

JUDICIAL COUNCIL MEETING

Minutes

December 15, 2025

Hybrid Meeting (in person and Webex)

Matheson Courthouse – Council Room

450 S. State Street Salt Lake City, Utah 84111

Chief Justice Matthew B. Durrant, Presiding

Members:

Chief Justice Matthew B. Durrant, Chair
Hon. David Mortensen, Vice Chair
Hon. Suchada Bazzelle
Hon. Samuel Chiara
Hon. Rita Cornish
Hon. Susan Eisenman
Hon. Michael Leavitt
Hon. James Gardner
Hon. Amber Mettler
Justice Paige Petersen
Hon. Christine Johnson
Hon. Michael DiReda
Hon. Angela Fannesbeck
Kristin K. Woods

AOC Staff:

Ron Gordon Neira
Siaperas Michael
Drechsel Keisa
Williams Nick Stiles
Shane Bahr
James Peters
Brody Arishita
Daniel Meza Rincon

Excused:

Hon. Chris Bown
Hon. Brendan McCullagh
Hon. Jon Carpenter

Presenters:

Cris Seabury
Katy Erickson
Karl Sweeney Alisha Johnson
Judge Rick Westmorland
Judge Clay Stucki
Lauren Andersen
Alex Peterson
Keri Sargent

1. WELCOME AND THE APPROVAL OF MINUTES (Chief Justice Matthew B. Durrant):

Chief Justice Matthew B. Durrant welcomed everyone to the meeting and called for any questions or corrections to the November 24, 2025 meeting minutes. None were raised.

Motion: Judge Amber Mettler moved to approve the November 24, 2025 meeting minutes. Judge Christine Johnson seconded the motion, which passed unanimously.

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

Chief Justice Durrant reported that Justice John Nielsen has taken the bench as the newest member of the Supreme Court and is expected to be an excellent addition to the Court.

3. STATE COURT ADMINISTRATOR REPORT (Ron Gordon):

Ron Gordon reported that meetings between judges and legislators in each judicial district had concluded

and were successful statewide. He noted strong participation overall and productive, substantive discussions in all districts, with some variation in attendance. He also reported that public town hall meetings are being scheduled across the state, with invitations planned for stakeholders and members of the public. These events are intended to support outreach efforts by providing opportunities for community members to engage directly with judges and employees and to learn more about the work of the Judiciary.

Mr. Gordon further reported on results from the most recent National Center for State Courts (NCSC) nationwide public trust and confidence survey. He indicated that a Utah-specific survey will be conducted soon, allowing for comparison with national data. He noted that public confidence in the judiciary has historically remained higher than in other branches of government and that this trend continues, although the gap is narrowing. Nationwide, 62% of respondents expressed confidence in state courts, compared to 59% for state legislative branches and 57% for state executive branches. He also noted that the survey does not distinguish between respondents who have had experience with the courts and those who have not. The primary concern identified nationwide was whether courts can provide equal justice to all, which he noted aligns with the Judiciary's core mission.

Mr. Gordon then discussed mixed survey results regarding the use of artificial intelligence (AI) in the courts nationwide. He stated that 51% of respondents expressed concern that AI could negatively impact state courts, their ability to administer justice, and public trust; 31% believed AI could be helpful, particularly in improving efficiency; and 18% were unsure. He noted that Utah is ahead of other states, as the Judicial Council has approved AI guiding principles and policies and established appropriate guardrails. He emphasized the importance of clear public messaging regarding the Judiciary's use of AI, including that judicial officers and employees remain fully responsible for decisions and work product and that approved AI tools are intended to complement, not replace, human judgment.

Finally, Mr. Gordon reported that judicial security remains a nationwide concern and reaffirmed the Utah Judiciary's ongoing commitment to doing everything possible to ensure the safety of judges, employees, and court patrons.

4. **BOARD OF JUVENILE COURT JUDGES REPORT** (Judge Rick Westmoreland, Daniel Meza Rincon):

Judge Rick Westmoreland reported on behalf of the Juvenile Court Judges' Board and noted that the Board is working collaboratively to support and strengthen the juvenile court bench statewide.

Judge Westmoreland outlined the Board's goal for the coming fiscal year, which is to engage presiding judges in each judicial district to promote professional civility among attorneys and reinforce the juvenile court's problem-solving mission while keeping child safety at the forefront. He reported that the goal emphasizes courtroom practices that support family preservation and reunification, youth success, and positive long-term outcomes, while preserving civil and zealous advocacy and constitutional rights. He further reported that the goal has been shared with the juvenile court bench and that presiding judges will be invited to report on local implementation efforts over the coming year.

