

JUDICIAL COUNCIL MEETING
Minutes

April 28, 2025

**Meeting held through Webex
and in person**

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

12:00 p.m. – 2:25 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 Fonnesbeck
Hon. Michael Leavitt
Hon. Thomas Low
Hon. Brendan McCullagh
Hon. Amber Mettler
Kristin K. Woods

Presenters:

Judge Kate Appleby
Todd Eaton
Debbie Jacobsen
Alisha Johnson
Bryson King
Jordan Murray
Bart Olsen
Kim Ostler

AOC Staff:

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

Excused:

Hon. James Gardner
Justice Paige Petersen

Presenters (cont.)

Jon Puente
Nini Rich
Abram Sherrod
Jeremy Thornock
Mark Urry
Jessica Vasquez-Leavitt

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 Jon Carpenter made a motion to approve the March 13, 2025 meeting minutes. Judge Angela Fonnesbeck seconded the motion, which passed unanimously.

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

Ron Gordon noted two successful court level spring conferences for the District Court judges in Park City and the Justice Court judges in St. George, and expressed appreciation for the education team's and the committees' planning efforts. He added that the Juvenile Court Judges Conference is scheduled for later this week in Cedar City.

Mr. Gordon shared a recommendation regarding judicial officer retirement notice periods, suggesting eight months' notice is helpful for filling vacancies more promptly, rather than the historically recommended six months notice. He discussed the possibility of exploring statutory changes to allow judges some period of overlap or shadowing, which has also been discussed by the Board of District Court Judges, and will potentially be referred to the Policy, Planning, and Technology (PP&T) Committee for further discussion.

Mr. Gordon reported on the progress of the Judiciary's two AI committees (legal research tools for judges/law clerks and tools for staff), noting two recent half-day seminars with the staff committee that really helped to plan a vision and implementation strategy.

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:

Judge Thomas Low shared some of the upcoming interim study items for the Liaison Committee in preparation for the 2026 legislative session.

Policy, Planning, and Technology Committee Report:

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

Bar Commission Report:

The Utah Bar elected attorney Tyler Young from Utah County to be the next Bar president following Kim Cordova. On June 26, 2025, the Bar will have their annual meeting at This is the Place Monument. The Bar is preparing to ask the Supreme Court for a Bar due increase in 2028, increasing the fee from \$425 to \$489. The Bar has been involved in a lawsuit for several years and oral arguments before the 10th Circuit Court will take place this fall. 2026 will be the Utah

Bar's 95th anniversary, and they will hold a celebration in Sun Valley, Idaho for the convention that summer. Utah members of a nationwide group called Lawyers for Good Government plan to participate in some gatherings at the Utah State Capitol on May 2nd to retake their oaths as attorneys.

4. COURTROOM ART POLICY: (Chris Talbot, Holly Albrecht)

Chris Talbot discussed a newly drafted art policy relating to artwork displayed in courtrooms, which are currently on loan from Arts and Museums. Mr. Talbot explained that over the past six months, the number of artwork in courtrooms has doubled, some judges having selected up to 16 or 18 pieces per courtroom. He shared that the drafted policy addresses the appropriateness and number of pieces, the location, size and content parameters, adding some leeway for Juvenile Court courtrooms. Mr. Talbot added that the request procedure would involve the AOC guiding the process with Arts and Museums. Currently displayed artwork would be grandfathered in so that current art will not be removed, but that courtrooms would be reset according to policy once a judge is reassigned and the courtroom becomes available. Judge Brendan McCullagh recommended that PP&T review and finalize the policy before being adopted by the Judicial Council.

Motion: Judge McCullagh made a motion to approve the creation of a Courtroom Art Policy and that the draft be referred to PP&T for further discussion. Judge Mortensen seconded the motion, which passed unanimously.

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

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 03/14/2025)	Internal Savings	2,325,179
2	Est. One Time Savings for remaining pay hours (608 @ \$1,500 / pay hour)	Internal Savings (Est.)	912,000
Total Potential One Time Savings			3,237,179

Prior Report Totals (as of 02/14/2025)

