systems ***	\$ -	\$ -		\$ -		N/A
Manti FF&E Overage	\$ 72,000		\$ 86,400	\$ 14,400		Will be adjusted as construction is completed
Roosevelt Design and TI	\$ 269,274	\$ -		\$ (269,274)		Deferred until FY 2026
Provo AV Equipment	\$ 285,000	\$ 104,346		\$ (180,654)		Completed; \$224K actual - \$119K paid in FY24 = \$104K actual
Provo Security Equipment	\$ 42,000	\$ 81,963		\$ 39,963		Completed
Provo / AF Furniture Move		\$ 16,499		\$ 16,499		Completed
AOC 3rd Floor Furniture	\$ 167,000	\$ 174,993		\$ 7,993		Completed
AF Hearing Room Const	\$ 500,000		\$ 704,678	\$ 204,678		Will be adjusted as construction is completed
AF Chambers, Office & Support Space Const	\$ 275,000		\$ 330,000	\$ 55,000		Will be adjusted as construction is completed
AF FF&E	\$ 65,000	\$ 60,321		\$ (4,679)		Completed
AF AV, access, cameras and Cabling			\$ 161,598	\$ 161,598		Harris (\$9,684) and AV (\$124,981) only; will be adjusted as construction is completed
WJ Juv Shell Buildout	\$ 1,655,000		\$ 1,067,200	\$ (587,800)		Currently an estimate. Savings is expected; will be adjusted as construction is completed
WJ FF&E			\$ 3,578	\$ 3,578		recon \$2,982 + new; will be adjusted as construction is completed
WJ AV, Sec and Cabling			\$ 18,814	\$ 18,814		Harris (\$15,678); will be adjusted as construction is completed
Math 1st Floor Courtroom Const	\$ 720,000		\$ 739,680	\$ 19,680		inc 9K change order. Savings is expected; will be adjusted as construction is completed
Math 1st Floor Chambers & Support Spaces Const	\$ 309,000		\$ 370,800	\$ 61,800		Will be adjusted as construction is completed
Math AV, Sec and Cabling			\$ 159,446	\$ 159,446		AV \$116,177 + Harris \$16,695 + cabling; will be adjusted as construction is completed
Math 1st floor courtroom FF&E	\$ 95,000	\$ 65,553		\$ (29,447)		Completed
<b>Sub Total</b>	<b>\$ 4,514,274</b>	<b>\$ 576,079</b>	<b>\$ 3,642,194</b>	<b>\$ (296,001)</b>	<b>\$ -</b>	
Total Columns (b) + (c)			\$ 4,218,273			
<b>Total Over/Under Spend</b>	<b>\$ (2,933,274)</b>				<b>\$ (296,001)</b>	Contingency Eligible for Release
10% Contingency	\$ (451,427)				\$ (451,427)	Contingency Budget
<b>Total with 10% Contingency</b>	<b>\$ (3,384,701)</b>				<b>\$ (747,428)</b>	Contingency Available for Uncompleted Projects

## Grants

Amy Hernandez presented a request to apply for the Justice for Families Program Grant funding in response to HB 272's requirement for a judicial education plan. She explained that this would

be a three-year grant with a potential award of \$600,000 for the Judiciary to continue to train judges on domestic violence, child abuse and other topics in cases involving child custody divorces. This funding would also allow the Judiciary to partner with the Utah Domestic Violence Coalition and to fund a position that will conduct focus groups to gather feedback from marginalized populations.

**Motion:** Judge Thomas Low made a motion to approve the request to apply for the Justice for Families Program grant funding as presented. Judge McCullagh seconded the motion, and the motion passed unanimously.

Jordan Murray presented a request to table the acceptance of the \$180,000 Cook County Grant until next month after he and Ms. Hernandez have been able to evaluate some new information on the grant. He explained that there is an additional \$70,000 available to the courts through this award, which changes the original terms of the grant that was requested in November 2024.

**Motion:** Judge David Mortensen made a motion to defer the request to accept the Cook County Grant to the next month's meeting. Judge Cornish seconded the motion, and the motion passed unanimously.

#### **Grants Rule 3-411**

Mr. Murray asked for the Council's feedback on CJA 3-411 and the process of authorizing the acceptance of grant funds when the application was already approved by the Council. Judge Mortensen and Judge James Gardner briefly summarized the discussion that put the rule guardrails in place to allow for ample time for review and discussion. Judge Mortenson commented that if none of the terms of the grant have changed since it was originally approved by the Judicial Council, then it should be able to go on the Council's consent agenda rather than the full agenda. If the terms have changed since the Council initially approved the grant application, then the item would need to be brought back to the Council for consideration. Judge McCullagh recommended that the language in the rule be reviewed by Policy, Planning and Technology (PP&T) committee for improved efficiency.

**Motion:** Judge Mortensen made a motion to refer CJA Rule 3-411 back to PP&T committee to discuss potential streamlining, as discussed. Judge Gardner seconded the motion, and the motion passed unanimously.

Judge Low recommended that the Management Committee be able to place grant acceptance authorizations on the Judicial Council's consent calendar until PP&T has a chance to review the rule. The Committee members were comfortable with that recommendation.

#### **5. AUTHORIZATION TO FILL COMMISSIONER VACANCY: (Mark Paradise)**

Mark Paradise requested authorization to fill Commissioner Michelle Tack's vacancy, who will be retiring May 31, 2025.

