

**JUDICIAL COUNCIL MEETING  
Minutes**

**February 23, 2026**

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. Rita Cornish  
Hon. Susan Eisenman  
Hon. Michael Leavitt  
Hon. James Gardner  
Hon. Amber Mettler  
Justice Paige Petersen  
Hon. Christine Johnson  
Hon. Chris Bown  
Hon. Brendan McCullagh  
Hon. Jon Carpenter  
Kristin K. Woods

**AOC Staff:**

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

**Presenters:**

Jordan Murray  
Karl Sweeney  
Alisha Johnson  
Mark Urry  
Chris Talbot

**Excused:**

Hon. Samuel Chiara  
Hon. Michael DiReda  
Hon. Angela Fonesbeck

**1. WELCOME AND THE APPROVAL OF MINUTES (Judge David Mortensen):**

Judge David Mortensen welcomed everyone to the meeting and called for any questions or corrections to the January 20, 2026 meeting minutes. None were raised.

**Motion:** Judge Jon Carpenter moved to approve the January 20, 2026 meeting minutes. Judge Amber Mettler seconded the motion, which passed unanimously.

**2. CHAIR’S REPORT (Judge David Mortensen):**

Judge Mortensen noted that the matters referenced in the Chair’s Report would be addressed later in the agenda.

**3. STATE COURT ADMINISTRATOR REPORT (Ron Gordon):**

Ron Gordon reported on the current legislative budget discussions. He noted that state revenue projections are trending upward, which is encouraging. However, the Legislature continues to consider budget reductions to address funding gaps resulting from recent federal legislation and related shortfalls.

The Criminal Justice Appropriations Subcommittee agreed with the Judiciary’s request to avoid personnel reductions. The subcommittee also reviewed and prioritized all submitted budget requests, ranking the Judiciary’s Core Courthouse compensation request third out of fifty which is consistent with its ranking last year. Of the \$6 million requested, \$3 million was prioritized. While the ranking is favorable, Mr. Gordon reminded Council members that it does not guarantee funding, as final decisions will be made by the Executive Appropriations Committee.

Mr. Gordon further reported that the Legislature has already allocated funding for the new judges and justices authorized under SB 134. He also discussed pending legislation that could impact the Judiciary’s funding requests, including proposals for additional commissioners.

Finally, Mr. Gordon reported that he has met with each member of the appropriations committees. He described the discussions as productive and indicated that members expressed an understanding of the Judiciary’s budget priorities.

**4. COMMITTEE REPORTS:**

**Management Committee:** Nothing to report.

**Budget & Fiscal Management Committee:** Nothing to report.

**Liaison Committee:** Justice Paige Petersen stated the committee has been busy and Michael Drechsel will discuss the work of the committee later in the meeting.

**Policy, Planning, and Technology Committee:** Judge James Gardner reported that a discussion regarding the three-judge panel and a related rule will take place later in the meeting agenda.

He further reported that work continues on developing supplemental rules governing case assignments for each of the districts. The drafting process has been more complex than initially anticipated; however, the committee expects the rules to be finalized by next month, and no later than April.

**Bar Commission:** Katie Woods stated the Executive Director and the Bar President will present to the Council at the Spring Convention in March.

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

Alisha Johnson presented the financial reports.

**FY 2026 Ongoing Turnover Savings as of 02/03/2026- Period 7**

#		Prior Month	Forecast	Actual	Forecasted	Change in Forecast
		Amount @ YE	Amount YTD	Amount @ YE	Amount @ YE	
	Net Carried over Ongoing Savings (finalized from FY 2025)	138,582	138,582	138,582	-	
	Ongoing Turnover Savings FY 2026 (actual year-to-date, Salary Differential only)	603,954	649,316	649,316	45,361	
1	Ongoing Turnover Savings FY 2026 (forecast \$65,000 / month x 5 months, Salary Differential only)	390,000	-	325,000	(65,000)	
	<b>TOTAL SALARY RELATED ONGOING SAVINGS</b>	<b>1,132,537</b>	<b>787,898</b>	<b>1,112,898</b>	<b>(19,639)</b>	
	Benefit Differential Savings FY 2026 (will be recognized in this row starting in Q4)	-	-	-	-	
	<b>TOTAL SAVINGS</b>	<b>1,132,537</b>	<b>787,898</b>	<b>1,112,898</b>	<b>(19,639)</b>	
2	2026 Annual Authorized Hot Spot Raises	(200,000)	(191,455)	(200,000)	-	
	<b>TOTAL USES</b>	<b>(200,000)</b>	<b>(191,455)</b>	<b>(200,000)</b>	<b>-</b>	
	<b>Total Actual/Forecasted Unencumbered Turnover Savings for FY 2026</b>	<b>932,537</b>	<b>596,443</b>	<b>912,898</b>	<b>(19,639)</b>	

