

JUDICIAL COUNCIL MEETING
Minutes

June 23, 2025
9:00 a.m. – 12:10 p.m.

Meeting held through Webex
and in person

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

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. Susan Eisenman
Hon. Angela Fonnesbeck
Hon. James Gardner
Hon. Michael Leavitt
Hon. Thomas Low
Hon. Brendan McCullagh
Hon. Amber Mettler
Justice Paige Petersen
Kristin K. Woods

Presenters:

Brody Arishita
Suzette Deans
Todd Eaton
Amy Hernandez
Alisha Johnson
Janine Liebert
Jessica Vazquez-Leavitt
Jordan Murray
Bart Olsen
Mark Paradise

AOC Staff:

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

Excused:

Hon. Michael DiReda

Guests:

Michael Starks

Presenters (cont.)

Russell Pearson
Erin Rhead
Judge Laura Scott
Karl Sweeney
Chris Talbot
Kaden Taylor

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 May 19, 2025 meeting minutes. Judge Jon Carpenter seconded the motion, which passed unanimously.

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

Chief Justice Matthew B. Durrant reported on a recent meeting with Speaker of the House, Mike Schultz. During the meeting, Speaker Schultz delivered a letter outlining various concerns. The Chief Justice noted that follow-up discussions on the issues raised in the letter will take place at a future time.

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

Ron Gordon introduced Michael Starks as the new Deputy District Court Administrator on the AOC team, expressing enthusiasm for his addition to the district court leadership.

Mr. Gordon provided an update on the Judiciary's budget review currently underway by legislative fiscal analysts. As part of this process, Stacey Snyder coordinated a court observation visit for legislative staff, which was described as highly beneficial in enhancing their understanding of judicial operations.

He also announced the start of a legislative performance audit of the Judiciary, initiated as part of a broader review of criminal justice system agencies. The audit scope is still being defined and may cover any aspect of judicial performance. Additional information is expected in the coming months.

4. JUDICIAL CONDUCT COMMITTEE REPORT: (Alex Peterson, Joe McGivern)

Alex Peterson introduced Joe McGivern as the new Judicial Investigator for the Judicial Conduct Commission (JCC). Mr. McGivern joined the Commission earlier this year, bringing 25 years of experience in federal law enforcement.

Mr. Peterson reported a significant increase in the volume of complaints received by the JCC. As of the meeting date, the Commission had opened 191 cases for the year and anticipates concluding the year with 195 or more, up from 183 in the previous year. Despite this increase, the case disposition rate has remained statistically consistent.

He noted that the spike in complaints is largely attributable to the implementation of Utah's online complaint submission system. However, the underlying rate of judicial misconduct remains steady, with approximately 95% of complaints dismissed—most commonly due to lack of evidence or because the complaint concerns judicial rulings, which fall outside the Commission's authority.

Mr. Peterson also highlighted a distinctive feature of Utah's JCC: the inclusion of four legislators as Commission members. He emphasized that this structure is unique nationally and serves as a key

strength, enabling legislative members to gain insight into the Commission’s work and communicate that understanding to both the legislature and the public, thereby supporting the JCC’s continued effectiveness.

5. COMMITTEE REPORTS:

Management Committee:

Nothing to report.

Budget & Fiscal Management Committee:

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

Liaison Committee:

Nothing to report.

Policy, Planning, and Technology Committee:

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

Bar Commission:

The Bar’s annual cycle is ending this month and on Thursday, the Bar will have its annual meeting where Kim Cordova will be sworn in as president and Tyler Young as president elect.

6. COURT FACILITY PLANNING COMMITTEE REPORT: (Chris Talbot)

Chris Talbot shared the FY 2026 priority plan for presenting projects to the legislature for funding approval. The list remains largely unchanged from last year, though a few projects switched positions.

- Project #1: Davis County Courthouse, estimated cost: \$155M
- Project #2: Iron County, Cedar City Courthouse, estimated cost: \$65M
- Project #3: Utah County, Lehi Courthouse, estimated cost: \$56M
- Project #4: Grand County, Moab Courthouse, estimated cost: \$30M
- Project #5: Sevier County, Richfield Courthouse, estimated cost: \$42M
- Project #6: Salt Lake County, West Jordan Courthouse, estimated cost: \$23M

Mr. Talbot noted that the committee is preparing to present two courthouse projects to the legislature during the upcoming session. He emphasized that presenting multiple projects—an approach common among other state agencies—helps increase visibility and may expedite funding approvals, which have historically taken significant time.

