

**JUDICIAL COUNCIL MEETING  
Minutes**

**February 26, 2024**

**Meeting held through Webex and in person  
Matheson Courthouse**

**450 S State Street  
Salt Lake City, UT 84111**

**9:00 a.m. – 12:50 p.m.**

***Chief Justice Matthew B. Durrant, Presiding***

**Members:**

Chief Justice Matthew B. Durrant, Chair  
Hon. David Mortensen, Vice Chair  
Hon. Suchada Bazzelle  
Hon. Keith Barnes  
Hon. Brian Brower  
Judge Jon Carpenter  
Hon. Samuel Chiara  
Hon. Michael DiReda  
Hon. Ryan Evershed  
Hon. Paul Farr  
Hon. James Gardner  
Hon. Elizabeth Lindsley  
Hon. Thomas Low  
Judge Amber Mettler  
Justice Paige Petersen

**Guests:**

Judge Stephen Nelson  
Judge Ryan Peters  
Judge Charles Stormont

**AOC Staff:**

Ron Gordon  
Neira Siaperas  
Brody Arishita  
Shane Bahr  
Jim Peters  
Nick Stiles  
Sonia Sweeney  
Keisa Williams  
Hilary Wood

**Excused:**

Margaret Plane, esq.

**Presenters:**

Judge Laura Scott  
Katie Collins  
Lauren Andersen  
Michael Drechsel  
Alisha Johnson  
Jeremy Marsh  
Jordan Murray  
Bart Olsen  
Karl Sweeney

**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 was any discussion on the January 16, 2024 meeting minutes.

Judge Jon Carpenter pointed out that in item #7 in the minutes, one of the Justice Court judges being certified, Judge Birch, took a position in Draper, not Sandy. He also pointed out that he had abstained from voting on the recertification of his own Justice Court.

**Motion:** Judge Paul Farr made a motion to approve the January 16, 2024 meeting minutes with the proposed changes. Judge Amber Mettler seconded, and the motion passed unanimously.

## **2. INTRODUCTION OF NEW JUDGES: (Ron Gordon)**

Ron Gordon was delayed, so Neira Siaperas introduced Judges Ryan Peters, Stephen Nelson, and Charles Stormont.

Chief Justice Durrant welcomed the three new judges to the judiciary.

## **3. CHAIR'S REPORT: (Chief Justice Matthew B. Durrant)**

In the last couple of weeks, Chief Justice Durrant, Mr. Gordon and Ms. Siaperas met with Speaker Schulz and President Adams. These were positive meetings. As previously mentioned, there are challenges with the budget this year.

## **4. STATE COURT ADMINISTRATOR: (Ron Gordon)**

The Executive Appropriation Committee (EAC) met and released their budget priorities for funding. There were a number of fairly critical items that were excluded from the judiciary's budget priorities, but the efforts will continue during the last week of the session to advocate for funding for these critical needs.

The EAC recommended funding for the judiciary's priority for court interpreters. Funding will be split between one-time and ongoing funding, which means the judiciary will have to bring this item back next year for more one-time or ongoing funding. Another priority that is likely to be funded is a judicial compensation increase of 5% as well as a 3% cost of living raise for court employees and 2% for discretionary pay-for-performance salary increases.

## **5. COMMITTEE REPORTS:**

### **Management Committee Report:**

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

### **Budget & Fiscal Management Committee Report:**

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

### **Liaison Committee Report:**

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

**Policy, Planning, and Technology Committee Report:**  
 The work of the committee will be discussed later in the meeting.

**Bar Commission Report:**  
 Margaret Plane was excused.

**6. BUDGETS AND GRANTS: (Karl Sweeney, Alisha Johnson,)**

Karl Sweeney and Alisha Johnson presented information on the budgets and grants.

**FY 2024 One-Time Turnover Savings**

#		Funding Type	Actual Amount
1	One Time Turnover Savings (from actual payroll data versus budget as of PPE 01/19/2024)	Internal Savings	918,066.26
2	YTD Amount Anticipated to be Reimbursed through ARPA Funding (as of PPE 01/19/2024)	Reimbursements	528,278.57
3	Est. One Time Savings for 920 remaining pay hours (\$1,000 / pay hour)	Internal Savings (Est.)	920,000.00
<b>Total Potential One Time Savings</b>			<b>2,366,344.83</b>