## FY 26 Ongoing Funding Net of Commitments/Reserves- Period 7, FY 2026

<b>Funding Sources</b>		
<b>Available Funds</b>		
Ongoing Turnover Savings carried over from FY 2025		<b>Net Available</b> \$ 138,582
Actual Ongoing Turnover Savings from FY 2026 (as of period 6) - Note: Does not include CY benefits differential until Q4 or forecasted amounts		\$ 649,316
<b>Total Available Ongoing Funding - Cash Basis</b>		<b>\$ 787,898</b>
<b>Commitments/Reserves</b>		
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)
<b>Total Commitments/Reserves</b>		<b>\$ (670,000)</b>
<b>Net Available Ongoing Funding - Cash Basis (Deficit)</b>		<b>\$ 117,898</b>
<b>Deferred Ongoing Requests</b>		
<i>Requests are deferred until Net Available Ongoing Funding - Cash Basis exceeds these requested amounts</i>		
8th District Probation Training Coordinator - Russ Pearson		Judicial Council Approved \$ 52,500
Juvenile Court ICJ Funding Increase		\$ 7,000
<b>Subtotal</b>		<b>\$ 59,500</b>

## FY 2026 One Time Turnover Savings- Period 7

#	Description	Funding Type	Actual Amount
1	One Time Turnover Savings (from actual payroll data versus budget as of PPE 01/16/2026)	Internal Savings	1,051,991
2	Est. One Time Savings for remaining pay hours (936 @ \$900 / pay hour)	Internal Savings (Est.)	842,400
<b>Total Potential One Time Savings</b>			<b>3 1,894,391</b>
<i>Prior Report Totals (as of PPE 12/19/2025)</i>			1,862,154
<i>FY 2025 Final</i>			3,072,760

- Actual per hour turnover savings for the last 4 pay periods (oldest to newest): \$1,007.02, \$252.45, \$1,401.31, and \$1,117.50. The average per hour turnover savings for FY 2026 YTD: \$913.19. Last report's average was \$882.82. We are maintaining the \$900 per pay hour estimate based on the conservative estimate of the variation of + / - 15 FTE vacant FTE and the reduced savings from the expiration of the Social Security cap as of the start of the new calendar year.
- Based on the information above, the forecast was decreased from \$1,200 per hour to \$900 per hour 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. Although this decrease does seem to be rebounding as of PPE 12/19, this impact has flowed through beginning on the next report.

RECONCILIATION		
Per working Hour Δ		
FY 2025 Per Hour Turnover Savings:	\$ 1,427	
Minus adjustment for decrease from 30 to 15 vacant positions (assumption: *\$37.99 loaded / hr):	\$ (570)	(-15 x \$37.99)
Anticipated Turnover Savings per Hour based upon 15 vacant positions:	\$ 857	
FY 2026 Forecast for balance of year	\$ 900	

\*\$37.99 / hour includes IA base of \$22.39 / hr salary + 28.345% for retirement + \$9.26 for double health / dental.

## FY 2026 Year end Requests and Forecasted Available One-Time Funds - Period 7

Forecasted Available One-time Funds			# One-time Spending Plan Requests		Adjusted Requests Amount	Judicial Council Approved Amount
<b>Sources of YE 2026 Funds</b>						
*	Turnover Savings as of PPE 01/16/2026	Turnover Savings	1,051,991			
	Turnover savings Estimate for the rest of the year (\$900 x 936 pay hours)	Turnover Savings	842,400			
	<b>Total Potential One Time Turnover Savings</b>		<b>1,894,391</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>1,644,391</b>			
	Operational Savings From TCE / AOC Budgets - mid-year forecast	Internal Operating Savings	539,910			
	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)	<b>Total Operational Savings, Reserve, Unclaimed Property and Prior Year Adjustments</b>		<b>478,610</b>			
(c)	<b>Total of Turnover Savings &amp; Operational Savings = (a) + (b)</b>		<b>2,123,001</b>			
<b>Uses of YE 2026 Funds</b>						
(d)	Carryforward into FY 2027 (Anticipate request to Legislature for \$3,200,000)	FY 2027 Carryforward	(2,123,001)			
	<b>Total Potential One Time Savings = (c) less Carryforward (d)</b>		<b>-</b>			
	Less: Judicial Council Requests Previously Approved		-			
	Less: Judicial Council Current Month Spending Requests		-			
	<b>Remaining Forecasted Funds Available for FY 2026 YE Spending Requests, CCCF, etc.</b>		<b>-</b>			