Motion: Judge Rita Cornish made a motion to approve the order of the projects as presented. Judge McCullagh seconded the motion, which passed unanimously.

Mr. Talbot shared photos of the new Manti courthouse, which opened in February 2025, with a March dedication attended by the Chief Justice and Governor. He noted that while courthouse designs reflect traditional aesthetics suited to each community, they are built with cost-efficiency in mind.

Concerns were raised about the long-term durability of lower-cost materials. Mr. Talbot indicated that finishes meet durability standards and include expected upgrades. He highlighted the challenge of futureproofing for technology but explained that raised floors with cable chases are included to accommodate future needs. Buildings are constructed with a 50 to 75-year lifespan and must meet high performance standards. Mr. Gordon added that, while buildings can last decades, rapid growth (e.g., Davis County's 3% annual increase) may outpace space needs.

Mr. Talbot presented original design goals for the Davis County Courthouse project: consolidating three courthouses, addressing security issues, maintaining one courtroom per judge, including the County Justice Court, and providing shelled courtrooms for future growth. Mr. Gordon expressed concern that the projected \$155M cost could hinder legislative approval.

As an alternative, Mr. Talbot proposed a scaled-down addition to the existing Farmington building—a two-story front expansion with up to six courtrooms, a new entry, jury port, and parking for judicial officers—with an estimated cost of \$87–\$102 million. Mr. Gordon emphasized that the judiciary cannot delay other priorities while waiting for full funding of the \$155 million project. The alternative plan reflects a cost-conscious approach while meeting essential goals and may improve legislative support.

Finally, Mr. Talbot reported that a feasibility study is underway for Cedar City to assess space needs. The estimated cost is \$55–\$65M for three courtrooms, two shelled courtrooms, and two spaces that can be repurposed.

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

Alisha Johnson presented the financial reports.

FY 2025 Ongoing Turnover Savings

| # | | Prior Month Forecast | Actual | Forecasted | Change in Forecast |
|---|--|----------------------|------------|-------------|--------------------|
| | | Amount @ YE | Amount YTD | Amount @ YE | Amount @ YE |
| | Net Carried over Ongoing Savings (finalized from FY 2024) | 140,594 | 140,594 | 140,594 | - |
| | Ongoing Turnover Savings FY 2025 (actual year-to-date, Salary Differential only) | 772,110 | 866,314 | 866,314 | 94,204 |
| 1 | Ongoing Turnover Savings FY 2025 (forecast \$65,000 / month x 1 month, Salary Differential only) | 130,000 | - | 65,000 | (65,000) |
| | TOTAL SALARY RELATED ONGOING SAVINGS | 1,042,704 | 1,006,908 | 1,071,908 | 29,204 |
| | Benefit Differential Savings FY 2025 (will be recognized in this row starting in Q4) | 78,365 | 85,004 | 85,004 | 6,639 |
| | TOTAL SAVINGS | 1,121,069 | 1,091,912 | 1,156,912 | 35,843 |
| 2 | 2025 Annual Authorized Hot Spot Raises | (200,000) | (200,000) | (200,000) | - |
| | TOTAL USES | (200,000) | (200,000) | (200,000) | - |
| | Total Actual/Forecasted Unencumbered Turnover Savings for FY 2025 | 921,069 | 891,912 | 956,912 | 35,843 |

FY 2025 One Time Turnover Savings

| # | | Funding Type | Actual Amount |
|---|---|-------------------------|---------------|
| 1 | One Time Turnover Savings (from actual payroll data versus budget as of PPE 05/23/2025) | Internal Savings | 2,827,624 |
| 2 | Est. One Time Savings for remaining pay hours (208 @ \$1,500 / pay hour) | Internal Savings (Est.) | 312,000 |
| | Total Potential One Time Savings | | 3,139,624 |

Prior Report Totals (as of 04/11/2025)