Prior Report Totals (as of PPE 12/08/2023) \$ 2,631,066.71

**FY 2024 Ongoing Turnover Savings**

#		Funding Type	Actual Amount YTD	Forecasted Amount @ YE
	Net Carried over Ongoing Savings (from FY 2023)	Internal Savings	(54,821)	(54,821)
	Ongoing Turnover Savings FY 2024 (actual year-to-date)	Internal Savings	619,168	619,168
1	Ongoing Turnover Savings FY 2024 (forecast \$50,000 / month x 5 months remaining)	Internal Savings	-	250,000
	<b>TOTAL SAVINGS</b>		<b>564,348</b>	<b>814,348</b>
2	2024 Hot Spot Raises Authorized - renews annually until revoked		(72,330)	(200,000)
	<b>TOTAL USES</b>		<b>(72,330)</b>	<b>(200,000)</b>
<b>3</b>	<b>Total Actual/Forecasted Turnover Savings for FY 2024</b>		<b>\$ 492,018</b>	<b>\$ 614,348</b>

Prior Report Totals (as of 12/21/2023, with the contingent amount removed) \$ 441,605 \$ 580,107

## FY 24 Forecasted Available One-time Funds

Forecasted Available One-time Funds		
Description	Funding Type	Amount
<b>Sources of YE 2024 Funds</b>		
* Turnover Savings as of PPE 01/19/2024 (including anticipated ARPA reimbursement)	Turnover Savings	1,446,345
** Turnover savings Estimate for the rest of the year (\$1,000 x 920 pay hours)	Turnover Savings	920,000
<b>Total Potential One Time Turnover Savings</b>		<b>2,366,345</b>
Less: LFA Recommendation to Contribute to Budget Savings		(600,000)
<b>(a) Total Potential One Time Turnover Savings Less LFA Recommendations</b>		<b>1,766,345</b>
<i>Operational Savings From TCE / AOC Budgets - Forecasted</i>	<i>Internal Operating Savings</i>	<i>635,244</i>
<i>Reserve Balance (balance from FY 2023 Carryforward)</i>	<i>Judicial Council Reserve</i>	<i>52,997</i>
<i>Anticipated Reserve Uses - including previously approved and pending requests</i>	<i>Jud. Council Reserve Uses</i>	<i>-</i>
<b>(b) Total Operational Savings and Reserve</b>		<b>688,241</b>
<b>(c) Total of Turnover Savings &amp; Operational Savings = (a) + (b)</b>		<b>2,454,585</b>
<b>Contingent Legislative Supplemental Funding:</b>		
American Fork Lease Increases	Legislative Contingent	389,000
JWI Increase to 2 Hour Minimum	Legislative Contingent	110,000
JWI Higher Pay for Rural Assignments	Legislative Contingent	50,000
Reimburse JWI #2, #3 and #4 from 1x funds	Legislative Contingent	50,000
Senior Judge and Time Limited JA Funding Jan/Feb 2024	Legislative Contingent	160,000
<b>(d) Subtotal - Contingent Legislative Supplemental Funding</b>		<b>759,000</b>
<b>Uses of YE 2024 Funds</b>		
<b>(e) Carryforward into FY 2025 (Anticipate request to Legislature for \$3,200,000)</b>	Pre-Covid Carryforward	<b>(2,500,000)</b>
<b>Total Potential One Time Savings = (c) + (d) less Carryforward (e)</b>		<b>713,585</b>
Less: Judicial Council Requests Previously Approved		(1,263,950)
<b>Adjust for Changes to Original Requests</b>		<b>426,500</b>
Remaining Forecasted Funds Available for FY 2024 YE Spending Requests		(123,865)
Less: Contingent Supplemental Funding		
<b>Remaining Forecasted Funds Available for FY 2024 YE Spending Requests if no Supplemental Funding is Received</b>		<b>(123,865)</b>

Updated 02/07/2024

The ARPA funds for senior judges have now been fully expended.

Lauren Andersen gave an overview of the different training and educational opportunities that the Education Department funds and prepares for the judiciary. She presented the need for additional funding as costs rise, adding that it costs about \$500,000 to run the court's education department. Mr. Sweeney explained that there is not enough in the education department's budget to cover this need and asked the Council to put some thought into investing in this area to bring it out of the negative.

The NCSC came back with a proposal in the amount of approximately \$55,000 for them to conduct Phase II of the judiciary's System Review. Ms. Siaperas stated that this cost would include the cost for the consultants' travel to come onsite to conduct focus groups and interviews in person, as well as virtually, the draft report, and final report.