Last reported expected carryforward: \$2,050,854

Karl Sweeney reported that discussions are ongoing with the Legislative Fiscal Analyst (LFA) regarding the Judiciary’s budget reductions. He expressed appreciation for the LFA’s collaboration and support throughout the process.

Jordan Murray provided an update on the XChange Fee increases. He reported that the mid-year 2026 FY performance data indicate that the updated fee structure is successfully closing the historical gap (which was \$1.6M in FY 2025) between XChange expenses and collections without creating a material surplus of revenue. Therefore, the increases have proven to be a successful strategic adjustment. The AOC Finance team will continue to monitor these figures to ensure the alignment between revenues and expenses is maintained.

Mr. Murray also reported on proposed “judicial transparency” legislation currently under consideration by the Legislature. He noted that, if passed, the bill would carry a significant fiscal note and would be funded through XChange fees.

Mr. Sweeney addressed the impact of phasing out pennies on the Judiciary. He stated that the change has not had a significant effect on court operations. Courts have posted signage in reception areas requesting that patrons provide exact change when conducting transactions.

## **6. JPEC Report (Mary-Margaret Pingree)**

Mary-Margaret Pingree reported that JPEC has received the survey data and has distributed the first reports to mid-term judges. She noted that overall response rates were strong, with attorney survey response rates remaining stable and court staff response rates increasing by 5%. Ms. Pingree also explained that normalization is now incorporated into the JPEC process and is more clearly outlined in the attached memorandum.

Madison Klein, Business Analyst for the JPEC team, presented the JPEC Judge Portal. She provided an overview of the system, demonstrated how to navigate and use the portal, and invited feedback and recommendations to improve its functionality and user experience.

Judge Mortensen stated that currently only Presiding Judges have access to certain portions of individual judges’ evaluations, while Judicial Council members are able to review the reports in their entirety. He encouraged Council members to review the mid-term reports carefully and to notify fellow Council members of any concerns. He noted that the reports would be distributed later in the day by Mr. Gordon.

Judicial Council members expressed appreciation to JPEC for its thorough reports and for the development of the Judge Portal.

## **7. REQUEST TO FILL COMMISSIONER VACANCY (Mark Urry)**

Mark Urry presented a request to fill the vacancy created by the retirement of Commissioner Marla Snow in the Fourth District Court. He reviewed the commissioner caseload data and the current judicial weighted caseload, noting the district’s size and complexity.

**Motion:** Judge Gardner moved to approve filling the commissioner vacancy in the Fourth District. Judge Rita Cornish seconded the motion, and it passed unanimously.

## 8. COURT FACILITIES PLANNING COMMITTEE (Chris Talbot)

Chris Talbot reported that, pursuant to Rule 1-205, the Court Facilities Planning Committee (CFPC) conducted a performance review. He stated that he and the Committee Chair, Judge Michele Christiansen Forster, recommend disbanding the Committee. He explained that quarterly meetings have become brief due to limited new funding activity and that responsibilities could be addressed through an alternative reporting structure.

Mr. Talbot outlined the proposed process:

- Quarterly meetings between the Facilities Director, the State Court Administrator, and the Deputy State Court Administrator, with Council appearances as needed for time-sensitive matters.
- An annual report to the Judicial Council outlining capital priorities, proposed modifications, and project updates.

He stated that the proposed structure would maintain transparency while reducing administrative burden.

**Motion:** Judge Susan Eisenman moved to eliminate the Court Facilities Planning Committee and to amend Rule 1-205 accordingly. Judge Christine Johnson seconded the motion, and it passed unanimously.