Judge Westmoreland also reported on the need for additional attorney law clerks. He noted that a recent survey of juvenile court judges and increased trial and order-drafting demands demonstrate the value of law clerks, particularly in complex cases such as termination of parental rights. He reported that the current ratio is one law clerk to eleven judges and that the Board is working with AOC administration to pursue ongoing funding for two additional attorney law clerks.

Finally, Judge Westmoreland provided highlights from the Child Welfare Legislative Oversight Panel report, noting strong statewide compliance with statutory timelines for child welfare cases. He reported that in FY 2025, the juvenile court handled approximately 3,437 child welfare matters, with most hearings meeting required timeframes. He noted that delays were often due to factors outside the court's control and emphasized the juvenile court's continued focus on child safety, family preservation, and positive outcomes for children and families.

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: The committee will hold its first meeting later the same day.

Policy, Planning, and Technology Committee: Judge James Gardner reported that the committee has drafted a rule on case assignments and reassignments and has received all local rules from each district and court levels. He stated that the committee will present the proposed rule to the Judicial Council at its January meeting.

Bar Commission: Katie Woods reported that the Utah State Bar is monitoring developments in the upcoming legislative session and is awaiting additional details regarding potential changes to the Judicial Performance Evaluation Commission (JPEC). She stated that the Bar will seek guidance from the Judiciary and intends to follow the Judiciary's lead in developing and coordinating messaging on any proposed legislation.

Ms. Woods further reported that the Bar plans to oppose efforts to add Supreme Court justices, noting concerns that such proposals could undermine public confidence in the courts. She stated that a key component of the Bar's messaging will emphasize the fiscal impact of adding justices and the need to prioritize limited resources for lower courts and access-to-justice needs, including judicial officers, judicial assistants, juvenile court resources, guardian ad litem funding, and domestic violence services.

Ms. Woods also reported on a legislative resolution proposing amendments to court rules concerning lawyer licensing fees. She stated that the Bar views the proposal as unconstitutional and lacking a viable mechanism for implementation. She reported that the Bar is monitoring the issue closely, preparing messaging, and may consider budgeting for potential litigation if necessary. She emphasized the Bar's willingness to work collaboratively with the Judiciary and present a coordinated approach.

6. BOARD OF JUSTICE COURT JUDGES REPORT (Judge Clay Stucki, Jim Peters):

Judge Clay Stucki reported that ongoing education and training efforts have been highly effective and credited the Education Committee for its strong leadership and continued support of justice court judges. He noted that incremental statutory and policy changes, developed in coordination with the Legislature, have also contributed to strengthening justice courts.

Judge Stucki further reported that justice courts are currently staffed by highly qualified judges, noting that recent appointees are law-trained, have significant experience, and possess credentials comparable to applicants for district court positions. He acknowledged that the Board of Justice Court Judges continues

to address operational issues identified through internal audits, including financial management and compliance with best practices, and reported that the Board is actively implementing improvements in these areas. He emphasized that the remaining issues are incremental rather than systemic and concluded that justice courts are functioning well and are in a stable position.

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

Alisha Johnson presented the financial reports.

FY 2026 Ongoing Turnover Savings as of 12/04/2025 - Period 5

#		Prior Month Forecast	Actual	Forecasted	Change in Forecast
		Amount @ YE	Amount YTD	Amount @ YE	Amount @ YE
	Net Carried over Ongoing Savings (not finalized from FY 2025)	138,582	138,582	138,582	-
	Ongoing Turnover Savings FY 2026 (actual year-to-date, Salary Differential only)	418,743	400,047	400,047	(18,696)
1	Ongoing Turnover Savings FY 2026 (forecast \$65,000 / month x 7 months, Salary Differential only)	520,000	-	455,000	(65,000)
	TOTAL SALARY RELATED ONGOING SAVINGS	1,077,325	538,629	993,629	(83,696)
	Benefit Differential Savings FY 2026 (will be recognized in this row starting in Q4)	-	-	-	-
	TOTAL SAVINGS	1,077,325	538,629	993,629	(83,696)
2	2026 Annual Authorized Hot Spot Raises	(200,000)	(191,455)	(200,000)	-
	TOTAL USES	(200,000)	(191,455)	(200,000)	-
	Total Actual/Forecasted Unencumbered Turnover Savings for FY 2026	877,325	347,175	793,629	(83,696)

