

**JUDICIAL COUNCIL MEETING
Minutes**

February 24, 2025

**Meeting held through Webex
and in person**

Matheson Courthouse

9:00 a.m. – 12:05 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 Foncesbeck
Hon. James Gardner
Hon. Michael Leavitt
Hon. Thomas Low
Hon. Brendan McCullagh
Hon. Amber Mettler
Justice Paige Petersen
Kristin K. Woods

AOC Staff:

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

Excused:

Presenters:

Katy Collins
Todd Eaton
Amy Hernandez
Alisha Johnson
Janine Liebert
Jordan Murray

Presenters (cont.)

Bart Olsen
Jon Puente
Cris Seabury
Karl Sweeney
Kaden Taylor
Cathy Zacharias

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 Brian Brower made a motion to approve the January 21, 2025 Judicial Council meeting minutes. Judge Amber Mettler seconded the motion, which passed unanimously.

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

Ron Gordon shared that he presented the Judiciary's budget requests to the Criminal Justice Appropriation Subcommittee, and they have subsequently delivered a report with their recommendations to the Executive Appropriation Committee. He explained that the Criminal Justice Appropriation Subcommittee ranked a total of 45 items, 28 of which were requests from government entities. The remainder of the requests were for appropriations from individual legislators. Mr. Gordon shared the following rankings from the Judicial Council's priority list:

- The top budget request, the core workforce employee compensation, was ranked third overall by the criminal justice appropriations subcommittee.
- The second request, a new Court of Appeals judge, was ranked number 12 on the list of 45.
- The third request for nine additional trial court judicial officers was ranked low (39th), likely because the legislature prefers to allocate funding based on a bill's fiscal note.

Mr. Gordon added that the legislature is considering reallocating \$450,000 in one-time funds for live streaming district court proceedings, which was not a judiciary request but is likely to be funded.

4. 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:

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:

The Bar Spring Convention is scheduled for March 13th-14th in St. George, and there have been approximately 175 attorneys signed up to attend so far. The Bar is also looking forward to hosting the Judicial Council meeting in St. George at the Dixie Convention Center on March 13th.

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

Karl Sweeney and Alisha Johnson presented the financial reports.

FY 2025 Ongoing Turnover Savings

#	Funding Type	Actual	Forecasted
		Amount YTD	Amount @ YE
	Internal Savings	140,594	140,594
	Internal Savings	556,147	556,147
1	Internal Savings	-	250,000
	Internal Savings	-	-
TOTAL SAVINGS		696,741	946,741
2		(140,264)	(200,000)
TOTAL USES		(140,264)	(200,000)
Total Actual/Forecasted Unencumbered Turnover Savings for FY 2025		556,477	746,741

Prior Report Totals as of 01/04/2025 426,077.72 641,267.01

FY 2025 One Time Turnover Savings

#	Funding Type	Actual Amount
1	Internal Savings	1,883,297
2	Internal Savings (Est.)	1,113,600
Total Potential One Time Savings		2,996,897

Prior Report Totals (as of 12/20/2024) 3,040,311

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 01/17/2025	Turnover Savings	1,883,297
Turnover savings Estimate for the rest of the year (\$1,200 x 928 pay hours)	Turnover Savings	1,113,600
Total Potential One Time Turnover Savings		2,996,897
Less: Judicial Council Delegated to State Court Administrator for Discretionary Use		(250,000)
(a) Total Potential One Time Turnover Savings Less Discretionary Use		2,746,897
<i>Operational Savings From TCE / AOC Budgets - mid-year forecast</i>	<i>Internal Operating Savings</i>	589,875
<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>Estimated unclaimed property claims (received and pending)</i>	<i>Additional Revenue Received</i>	730,000
<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		1,380,722
(c) Total of Turnover Savings & Operational Savings = (a) + (b)		4,127,619
Uses of YE 2025 Funds		
(d) Carryforward into FY 2026 (Anticipate request to Legislature for \$3,700,000)	<i>FY 2026 Carryforward</i>	(3,200,000)
Total Potential One Time Savings = (c) less Carryforward (d)		927,619
Less: Judicial Council Requests Previously Approved		(467,427)
Less: Judicial Council Current Month Spending Requests		(330,000)
Remaining Forecasted Funds Available for FY 2025 YE Spending Requests		130,192