## 9. UNIFORM FINE COMMITTEE (Michael Drechsel)

Michael Drechsel reported that the proposed amendment to Rule 1-205 modifying the composition of the Uniform Fine Committee was published for public comment on December 16, 2025. The comment period closed without receiving public comment.

Mr. Drechsel stated that the proposed amendment reduces the membership to one district court judge and two justice court judges and outlined the recommended appointments and terms:

- Appointment of Judge Denise Porter as Chair;
- Reappointment of Judge Barbara Finlinson to a second term as a justice court judge; and
- Appointment of Judge Brook Sessions to a first term as a justice court judge.

**Motion:** Judge Cornish moved to approve the amendment to Rule 1-205 as presented. Judge Brendan McCullagh seconded the motion, and it passed unanimously.

## 10. LEGISLATIVE UPDATES (Michael Drechsel)

Michael Drechsel provided legislative updates and reviewed several bills that may impact the Judiciary. Mr. Drechsel discussed proposed legislation including the assignment of district court judges to cases a municipality files; proposed changes to the structure and function of the Guardian ad Litem program within the juvenile and district courts; legislation related to the selection process for judicial officers; a modification of JPEC's processes; and a bill regarding cases taken under advisement.

Mr. Drechsel reviewed the Judicial Transparency bill and clarified the proposed cooling-off period applicable to retired judges. Justice Petersen noted that the Supreme Court is already in the process of developing rules similar to those outlined in the bill.

Mr. Drechsel also led a discussion regarding the potential fiscal impact of the Transparency bill on the Judiciary. He explained that, if passed, court patrons would have access to free audio transcripts of their

cases. He further stated that the XChange program may need to be restructured to meet the requirements of the bill.

Additionally, Mr. Drechsel clarified that the three-judge district court panel will receive funding for both a Judicial Assistant and a Law Clerk. He then reviewed the Debt Collection and Housing Court bill, as well as the bill proposing the consolidation of all judicial districts into four districts.

Mr. Drechsel outlined the potential operational and procedural impacts of these measures on the courts and noted that the Judiciary will continue to monitor their progress during the legislative session.

## **11. CERTIFICATION OF JUSTICE COURT JUDGES (Jim Peters)**

Jim Peters presented a request for the certification of Stephen W. Whiting as Justice Court Judge for San Juan County. Mr. Whiting has completed all necessary education hours.

**Motion:** Judge Carpenter moved to approve the certification of Stephen W. Whiting as a Justice Court Judge. Judge Chris Bown seconded the motion, and it passed unanimously.

## **12. EXPANSION OF TERRITORIAL JURISDICTION (Jim Peters)**

Jim Peters presented a request for the expansion of territorial jurisdiction of San Juan Justice Court. Mr. Peters reported that Monticello City and San Juan County approved an interlocal agreement in January 2026. Mr. Peters requested that the Council approve the territorial jurisdiction of San Juan County be expanded to include Monticello City.

**Motion:** Judge Bown moved to approve the expansion of territorial jurisdiction of San Juan Justice Court to include Monticello City. Judge Cornish seconded the motion, and it passed unanimously.

## **13. HUMAN RESOURCES POLICY AMENDMENTS (Bart Olsen)**

Bart Olsen presented a request for amendments of the following Human Resource Policies: HR08-14: Dual State Employment, HR06-6(12) Pay for Performance Salary Increases, HR06-7 Incentive Awards, HR15-3(3) Workplace Harassment Complaint Procedures, HR17-9 Grievance Review Panel Procedures, HR08-22 In-State and Out-of-State Work, HR02-2 Compliance Responsibility, HR07-7 Administrative Leave and Eligibility, and HR07-20 Leave Bank. He referred the Council to detailed reasoning provided in an attached memorandum in the meeting packet materials. He requested that these amendments go into effect March 1, 2026.

**Motion:** Judge Cornish moved to approve the Human Resources Policy Amendments as presented to go in effect March 1, 2026. Judge Eisenman seconded the motion, and it passed unanimously.

Mr. Olsen then informed the Council of two bills moving through the legislative session that would require Human Resource Policy updates, and both bills carried an effective date of May 6, 2026. Mr. Olsen stated this would not allow sufficient time for the standard process through the HR Policy Review Committee; Policy, Planning and Technology Committee (PP&T); and Judicial Council review. Mr. Olsen then asked if an expedited process could be considered should those bills pass.