3,024,901

FY 2025 Ongoing Turnover Savings

#		Prior Month Forecast Amount @ YE	Actual Amount YTD	Forecasted Amount @ YE	Change in Forecast Amount @ YE
	Net Carried over Ongoing Savings (finalized from FY 2024)	140,594	140,594	140,594	0
	Ongoing Turnover Savings FY 2025 (actual year-to-date, Salary Differential only)	720,212	734,456	734,456	14,244
1	Ongoing Turnover Savings FY 2025 (forecast \$65,000 / month x 3 months, Salary Differential only)	200,000	-	195,000	(5,000)
	TOTAL SALARY RELATED ONGOING SAVINGS	1,060,806	875,051	1,070,051	9,244
	Benefit Differential Savings FY 2025 (will be recognized in this row starting in Q4)	-	34,050	34,050	34,050
	TOTAL SAVINGS	1,060,806	909,100	1,104,100	43,294
2	2025 Annual Authorized Hot Spot Raises	(200,000)	(184,372)	(200,000)	-
	TOTAL USES	(200,000)	(184,372)	(200,000)	-
Total Actual/Forecasted Unencumbered Turnover Savings for FY 2025		860,806	724,728	904,100	43,294

FY 2025 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 03/14/2025	Turnover Savings	2,325,179
	Turnover savings Estimate for the rest of the year (\$1,500 x 608 pay hours)	Turnover Savings	912,000
	Total Potential One Time Turnover Savings		3,237,179
	Less: Judicial Council Delegated to State Court Administrator for Discretionary Use		(250,000)
(a)	Total Potential One Time Turnover Savings Less Discretionary Use		2,987,179
	Operational Savings From TCE / AOC Budgets - mid-year forecast	Internal Operating Savings	629,905
	Operational Savings from IT Budget - unused Carryforward Request	Internal Operating Savings	150,000
	Reserve Balance (balance from FY 2024 Carryforward)	Judicial Council Reserve	847
	Estimated unclaimed property claims (received and pending)	Additional Revenue Received	737,577
	Prior year adjustments - impact on current year operations (Hyrum and OFA)	Adjustments to CY Operations	(90,000)
(b)	Total Operational Savings, Reserve, Unclaimed Property and Prior Year Adjustments		1,428,329
(c)	Total of Turnover Savings & Operational Savings = (a) + (b)		4,415,508
Uses of YE 2025 Funds			
(d)	Carryforward into FY 2026 (Anticipate request to Legislature for \$3,700,000)	FY 2026 Carryforward	(3,581,281)
	Total Potential One Time Savings = (c) less Carryforward (d)		834,227
	Less: Judicial Council Requests Previously Approved		(834,227)
	Less: Judicial Council Current Month Spending Requests		-
	Remaining Forecasted Funds Available for FY 2025 YE Spending Requests		0

Updated 03/31/2025

Civil Penalty Increase

Karl Sweeney presented a request to increase the civil penalty from \$2,500 to \$3,070 due to inflation. He shared that in section 26 of UCA 78B-6-2105, it is noted that an adjustment shall be made by the Judicial Council every five years based on the change in the annual Consumer Price Index for the most recent five-year period.

Motion: Judge Foncesbeck made a motion to approve the civil penalty request, as presented. Judge Amber Mettler seconded the motion, which passed unanimously.

6. COMPENSATION, CAREERS, AND FLEXIBILITY: (Ron Gordon, Neira Siaperas)

Mr Gordon and Neira Siaperas introduced a comprehensive proposal titled “Investing in Our People: Compensation, Careers & Flexibility”. Ms. Siaperas shared some slides with an overview of the proposal, explaining that the new plan aims to improve compensation, advancement opportunities, benefits, and to add new Judicial Assistant positions as well as incentives for flexibility and wellness. Mr Gordon concluded with a detailed breakdown of the funding needed for this request.

Motion: Judge Samuel Chiara made a motion to approve the proposal, as presented. Judge Foncesbeck seconded the motion, which passed unanimously.

7. TAX LAW & WATER LAW JUDGE APPOINTMENTS: (Judge Kate Appleby, Shane Bahr)

Judge Kate Appleby presented a request to appoint Judges Richard Mrazik, Jennifer Maybe and Don Torgerson as new Water Law judges, in anticipation of Judge Holmberg's retirement.

Motion: Judge Mortensen made a motion to approve the appointment of Judges Mrazik, Maybe and Torgerson as Water Law judges. Judge Mettler seconded the motion, which passed unanimously.

Shane Bahr presented a request to appoint Judges Richard Daynes, Todd Shaughnessy and Charles Stormont as Tax Law judges, in anticipation of the retirement of Judges Holmberg, Kelly and Hyde.

Motion: Kristin Woods made a motion to approve the requested appointments, as presented. Judge McCullagh seconded the motion, which passed unanimously.