3,159,739

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 05/23/2025 | Turnover Savings | 2,827,624 |
| | Turnover savings Estimate for the rest of the year (\$1,500 x 208 pay hours) | Turnover Savings | 312,000 |
| | Total Potential One Time Turnover Savings | | 3,139,624 |
| | Less: Judicial Council Delegated to State Court Administrator for Discretionary Use | | (250,000) |
| (a) | Total Potential One Time Turnover Savings Less Discretionary Use | | 2,889,624 |
| | <i>Operational Savings From TCE / AOC Budgets - mid-year forecast</i> | <i>Internal Operating Savings</i> | 654,108 |
| | <i>Operational Savings from IT Budget - unused Carryforward Request</i> | <i>Internal Operating Savings</i> | 150,000 |
| | <i>Reserve Balance (balance from FY 2024 Carryforward)</i> | <i>Judicial Council Reserve</i> | 847 |
| | <i>Unclaimed property claims (received)</i> | <i>Additional Revenue Received</i> | 741,488 |
| | <i>Prior year adjustments - impact on current year operations (Hyrum and OFA)</i> | <i>Adjustments to CY Operations</i> | (90,000) |
| (b) | Total Operational Savings, Reserve, Unclaimed Property and Prior Year Adjustments | | 1,456,443 |
| (c) | Total of Turnover Savings & Operational Savings = (a) + (b) | | 4,346,066 |
| | Uses of YE 2025 Funds | | |
| (d) | Carryforward into FY 2026 (Anticipate request to Legislature for \$3,700,000) | <i>FY 2026 Carryforward</i> | (3,700,000) |
| | Total Potential One Time Savings = (c) less Carryforward (d) | | 646,066 |
| | Less: Judicial Council Requests Previously Approved | | (532,800) |
| | Less: Judicial Council Current Month Spending Requests | | - |
| | Remaining Forecasted Funds Available for FY 2025 YE Spending Requests, CCCF, etc. | | 113,266 |

Updated 06/04/2025

1. “Investing in Our People” Request

Ron Gordon expressed appreciation for the approval of the “Investing in Our People” program. The total expenditure of \$1.75 million included \$1 million in legislative appropriations, with the remaining \$750,000 funded through AOC departments’ budget savings, Xchange fees, fiscal note allocations, and hot spot funds.

2. Additional 3rd District Training Coordinator

Mark Paradise presented a request for an additional 3rd District Training Coordinator, primarily based on the size of the district and Judicial Assistant turnover.

Motion: Judge Susan Eisenman made a motion to approve the requested \$97,300 for a second Training Coordinator, as presented. Judge Cornish seconded the motion, which passed unanimously.

3. 8th District Probation Training Coordinator

Russell Pearson presented a request to establish a dedicated Probation Training Coordinator position for the 8th District. Currently, the district shares this role with the 7th District, but a standalone position is expected to improve efficiency and effectiveness in meeting the district’s training needs.

4. Interstate Compact for Juveniles (ICJ) Funding

Sonia Sweeney requested an additional \$7,000 in funding for the Interstate Compact for Juveniles (ICJ), a program the state is statutorily required to support. The ICJ covers out-of-state costs for juvenile evaluations or treatment when no other payment source is available. Ms. Sweeney noted that last year's \$3,000 budget was nearly exhausted by a single \$2,700 evaluation. The requested increase would bring the total budget to \$10,000, with the goal of securing ongoing funding in the future.

Judge Rita Cornish added that the Budget and Fiscal Management Committee ranked this as their third priority for ongoing funding. One-time funds are available to cover the request this year, with a plan to revisit ongoing funding when feasible.

Motion: Judge Mettler made a motion to approve requests two and three: a Probation Training Coordinator position for the 8th District and \$7,000 in ongoing funds for the Interstate Compact for Juveniles (ICJ). Judge Cornish seconded the motion, and it passed unanimously.

One-time Funding Requests

Karl Sweeney presented 13 one-time funding requests to carry forward into FY26, in addition to the previously approved \$7,000 for the ICJ, making a total of 14 items. He confirmed that available funds exceed the total requested, and that none of the items are new—though some funding amounts have been slightly adjusted from the prior year.

Motion: Judge Thomas Low made a motion to approve the 13 additional one-time funding requests, as presented in the materials. Judge Susan Eisenman seconded the motion, which passed unanimously.

Grant Awards

Jordan Murray presented the Internal Control Self-Assessment (ICSA) findings for core grants, with no questions from the Council.

Nick Stiles requested approval to accept a \$10,000 grant award from the Utah Bar Foundation to support two part-time law student fellows for the Ad Hoc Committee on Regulatory Reform. He explained that the grant is low impact, for one year, and has no match requirements.

Motion: Judge David Mortensen made a motion to accept the grant award, as presented. Judge Mettler seconded the motion, which passed unanimously.