**Motion:** Judge Samuel Chiara made a motion to table the request for \$55,000 in one-time funding for phase II of the System Review until after the legislative session. Judge James Gardner seconded the motion, and the motion passed unanimously

## **Grants**

Jordan Murray gave the quarterly grants report for the October to December 2023 period. At the end of December, the courts held six active grants, three of which were non-federally awarded. No new grants were awarded to the courts in this period, but one grant application proposal was prepared in December for federal grant funds from the Commission on Criminal and Juvenile Justice in support of the 3rd District Juvenile Village Project Mentor Program.

## **7. ANNUAL HR BUSINESS REPORT & DISCUSSION: (Bart Olsen, Jeremy Marsh)**

Bart Olsen gave a brief annual report, as well as an overview of the services HR provides, as stated in Rule 3-402.

### **Major Projects of 2023**

- Jan - Mar: Developed 13 leadership training modules
- April - June: Delivered training modules statewide
- July - September: Pay implementation and candidate outreach
- October - December: Compensation, classification, and beyond

Mr. Olsen shared some data and trends on HR Investigations, Performance Improvement & Discipline, and ADA & FMLA requests, which were higher in 2023 than in previous years. This was an anticipated outcome of HR education and training, and overall, managers are now more equipped to manage.

### **Coming Up in 2024**

- Increase impacts on morale and retention
- Measurable performance outcomes
- Prepare for enhanced performance-focused compensation

## **8. HR POLICY AMENDMENTS: (Bart Olsen, Jeremy Marsh)**

The Human Resource Policy Review Committee meets regularly to review suggestions for policy amendments and assist the Policy, Planning & Technology Committee, and the Judicial Council to keep policies current and effective.

The Policy, Planning & Technology Committee has approved some policy amendments, which were included in the meeting materials, and sought approval from the Council for the amendments to be effective April 1, 2024.

**Motion:** Judge Gardner made a motion to approve the HR policy amendments as presented. Judge Michael DiReda seconded the motion, and the motion passed unanimously.

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

Michael Drechsel provided an update on several bills from the legislative session, which included:

- Senate Bill 70, the court's request for four District Court judges and two Juvenile Court judges,
- House Joint Resolution 22, the authorization to cease District Court operations in American Fork,
- Senate Joint Resolution 10, the authorization to close down the Richmond City Justice Court in Cache County,
- The Manner of Hearing bill, which was never numbered as Senator Pitcher agreed to allow the judiciary to create rules addressing the manner of hearing. Mr. Drechsel now has permission to share the draft that was previously protected. The bulk of the workload in creating and revising court rules will be in the committees on criminal, civil, and juvenile rules of procedures, which are Supreme Court's advisory committees. The Policy, Planning & Technology Committee will address changes to the administrative rules.
- House Joint Resolution 8, regarding requesting a different judge in a civil case,
- New type of expungement for Problem Solving Courts,
- The recodification project,
- A revamp of estate planning statutes,
- Domestic relations recodification, and
- Justice court reform.

Mr. Drechsel thanked the Council members who are on the Liaison Committee for the time they have taken to meet and to be available. Justice Paige Petersen thanked the Liaison committee members and Mr. Drechsel for all of their hard work.

#### **10. COURT COMMISSIONER CONDUCT COMMITTEE: (Judge Ryan Harris, Keisa Williams)**

Judge Ryan Harris gave a brief report on the Court Commissioner Conduct Committee. There were nine complaints filed in 2023, and all nine were dismissed by the chair. Chief Justice Durrant thanked Judge Harris for his service on the Committee.

#### **11. AD HOC PROBLEM SOLVING COURT COMMITTEE: (Katy Collins)**

Katy Collins presented a follow up proposal to form an ad hoc State Treatment Court Committee, whose purpose will be to address treatment court related issues like statewide training, quality assurance, funding, advocacy, research and evaluation, and technology. A State Treatment Court Steering Committee will provide an opportunity for local and state stakeholders to address the concerns of treatment courts statewide while including the perspectives from urban, rural, and local jurisdiction and state level stakeholders. The proposed committee membership roles should represent urban and rural districts and will report to the Judicial Council. The Statewide Treatment Court Coordinator will serve as staff to this committee.

The Management Committee had recommended that Ms. Collins slim down the number of potential committee members to include one juvenile treatment court judge and one district court judge instead of having a representative from each treatment court.

Judge Mettler suggested the language of the committee member composition be amended to say “to the extent possible”, in the event Ms. Collins can’t get a representative of each court level to participate or “membership may include a representative from each court level.” Judge Farr recommended removing the word “treatment” from “Justice Treatment Court Judge” in section H. In Judge Farr’s district, for example, the numbers are small and some of their roles are informal, so that might make more sense. Judge Elizabeth Lindsley recommended having one urban and one rural representative, since some things are different in the rural districts.