8. URCP RULE 26 EVALUATION: (Paula Hannaford, Miriam Hamilton)

Paula Hannaford and Miriam Hamilton presented on the recent evaluation by the National Center for State Courts (NCSC) of Utah's Rule 26 and civil discovery reforms. Ms. Hannaford expressed her investment, having been part of the NCSC group working with Utah's civil rules advisory committee in 2008 during debates on the rules, proportionality, and bar adoption. She reported that when rules went into effect in 2011, NCSC conducted an evaluation funded by the Bureau of Justice Assistance, published in 2015. She noted the significant national impact of Utah's rules on civil justice reform. The tiered approach to discovery was a fundamental part of recommendations endorsed by the Conference of Chief Justices and Conference of State Court Administrators. The State Justice Institute (SJI) provided \$1 million to spread discovery reform nationally, impacting state and federal courts, although federal courts adopted reforms more tentatively.

After COVID, SJI funded another NCSC grant to re-evaluate Utah's rules to prove their effectiveness, as work stalled due to priority given to criminal backlogs. Ms. Hannaford explained that the current evaluation looked at civil justice, specifically if the early successes found in the 2015 evaluation were sustained. The 2015 findings included significantly reduced time to disposition, dramatically increased settlement rates, high attorney compliance with time frames and scope limits, and discovery disputes moving up about four months earlier. Tier one discovery disputes increased, potentially a positive indicator for debt collection cases where litigants questioned the basis for actions. The NCSC also wanted to look closely at practical effects once attorneys were acclimated to the rules. Ms. Hamilton described the data and methods, replicating the 2015 study's methodology, and Ms. Hannaford shared some of the recommendations that resulted from the evaluation.

**9. JUDICIAL PERFORMANCE EVALUATION COMMISSION REPORT:
(Mary-Margaret Pingree, Commissioner Christian Hansen)**

Mary-Margaret Pingree introduced Christian Hansen, a newly appointed commissioner with the Judicial Performance Evaluation Commission (JPEC). Ms. Pingree explained that in early 2025, JPEC conducted an electronic survey of judges retained in the 2024 election, soliciting feedback from the judges about the evaluation process. The survey was sent to 50 retention judges and received an 80% response rate, and Ms. Pingree asked the Council members their perspective on the evaluation process. She highlighted a few things JPEC learned through the process, and how they plan to respond. She also addressed a particular concern from a handful of judges that centered around courtroom observers' lack of knowledge in courtroom procedures and how it impacts the evaluation. JPEC has met with the Judiciary's education department to review and give input on the training for courtroom observers. Ms. Pingree added that they're looking for ways the judges can potentially be more involved.

10. RULES FOR FINAL APPROVAL: (Keisa Williams)

Keisa Williams reported that the proposed amendments to CJA Rules 1-205, 3–306.04, and 4-510.03 came back from a 45-day public comment period, and no comments were received. PP&T recommended these three rules be approved as final with an effective date of May 1, 2025.

Non-substantive changes were made to rules 4-202.02, 4-510.06 and 4-613, and PP&T recommended they be approved on an expedited basis with a May 1, 2025 effective date, and no comment period.

Ms. Williams reported that PP&T also recommended that rule 4-202.03 and Appendix A be adopted as final on an expedited basis with a May 1, 2025 effective date, followed by a 45-day public comment period.

Motion: Judge McCullagh made a motion to approve the discussed rules as final, with an effective date of May 1, 2025. Judge Rita Cornish seconded the motion, which passed unanimously.

11. STRATEGIC PLAN: (Judge Monica Diaz, Judge Michele Christiansen Forster, Justice Jill Pohlman, Neira Siaperas, Jon Puente)

Judge Monica Diaz, Judge Michele Christiansen Forster, Justice Jill Pohlman and Jon Puente presented the amended Strategic Plan on behalf of the Office of Fairness and Accountability. Judge Diaz summarized both the public-facing plan, which shows the three areas of commitment and then the action, and the more detailed operation plan for internal use. She explained that it is a three-year plan with reports back to the Judicial Council annually on the progress.

Motion: Judge Cornish made a motion to approve the Strategic Plan, as presented. Judge McCullagh seconded the motion, which passed unanimously.

12. COURT COMMISSIONER CONDUCT COMMITTEE REPORT: (Judge Ryan Harris, Keisa Williams)

Judge Ryan Harris presented an annual report on the Court Commissioner Conduct Committee (CCCC). He explained that in the past year, the committee received 17 complaints against the Judiciary's commissioners, all of which were dismissed by the chair without convening the full committee. Judge Harris shared that he will be rotating off as chair when he takes Judge Mortensen's place on the Judicial Conduct Commission July 1, 2025, at which time the CCCC will elect a new chair.

13. JUROR COMPENSATION PILOT: (Judge Dianna Gibson, Judge Ryan Harris, Jon Puente)

Judge Dianna Gibson summarized the proof of concept pilot program, which aims to increase juror compensation to ascertain if there is an impact on participation. The Judiciary's legal team conducted an analysis on the proposed pilot and issued an opinion to the Council, and the Jury Equity Committee presented the request to the Management Committee in April 2025 to answer any further questions.