Judge Gardner, Chair of the PP&T Committee, suggested that those policy amendments could skip his committee's review and go straight to the Judicial Council for approval. Judge Mortensen stated this could go directly into the Council's April meeting agenda.

#### **14. RULES FOR FINAL APPROVAL (Keisa Williams)**

Keisa Williams presented CJA rules 3-101, 3-111, and 4-410 for final approval. No public comments were received on Rules 3-101 or 3-111 and one comment was received on Rule 4-410. Ms. Williams recommended the following rules be adopted as final with a May 1, 2026 effective date:

- CJA 3-101. Judicial performance standards (AMEND) The proposed amendments modify the case under advisement performance standards for appellate court judges from a fixed number to a percentage-based standard. To provide clarity for the appellate courts, PP&T amended rule 3-101 (line 52) to include the following: "The case under advisement performance standards for appellate courts in paragraphs (3)(A) and (3)(B) begin with cases submitted after May 1, 2026."
- CJA 4-410. Courthouse closure (AMEND) The proposed amendments: 1) clarify the sequence of designated authority for signing courthouse closure orders; 2) add cybersecurity and court operations throughout the rule; and 3) modify the language to include a provision for physical building closure, as well as operational closure. In response to the public comment on amendments to rule 4-410, PP&T added "as soon as reasonably possible" to line 55 to ensure that a presiding judge is not required to physically travel to a building in dangerous conditions. Under paragraph (7), the Communications Director will immediately inform the media and public of the closure via electronic means.
- CJA 3-111. Performance Evaluation of Court Commissioners (AMEND) The proposed amendments remove language allowing court commissioners to exclude an attorney from a certification performance survey because that provision no longer applies.

**Motion:** Judge Cornish moved to approve the amendments to CJA rules 3-101, 3-111, and 4-410 as final, with an effective date of May 1, 2026. Judge Mettler seconded the motion, and it passed unanimously.

#### **15. THREE-JUDGE PANELS (Keisa Williams, Judge James Gardner)**

Judge Gardner reviewed proposed Code of Judicial Administration Rule 4-102, which governs the assignment and reassignment of cases in the district, juvenile, and business and chancery courts, as well as the appointment of district court judges to three-judge panels.

**Motion:** Judge McCullagh moved to approve Rule 4-102, effective March 7, 2026. Judge Carpenter seconded the motion, which passed unanimously.

Judge Gardner then led a discussion regarding the process for assigning district court judges to three-judge panels through random selection. He expressed concern that judges from smaller, rural districts could be disproportionately burdened and emphasized the importance of ensuring an equitable distribution of assignments.

Brody Arishita, Chief Information Officer, provided an overview of the proposed District Court Panel randomizer. He demonstrated the available randomization options and explained how the system would operate in compliance with the Code. Mr. Arishita noted that, in addition to facilitating random selection, the tool would maintain accurate records of assignments.

Council members reached a consensus that the randomization process would begin by randomly selecting the first judge. Upon selection, all other judges from that judge's judicial district would be removed from the remaining pool to ensure that no more than one judge from the same district serves on a panel. A second judge would then be selected through the same computer-generated random draw from the updated pool, followed by the same district-based removal process. The process would continue until three judges - each from a different judicial district - have been selected.

Judge Gardner also led a discussion regarding the qualifications for serving on a three-judge panel. Following discussion, Council members reached a consensus that all district court judges are qualified to serve, subject to limited exceptions:

- District court judges will be removed from the panel list during periods of disability or administrative leave.
- District court judges who have announced their retirement will be removed from the panel list six months prior to their retirement date but will remain on any panel to which they have already been appointed until the case is resolved or their retirement date, whichever occurs first.
- Provided it does not violate the 50% rule, district court judges actively serving on a panel may be removed from the panel list while the case is pending.

**Motion:** Judge McCullagh moved to approve the qualifications and criteria for service on a Three-Judge Panel as presented. Judge Cornish seconded the motion, which passed unanimously.

Judge Gardner added that the panel list; information regarding the dates and frequency of judges' panel service; and a detailed explanation of the randomization process and operation of the tool will be posted on the Judiciary's website.

#### 16. CONSENT CALENDAR (Judge David Mortensen):

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

#### 17. ADJOURN

The meeting was adjourned.