Updated 02/13/2025

Facilities Spending Plan for Large Projects FY25

Credits in FY25 Only						Details
Richfield Bond	\$ 219,000					To be reallocated to Heber rent in FY26
Farmington Bond	\$ 399,000					To be reallocated to Heber rent in FY26
Heber Additional Rent	\$ 163,000					To be reallocated to Heber rent in FY26
50% Annual Carry Over	\$ -					
Court Complex Surplus*	\$ 800,000					Approved one-time for AF hearing room
Sub Total	\$ 1,581,000					
		(a)	(b)	(c)	(a) - ((b)+(c))	
Projects	Adjusted Budget	Original Budget	Actual To Date/Projected	Contingency = 10% of original budget	(Under)/Over Budget	Contingency Available for Use
Provo FF&E	\$ 60,000	\$ 72,404	\$ -	\$ 12,404		Completed
Heber FF&E **	\$ -	\$ -	\$ -	\$ -		N/A
Mahti Security Systems ***	\$ -	\$ -	\$ -	\$ -		N/A
Mahti FF&E Overage	\$ 72,000	\$ -	\$ -	\$ (72,000)		Completed
Roosevelt Design and TI	\$ 269,274	\$ -	\$ -	\$ -		Deferred until FY 2026
Provo AV Equipment	\$ 285,000	\$ 104,348	\$ 61,963	\$ (180,654)		Completed; \$224K actual - \$119K paid in FY24 = \$104K actual
Provo Security Equipment	\$ 42,000	\$ 16,499	\$ 16,499	\$ 39,963		Completed
Provo / AF Furniture Move	\$ 167,000	\$ 174,993	\$ -	\$ 7,993		Completed
AOC 3rd Floor Furniture	\$ 500,000	\$ 704,678	\$ 50,000	\$ 254,678		Will be adjusted as construction is completed
AF Hearing Room Const	\$ 275,000	\$ 330,000	\$ 27,500	\$ 82,500		Will be adjusted as construction is completed
AF Chambers, Office & Support Space Const	\$ 65,000	\$ 60,321	\$ -	\$ (4,679)		Completed
AF FF&E	\$ -	\$ 175,390	\$ -	\$ 175,390		Harris (\$9,684), Cabling \$13,792, and AV (\$124,961) only; will be adjusted as construction is completed
AF AV, access, cameras and Cabling	\$ -	\$ 1,655,000	\$ 1,067,200	\$ 165,500	\$ (422,300)	will be adjusted as construction is completed
WI Juv Shell Buildout	\$ -	\$ 41,241	\$ -	\$ 41,241		Inc on \$2,982 + new \$38,259; will be adjusted as construction is completed
WI FF&E	\$ -	\$ 121,271	\$ -	\$ 121,271		Harris \$15,678, Yamas \$14,465, AV \$77,958 and cabling \$13,170; will be adjusted as construction is completed
WI AV, Sec and Cabling	\$ -	\$ 720,000	\$ 739,680	\$ 72,000	\$ 91,680	inc 9K change order; will be adjusted as construction is completed
Math 1st Floor Courtroom Const	\$ -	\$ 309,000	\$ -	\$ (309,000)		Included in the \$739K bid/actual
Math 1st Floor Chambers & Support Spaces Const	\$ -	\$ 146,708	\$ -	\$ 146,708		AV \$116,177 + Harris \$16,695 + cabling \$13,836; will be adjusted as construction is completed
Math AV, Sec and Cabling	\$ 95,000	\$ 65,553	\$ -	\$ (29,447)		Completed
Math 1st floor courtroom FF&E	\$ -	\$ -	\$ -	\$ -		
Sub Total		\$ 4,514,274	\$ 3,902,247	\$ 315,000	\$ (27,753)	
Total Columns (b) + (c)				\$ 4,217,247		Total Spend with Contingency
Adjust for Roosevelt Deferred to FY 2026	\$ (269,274)					
Adjusted Sub Total of Expenditures	\$ 4,245,000	\$ 4,514,274			\$ 315,000	Contingency Allocated to WIP
Total Net Spend (Credits less Expenditures)	\$ (2,664,000)	\$ (2,933,274)			\$ (27,753)	Net Base Budget Over/(Under) = adjustment to contingency
10% Contingency on Expenditures	\$ (424,500)	\$ (451,427)			\$ (451,427)	Contingency Available
Total Net Spend with 10% Contingency	\$ (3,088,500)	\$ (3,384,701)			\$ (164,180)	Subtotal of above
					\$ (150,000)	Contingency Released