- * Ongoing turnover savings only happens when a vacant position is filled at a lower rate (Salary Differential) and / or with lower benefits (Benefit Differential).
- * We defer recognizing the Benefit Differential until Q4 of the fiscal year due to potential volatility in benefit selection in the short term. This allows time for the benefit selections for the year to normalize. Current benefit differential is (\$102,847.16). Prior report benefit differential was (\$21,080). FY 2025 full year benefit differential was +\$201,339.
- * Currently, 18 FTE are vacant.
- 1 Currently forecasting \$65,000 of ongoing Salary Differential savings a month for the remainder of the FY; actual run rate is \$400,047 / 5 months = \$80,009 / month
- 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 26 Ongoing Funding Net of Commitments/Reserves - Period 5, FY 2026

Funding Sources		
Available Funds		Net Available
Ongoing Turnover Savings carried over from FY 2025		\$ 138,582
Actual Ongoing Turnover Savings from FY 2026 (as of period 4) - Note: Does not include CY benefits differential until Q4 or forecasted amounts		\$ 400,047
Total Available Ongoing Funding - Cash Basis		\$ 538,629
Commitments/Reserves		
1 Judicial Council Delegated to State Court Administrator for Discretionary Use in FY 26		\$ (200,000)
2 Obligated/Committed Funds Needed by June 30, 2026 for use in 7.1.2027 fiscal year for Investing in our People		\$ (370,000)
3 Director of Finance and State Court Admin. reserves for assumption contingencies (including a negative benefit differential) that enable meeting the investing in our People Ongoing Commitment		\$ (100,000)
Total Commitments/Reserves		\$ (670,000)
Net Available Ongoing Funding - Cash Basis (Deficit)		\$ (131,371)
Deferred Ongoing Requests		
Requests are deferred until Net Available Ongoing Funding - Cash Basis exceeds these requested amounts		Judicial Council Approved
8th District Probation Training Coordinator - Russ Pearson		\$ 52,500
Juvenile Court ICJ Funding Increase		\$ 7,000
	Subtotal	\$ 59,500

FY 2026 One Time Turnover Savings - Period 5

#		Funding Type	Actual Amount
1	One Time Turnover Savings (from actual payroll data versus budget as of PPE 11/21/2025)	Internal Savings	781,478
2	Est. One Time Savings for remaining pay hours (1,256 @ \$900 / pay hour)	Internal Savings (Est.)	1,130,400
Total Potential One Time Savings			3 1,911,878
Prior Report Totals (as of PPE 10/24/2025)			1,837,281
FY 2025 Final			3,072,760

- Actual per hour turnover savings for the last 4 pay periods (oldest to newest) are \$774.51, \$800.93, \$1,612.68, and \$1,018.59. The average per hour turnover savings for FY 2026 YTD is \$939.28. Last reports average was \$837.62.

In addition to vacancies, the variances between the 4 pay periods are related to the temporary effects of:

Positive Impacts:

Savings from the Social Security cap being met causing increases in per hour savings in the last two pay periods shown.

This savings will stop with the nex tax year (PPE 12/19).

Lower Investing in Our People monthly expenses in November (variance in the 3rd pay period shown)

Budget was \$89,225, actual expenses were \$55,805. This is a timing difference only caused by the actual number of people receiving an Investing in our People award versus a straight line monthly budget.

Negative Impacts:

New Judge payroll timing

Judges are generally paid for 4 weeks of work on their first paycheck versus 2 for other employees and there may be an overlap with the prior judge for a time to include training. The first two pay periods shown were impacted by overlap involving 1 judicial position.

One judicial position was filled on 12/1 with no overlap so we will see a non-temporary 1x-TOS decrease when PPE 12/5 posts.

- Based on the information above, the forecast was decreased from \$1,200 per hour to \$900 per hour for the balance of the year as of the PPE 10/24/2025 report. Actual per hour turnover savings for FY 2025 was \$1,427.
- The decline from FY 25 to FY 26 is primarily due to the decrease in vacant positions which have declined from an average of 25-30 vacant positions between January 2025 & mid-September 2025 to +/- 15 vacant positions since mid-September. Overall, it appears that positions are filling faster when vacant. This decrease from 30 to 15 vacant positions at a loaded rate of ~*\$37.99 / hr equates to ~\$569.85 per pay hour decrease. This decrease is reconciled in the table below.