JCTST Fund Budget FY 2026

Jim Peters presented the annual funding request for the Justice Court Technology, Security, and Training (JCTST) account. This restricted account is legislatively appropriated specifically for Justice Courts and is separate from other funding sources. The Board of Justice Court Judges develops recommendations for the use of these funds, and the Budget and Fiscal Management Committee supports the current proposal.

Motion: Judge Eisenman made a motion to approve the use of JCTST funds as presented. Judge Cornish seconded the motion, and it passed unanimously.

8. ETHICS ADVISORY COMMITTEE REPORT: (Judge Laura Scott, Keisa Williams)

Judge Laura Scott announced that she will soon be rotating off the Ethics Advisory Committee, and Judge Shaughnessy will assume the role of chair. She noted that one opinion—related to Rule 2.11—remains outstanding. The opinion was initially tabled for further discussion with the Supreme Court and has been paused again to allow new committee members time to review and provide input.

9. RULES FOR FINAL APPROVAL: (Keisa Williams)

Keisa Williams presented Rules 4-111 and 4-403 for final approval. Both rules completed the public comment period without receiving any comments.

Motion: Judge Low made a motion to approve Rules 4-111 and 4-403 as final, with an effective date of July 1, 2025.

Justice Paige Petersen addressed an issue regarding the placement of the Supreme Court's Rules of Professional Practice within the Code of Judicial Administration. She explained that this structure creates confusion in both citation and interpretation, as the rules appear to be part of the Code—particularly on the website—even though they are separate Supreme Court rules.

Justice Petersen informed the Council that the Supreme Court plans to remove these five chapters from the Code of Judicial Administration and publish them separately as the *Supreme Court Rules of Professional Practice*, renumbered as Chapters 1 through 5. She noted that this change does not require Judicial Council approval but wanted to keep the Council informed and invite any concerns. No concerns were raised.

10. CERTIFICATION OF NEW JUSTICE COURT JUDGES: (Jim Peters)

Jim Peters requested that John Hobert be certified as a Justice Court Judge to take Judge Larson's place in the Hyrum City Justice Court and reported on the process of filling eight different vacancies in the Justice Courts.

Motion: Judge McCullagh made a motion to certify John Hobert as a Justice Court judge. Judge Cornish seconded the motion, which passed unanimously.

11. PROTECTIVE ORDER TRANSLATION UPDATE: (Amy Hernandez, Janine Liebert, Jessica Vazquez-Leavitt)

Amy Hernandez, Janine Liebert, and Jessica Vazquez-Leavitt provided an update on the translation of civil and criminal protective order forms. Before translation, the forms were updated to comply with the National Crime Information Center (NCIC) audit, address programming needs for the MyCourtCase platform, and incorporate recent legislative changes.

Judge McCullagh raised concerns about the potential need to translate user-entered Spanish responses back into English. Ms. Hernandez explained that, currently, form instructions require submissions in English due to the challenges of translation availability. Additional programming is still needed to

integrate the Spanish translations into MyCourtCase, the protective order system, CORIS, and CARE. Public release is expected in August or September.

12. SYSTEM REVIEW UPDATE: (Ron Gordon, Neira Siaperas)

Ron Gordon provided an update on the system review and directed the Council to the Judiciary's intranet site, which contains the full report, recommendations, and progress tracking. Recommendations are organized by category (e.g., Communication, Culture, Work Environment) and include status indicators such as "Not Yet Started," "Under Consideration," "In Progress," and "Completed."

Mr. Gordon highlighted several key findings from the review and discussed ongoing efforts to address them.

13. APPROVAL OF 2026 JUDICIAL COUNCIL SCHEDULE: (Ron Gordon)

The Council discussed the need to adjust the September and October 2026 meeting dates to align with the Annual Judicial Conference, and to move the January meeting to a date preceding the State of the Judiciary address on the first day of the legislative session.

Motion: Judge Low made a motion to approve the July Judicial Council agenda with the recommended date changes. Judge Cornish seconded the motion, and it passed unanimously.

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

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

15. SENIOR JUDGE APPOINTMENTS: (Neira Siaperas)

Motion: Judge McCullagh made a motion to move into a closed session only to discuss the character, professional competence, or physical or mental health of an individual. Ms. Woods seconded the motion, which passed unanimously.

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

Motion: Judge Low made a motion to table Judge Lunnen's application for senior judge status for the reasons stated in executive session. Judge Cornish seconded the motion, which passed unanimously.

Motion: Judge Cornish made a motion finding that Judges Parker, Sainsbury, Kelly, and Campbell meet the qualifications for senior judge status.

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

The meeting was adjourned.