Judge Brian Brower voiced his support of the pilot program, but expressed hesitation on the Judiciary taking action to change the rules. He explained his view that changing juror compensation amounts should lie with the legislative branch.

Motion: Judge Mortensen made a motion to approve the proof of concept pilot program, as presented. Judge Mettler seconded the motion, which passed unanimously.

14. LANGUAGE ACCESS COMMITTEE REPORT: (Cade Stubbs, Jessica Vazquez-Leavitt)

Jessica Vazquez-Leavitt presented a report from the Language Access Committee, sharing metrics of interpreter usage statewide from the past year reflecting a 37% growth from the previous year. She explained that Spanish is still the most translated language, but the diversity of languages translated is growing. Ms. Vazquez-Leavitt shared that over the past year, the committee assisted in hiring staff interpreters, revised the second language stipend testing and filled vacancies, drafted a proposed rule regarding the on-demand translation/interpretation rule change on recorded evidence, revised defendant's videos and jury videos, and reviewed requests regularly by interpreters for reciprocity or special requests. Ongoing projects included interpreter equipment and technology, and an interpreter scheduling system. The committee is involved in helping individuals pass the national service oral proficiency exam, implementing an internal training and preparation program that has helped increase the pass rate. Cade Stubbs, committee chair, added that the committee has accomplished a lot this year, and recognized Ms. Vazquez-Leavitt and her team for their hard work and dedication.

15. UNIFORM FINE COMMITTEE REPORT & FINE SCHEDULE: (Judge Jennifer Valencia, Michael Drechsel)

Judge Jennifer Valencia presented a report from the Uniform Fine Committee. She shared that there have been many changes made to the Uniform Fine Schedule, and explained the

committee's request for the approval of four separate versions of the fine schedule to comply with associated bills from the 2025 legislative session. The first schedule would be effective on May 7, 2025, a second on July 1, 2025, a third on September 1, 2025 and a fourth on January 1, 2026. She added that there were a total of 374 proposed fine schedule changes reflected in the provided document, and expressed gratitude to Michael Drechsel for his help and expertise in the process.

Motion: Judge Cornish made a motion to approve the four Uniform Fine Schedules, as presented. Judge Brower seconded the motion, which passed unanimously.

16. THIRD DISTRICT COMMISSIONER CONFIRMATION: (Mark Paradise)

Mark Paradise reported that the Third District Court bench voted last Wednesday, nominating Renee Blocker to fill Commissioner Tack's position, and asked the Council to approve this nomination.

Motion: Judge Mettler made a motion to approve the appointment of Renee Blocker as the new Third District Domestic Commissioner. Judge McCullagh seconded the motion, which passed unanimously.

17. TREATMENT COURT RECERTIFICATIONS: (Cris Seabury, Katy Burke)

Cris Seabury presented five treatment court recertifications applications for approval, adding that each treatment court meets all recertification criteria.

Motion: Judge Susan Eisenman made a motion to approve the five recertifications, as presented. Judge McCullagh seconded the motion, which passed unanimously.

18. OLD BUSINESS/NEW BUSINESS: (All)

There was none.

19. CONSENT CALENDAR: (Chief Justice Matthew B. Durrant)

Motion: Judge Mortensen made a motion to approve all items on the consent calendar. Judge McCullagh seconded the motion, which passed unanimously.

20. SENIOR JUDGE APPOINTMENTS & REAPPOINTMENTS: (Neira Siaperas)

Motion: Judge Cornish made a motion to move into an executive session for the purpose of discussing the character, professional competence, or physician or mental health of an individual. Judge Mettler seconded the motion, which passed unanimously.

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

Motion: Judge Eisenman made a motion that Judge Hyde meets the qualifications for appointment as an active senior judge; that Judges Peuler, Powell and Robinson meet the qualifications for appointment as inactive senior judges; that Judges Lyon, Hamilton, Low, Eyre,

Wilcox, Jones, Walthius and Cullimore meet the qualifications for reappointment as active senior judges; that Judges Fuchs and Higbee meet the qualifications for reappointment as active senior judges subject to their completion of 30 hours of approved judicial education by June 30, 2025; and that Judges Davis, Michie, Vail and Waterfall meet the qualifications for reappointment as inactive senior judges. Judge McCullagh seconded the motion, which passed unanimously.

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

The meeting was adjourned.

CONSENT CALENDAR ITEMS

1. Rules for Public Comment
2. MUJI Crim Committee Appointment
3. MUJI Civil Committee Appointment
4. Committee on Resources for Self-Represented Parties Appointment
5. Forms Updates