FY 2026 Year End Requests and Forecasted Available One-time Funds - Period 5

Forecasted Available One-time Funds			
	Description	Funding Type	Amount
Sources of YE 2026 Funds			
*	Turnover Savings as of PPE 11/21/2025	Turnover Savings	781,478
	Turnover savings Estimate for the rest of the year (\$900 x 1,256 pay hours)	Turnover Savings	1,130,400
	Total Potential One Time Turnover Savings		1,911,878
	Less: Judicial Council Delegated to State Court Administrator for Discretionary Use		(250,000)
(a)	Total Potential One Time Turnover Savings Less Discretionary Use		1,661,878
	Operational Savings From TCE / AOC Budgets - mid-year forecast	Internal Operating Savings	500,000
	Operational Savings from IT Budget - Timing of Contract Renewal Deferred to FY 27	Internal Operating Savings	400,000
	Reserve Balance (balance from FY 2025 Carryforward)	Judicial Council Reserve	700
	Use IT Budget Savings and Operational Savings to Increase Retro YOS Eligibility	Adjustments to CY Operations	(462,000)
(b)	Total Operational Savings, Reserve, Unclaimed Property and Prior Year Adjustments		438,700
(c)	Total of Turnover Savings & Operational Savings = (a) + (b)		2,100,578
Uses of YE 2026 Funds			
(d)	Carryforward into FY 2027 (Anticipate request to Legislature for \$3,200,000)	FY 2027 Carryforward	(2,100,578)
	Total Potential One Time Savings = (c) less Carryforward (d)		-
	Less: Judicial Council Requests Previously Approved		-
	Less: Judicial Council Current Month Spending Requests		-
	Remaining Forecasted Funds Available for FY 2026 YE Spending Requests, CCCF, etc.		-

Updated 12/04/2025

Grants

Request for Certificate of State Approval: SJI Grant for the SLC Justice Court (Jordan Murray):

Jordan Murray presented a request to authorize a Certificate of State Approval for the Salt Lake City Justice Court's application to the State Justice Institute (SJI). He reported that the Justice Court is seeking SJI funding for a comprehensive project developed by the National Center for State Courts, which includes strategic planning and case flow management technical assistance. He noted that the proposed \$75,000 grant would impose no financial obligation or risk on the State Courts. Mr. Murray requested the Judicial Council's approval to issue the Certificate of State Approval to allow submission of the application.

Motion: Judge Gardner moved that the Judicial Council authorize the Certificate of State Approval required for submission of the Salt Lake City Justice Court's State Justice Institute grant application. Judge Rita Cornish seconded the motion, and it passed unanimously.

8. MUJI (Criminal) ANNUAL REPORT (Keisa Williams):

Keisa Williams presented the annual report of the Model Utah Criminal Jury Instructions (MUJI–Criminal) Committee on behalf of the committee chair, Judge Theresa Welch. She reported that the Committee met ten times over the past year and currently has two vacancies, which are expected to be filled in the near future. She noted that the Committee focused on updating the DUI series of jury instructions, incorporating public comments, and publishing several amended and new instructions. Ms. Williams reported that the Committee looks forward to continuing its work and welcomes feedback from the Judicial Council.

9. STANDING EDUCATION COMMITTEE ANNUAL REPORT (Lauren Andersen):

Lauren Andersen presented the Standing Education Committee's Annual Report. She reported that the Education Department delivered extensive training opportunities during the past year, with more than 56,000 enrollments across live and online offerings and high completion rates. She highlighted support for judicial and leadership conferences, expansion of on-demand training, launch of a new Employee Course Catalog, and updates to Rule 3-403 linking annual training requirements to the HR performance cycle. She also reported progress on key initiatives, including growth of the Employee Mentoring Program, expanded Divorce Education for Children services, implementation of a new learning management system, and development of new educational content related to generative AI.

Judge Michael Leavitt asked about communication regarding mandatory training subjects required by rule. Ms. Andersen responded that required topics are typically addressed at conferences and that reminders are sent to judges who have not completed required training. She also noted plans to improve communication with the benches regarding mandatory training requirements.

10. RULE 1-205 PERFORMANCE ASSESSMENT (Michael Drechsel):

Michael Drechsel presented the Uniform Fine Committee's performance assessment and a recommendation to modify the committee's membership pursuant to UCJA Rule 1-205(1)(D). He explained that standing committee performance assessments, conducted every three years by committee chairs, evaluate committee efficiency, potential redundancies, and whether a committee continues to serve its purpose.