**Motion:** Judge Mortensen made a motion to approve the request to fill a Commissioner vacancy in the 3<sup>rd</sup> District. Judge Gardner seconded the motion, and the motion passed unanimously.

#### **6. RULES FOR FINAL APPROVAL: (Keisa Williams)**

Keisa Williams presented CJA rules 3-302, 3-303, and 4-401 for final approval, for which only one public comment was received. The PP&T committee reviewed the comment and did not make any changes based on that comment. Ms. Williams recommended these rules be adopted as final with an effective date of May 1, 2025.

**Motion:** Judge Cornish made a motion to approve the three rules with the effective date of May 1, 2025. Judge McCullagh seconded the motion, and the motion passed unanimously.

#### **7. IT UPDATE 2024: PROJECTS AND ARPA: (Brody Arishita, Todd Eaton, Clayson Quigley, Jace Kinder)**

Brody Arishita, Todd Eaton, Clayson Quigley and Jace Kinder presented a 2024 update and discussed the IT projects going forward.

#### **8. INTERIM GENERATIVE AI RULES: (Keisa Williams, Judge James Gardner)**

Judge Gardner explained that the PP&T committee has been attempting to draft some preliminary rules on the use of AI in the Judiciary, and the possibility and cost of purchasing a closed AI software version. Judge Michael DiReda recommended that the AOC schedule a demonstration of all the available AI tools to educate judges and staff on how to use them appropriately. Judge Susan Eisenman suggested that the training could be held at the next annual Judicial Conference. Judge Gardner recommended an ad hoc workgroup be created to work through some of the issues.

**Motion:** Judge Low made a motion to approve the creation of a subcommittee consisting of suitable representation to investigate the appropriate uses and controls of the use of AI in the Judiciary, and to draft a rule proposal. Judge Brower seconded the motion, and the motion passed unanimously.

#### **9. LEGISLATIVE UPDATES: (Michael Drechsel)**

Michael Drechsel shared that he's excited about this legislative session and to represent the Council and the Liaison Committee before the legislature. Mr. Drechsel shared that there are a lot of criminal justice bills and enhancements for criminal offenses, but he hasn't seen anything so far that deals with the Judiciary's procedures directly. He added that he's received great feedback from judges on the bill summaries he has emailed out and appreciates their efforts.

Judge Low asked Mr. Drechsel to discuss two items that are before the legislature, live streaming in court proceedings and class A misdemeanors returning to a 365-day sentence. Mr. Drechsel gave the following updates on those topics:

- One of the legislators' constituents reached out and asked for more transparency in the courts, suggesting the live streaming of court proceedings. The legislator is not interested in running a bill, but will be seeking funding from the legislature for the project. If granted, the Judiciary would then be responsible to use the funding for implementation. There are several issues with live-streaming courtroom proceedings, but the main challenge is getting funding for the IT investment.

- The issue of class A misdemeanors returning to a 365-day sentence deals with immigration and would make it possible for immigrants found guilty of a class A misdemeanor to be deported.

**10. JPEC REPORT: (Mary-Margaret Pingree, Lisa Watts Baskin)**

Mary-Margaret Pingree introduced Lisa Watts Baskin, who is a new JPEC commissioner. Ms. Pingree presented the results from the 2024 retention election, sharing that all 50 judges on the ballot were retained. She shared the following concerns she'd heard during the election:

- **Voters don't use the evaluation date.** The data evaluated showed a correlation between a judge's total score and a "yes" vote. This affirms that voters do actually look at the data.
- **People don't even bother to vote on judges.** The data showed that 83% of voters voted on judges.
- **All judge reports are positive, there's no differentiation.** If a judge receives an unfavorable evaluation, the judge typically resigns rather than stand for retention. JPEC is trying to communicate this information more openly.

**11. TREATMENT COURT RECERTIFICATION: (Cris Seabury, Katy Collins)**

Cris Seabury presented the recertification report for the Seventh District, Carbon County Treatment Court under Judge Cas White and requested recertification for this court.

**Motion:** Judge Eisenman made a motion to recertify the Seventh District Treatment Court. Judge Cornish seconded the motion, and the motion passed unanimously.

**12. CONSENT CALENDAR: (Chief Justice Matthew B. Durrant)**

**Motion:** Judge Mortensen made a motion to approve the items on the consent calendar. Judge Brower seconded the motion, and the motion passed unanimously.

**13. OLD BUSINESS/NEW BUSINESS: (All)**

Judge DiReda discussed the need to provide a translation of the protective order form for Spanish speaking court patrons, adding that it is a safety concern on both sides of the protective order if the recipient doesn't understand what it means. Judge McCullagh added that there are other forms that have been translated into Spanish, and recommended that the protective order form be added to that list.

**Motion:** Judge DiReda made a motion to have the Protective Order and the Civil Stalking Injunction forms translated into Spanish. Judge Cornish seconded the motion, and the motion passed unanimously.

Mr. Gordon introduced Janine Liebert, the Judiciary's new Self-Help Center/Law Library Director. She came to the Utah Judiciary from the Los Angeles Law Library, the second largest law library in the country.

**14. ADJOURN: (Chief Justice Matthew B. Durrant)**

The meeting was adjourned.

**CONSENT CALENDAR ITEMS**

1. Rules for Public Comment
2. Form Updates
3. New Juvenile Probation Policy
4. Forms Committee New Membership