Judge Chiara suggested that the Council set an expiration date or a date to review the committee again with the Council to evaluate the need to continue.

**Motion:** Judge Chiara motioned to approve the request to form the ad hoc State Treatment Court Committee with the composition to be as outlined in the proposal, with the following amendments:

- Either D or F to be revised to “Delinquency Court”, and the duplicate removed
- The requirement to have both rural and urban districts represented in the judge selection
- Set a 3-year term to report back to the Council
- Eliminate the word “treatment” from the Justice Court Judge requirement.

Judge Farr seconded the motion, and the motion passed unanimously.

## **12. 3RD DISTRICT CRIMINAL COMMISSIONER APPOINTMENT: (Judge Laura Scott)**

Judge Laura Scott presented a request to hire Todd Olsen as the new Criminal Commissioner. Judge Todd Shaughnessy led the hiring committee and the Third District bench voted on the selection.

**Motion:** Judge David Mortensen made a motion to approve the request to hire Todd Olsen as the new Criminal Commissioner. Judge DiReda seconded the motion, and the motion passed unanimously.

## **13. DISSOLUTION OF THE RICHMOND JUSTICE COURT: (Jim Peters)**

Following the unexpected resignation of Judge Funk last month, the Richmond City Council decided to dissolve its justice court. Because there is no county level court in Cache County, Section 78A-7-123(1)(a) of the Utah Code requires that Richmond obtain legislative approval to transfer its caseload to the First District Court. Jim Peters provided a letter of intent from Mayor Paul Erickson, which is required by Section 78A-7-123(1)(c) of the Utah Code. Mr. Peters also provided (i) a resolution from the Richmond City Council, (ii) a Joint Resolution Dissolving the Richmond City Justice Court which, as this point, is working its way through the Senate, and

(iii) relevant sections of the Utah Code.

Because Richmond operates a Class IV court, Section 78A-7-123(1)(e) explains that it should have notified the Judicial Council before July 1, 2023 that it was seeking to dissolve. At the time, however, Richmond was unaware that its judge would be resigning. As such, Richmond is asking that the Judicial Council shorten the time required between the city's notice of intent to dissolve and the effective date of the dissolution, as permitted by Section 78A-7-123(3). If approved by the legislature, Richmond would like to dissolve its justice court as of April 1, 2024. That should allow sufficient time to provide notice to the citizenry of Richmond and program the necessary changes at the Administrative Office of the Courts

**Motion:** Judge Chiara made a motion to approve the dissolution of the Richmond Justice Court. Judge DiReda seconded, and the motion passed unanimously.

#### **14. OLD BUSINESS/NEW BUSINESS: (All)**

There was no old or new business.

#### **15. EXECUTIVE SESSION**

There was an executive session.

After the executive session concluded the following motion(s) were made:

**Motion:** Judge Mortensen made a motion to recommend appointments of Judges Andrew Stone and Richard McKelvie as active senior judges, and Judge Katherine Bernards-Goodman as an inactive senior judge. Judge Farr seconded the motion, and the motion passed unanimously.

#### **Rules for Final Approval Discussion**

Judge Lindsley recommended amending the language to rule 3-306.04 line 70, to state that a court employee who has a second language stipend may assist the court in scheduling a new date if an assigned interpreter does not appear. Judge Gardner pointed out that in subsection 1(e), it states that no interpreter is needed for direct verbal exchange between the person and court staff if the court's staff can fluently speak the language understood by the person, and the state court employee is acting within the guidelines established in the human resources policies and procedures. That appears to allow the staff to communicate a new date in a direct verbal exchange. After some discussion, Judge Gardner suggested that the Council approve the rule today for expedited approval, send it out for public comment, and bring up this issue for discussion in the Policy, Planning & Technology Committee.

**Motion:** Judge Mortensen made a motion to approve the rules for final approval, as presented. Judge Chiara seconded the motion, and the motion passed unanimously.

#### **16. ADJOURN**



The meeting adjourned.

## **CONSENT CALENDAR ITEMS**

### **1. Rules for Public Comment (TAB 10)**

1. CJA 1-305. Board of Senior Judges
2. CJA 3-104. Presiding judges
3. CJA 3-108. Judicial assistance
4. CJA 3-111. Performance evaluations
5. CJA 3-113. Senior judges
6. CJA 3-403. Judicial branch education
7. CJA 3-501. Insurance benefits upon retirement
8. CJA 6-304. Grand jury panel

### **2. Juvenile Court Drug Testing Policy (TAB 11)**

DRAFT