Mr. Drechsel reported that Judge Jennifer Valencia, chair of the Uniform Fine Committee, concluded that the committee continues to serve an important function and should not be dissolved, and that no redundancies exist warranting consolidation with other committees. Judge Valencia further determined that the committee's work could be completed more efficiently and recommended reducing the committee's membership from eight judges to one district court judge and two justice court judges, which would require an amendment to Rule 1-205.

Mr. Drechsel stated that the Policy, Planning, and Technology Committee reviewed and approved amended language to Rule 1-205 reflecting the streamlined structure. He requested the Judicial Council's approval to publish the proposed rule amendment for public comment, with comments to be reviewed through the standard process and the proposal to return to the Council for final consideration prior to implementation.

Motion: Judge Gardner moved to approve publication of amended Rule 1-205 for public comment. Justice Paige Petersen seconded the motion, and it passed unanimously.

11. CERTIFICATION OF TREATMENT COURTS (Cris Seabury, Katy Erickson):

Cris Seabury and Katy Erickson presented certification recommendations for treatment courts pursuant to UCJA Rule 4-409. They reported that the evaluation process included site visits, interviews, and document reviews. Ms. Erickson noted that the Davis County DUI/RSAT Court is not currently using a standardized screening tool; however, Judge Michael Edwards is working with the treatment team to select and implement an appropriate tool. She reported that the court currently uses multiple screening processes and emphasized the importance of standardized screening to ensure DUI offenders are appropriately served based on risk level. Housing availability was also identified as a challenge due to increased costs. Despite these issues, re-certification was recommended based on the court's efforts to address the identified concerns.

The following treatment courts were recommended for re-certification:

- Fifth District – Washington County Adult Recovery Court (Judge Matthew Bell)
- Second District – Davis County DUI/RSAT Court (Judge Michael Edwards)

Motion: Judge Cornish moved to approve the certification of these treatment courts as recommended. Judge Mettler seconded the motion, and it passed unanimously.

12. BASIC GUIDELINES GUARDIANSHIP HANDBOOK (Keri Sargent):

Keri Sargent presented on behalf of Shonna Thomas regarding the Working Interdisciplinary Networks of Guardianship Stakeholders (WINGS) Committee's draft revised handbook, Basic Guidelines: Serving as Guardian or Conservator for an Adult. She reported that the revised handbook updates the 2007 guardianship and conservatorship manual to reflect statutory and rule changes and incorporates plain language to improve accessibility. She further noted that UCJA Rule 6-501(3)(A) requires proposed guardians and conservators to complete a court-approved exam, and that the revised handbook is intended to support that requirement.

Motion: Judge Mettler moved to approve the Basic Guidelines Guardianship Handbook. Judge Cornish seconded the motion, and it passed unanimously.

13. JUDICIAL CONDUCT COMMISSION REPORT (Alex Peterson):

Alex Peterson, Executive Director of the Judicial Conduct Commission (JCC), presented the Commission's biannual update. He stated that the JCC is fully staffed with 11 commissioners, including newly appointed citizen member Linda Dunn, and that there are currently no vacancies. He noted that a request to the Supreme Court for an attorney member will occur in 2027 when an existing term expires. To address caseload demands, the judicial investigator position was converted from part-time to full-time, while overall staffing levels remained unchanged.

Mr. Peterson discussed caseload trends, noting that more than 90 complaints have been received to date in FY26 and that the Commission expects to receive approximately 180–190 complaints for the fiscal year, consistent with recent years and indicating a stabilization of caseload levels. He reported that there have been two dismissals with warnings to date and no public dispositions. Mr. Peterson also reported that the JCC published its FY25 Annual Report and that the Commission's actions, including public actions and dismissals with warnings, are posted on the JCC website in a timely manner. He also noted that commissioners participated in biennial training through the National Center for State Courts.

Mr. Peterson summarized national trends discussed during training, including an increase in judicial conduct complaints nationwide, many of which stem from public dissatisfaction with judicial decisions. He noted that social media has increased the visibility of judicial behavior, resulting in complaints related to conduct that previously may not have come to public attention. He also referenced ongoing national discussion regarding the balance between judicial independence and accountability and noted that Utah's Judicial Conduct Commission is unique in including legislators among its commissioners.

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

Motion: Judge Cornish moved to approve the items on the consent calendar. Judge Mettler seconded the motion, and it passed unanimously.

15. ADJOURN

The meeting was adjourned