* Spend down the CCF surplus to \$500K

** \$400K to be paid to Wasatch Co. towards furniture package before 6/30

*** Funding provided by security funds

Year End Budget Requests:

On behalf of the Self-Help Center and Law Library, Kaden Taylor requested funding in the amount of \$30,000 to help cover the extended cost of providing Utah Code and Court Rules volumes to the districts and appellate courts, per CJA 3-413. Mr. Taylor explained that in the past, Legislative Services has assisted the courts in placing these orders, but notified the courts that starting in 2023 they were no longer going to place an order for the entire state and requested that each agency place orders separately. He added that prices for the materials have increased by two and a half times, but they were able to reduce the additional cost down to \$30,000.

Motion: Judge Susan Eisenman made a motion to approve the request for \$30,000 and to direct Policy, Planning and Technology to review CJA Rule 3-413 to see whether it needs adjustment based on the discussed price increases. Judge James Gardner seconded the motion, which passed unanimously.

On behalf of the IT Department, Todd Eaton presented a request for funding in the amount of \$300,000 to accelerate planned purchases of laptops ahead of an announced tariff-induced 10% pricing increase. He explained that IT is willing to defer \$150,000 of previously approved carryforward spending scheduled to take place in FY 25 and reschedule it for FY 26 as a carryforward item.

Motion: Justice Paige Petersen made a motion to approve the requested \$300,000 for the planned purchase of PC laptops. Judge Brower seconded the motion, which passed unanimously.

Grant Requests:

Jordan Murray, Katy Collins and Shane Bahr presented a request to accept grant funds from the Commission on Criminal and Juvenile Justice in the amount of \$25,000 to support the reimbursement of travel costs associated with the 2025 “All Rise” Conference. There was a discussion regarding any federal grants the Judiciary is involved in, and whether or not it is anticipated the funding from those grants will be frozen. Mr. Murray confirmed that this grant would not be affected if such a freeze did happen.

Motion: Judge Gardner made a motion to approve the request to accept the grant funds. Judge Rita Cornish seconded the motion, which passed unanimously.

On behalf of the Domestic Violence Program, Mr. Murray and Amy Hernandez requested approval to accept the revised Cook County Model pilot program application proposal, which included an additional \$70,000 of funding compared to the original \$180,000 offered, and an 18-month timeline rather than a three-year timeline. Ms. Hernandez noted that a portion of the funding will be used for a grant-contingent full-time position to run the pilot program. Other uses of the grant will include travel, supervised visitation costs for low income court patrons that are in the program, and NCJFCJ memberships for the judges and commissioners that are part of the program. She explained that the plan is to request state funding from the Council in August of 2025 to support the full-time position so that there is a carryover once the grant funding ends.

Motion: Judge Cornish made a motion to untable this item from last month’s meeting so the Council could take a vote. Judge Michael DiReda seconded the motion, which passed unanimously.

Motion: Judge Thomas Low made a motion to approve the request to accept the revised grant proposal, as presented. Judge Angela Fonnesbeck seconded the motion, which passed unanimously.

On behalf of the Domestic Violence Program, Ms. Hernandez presented a renewal grant application proposal for the STOP Violence Against Women Act (VAWA). She explained that the current VAWA funding expires on June 30, 2025, and the renewed grant will provide approximately \$200,000 over a two-year period starting July 1, 2025 to support a dedicated domestic violence probation officer position from the Utah Department of Corrections and treatment evaluations for the domestic violence dockets.

Motion: Justice Petersen made a motion to approve the grant renewal application proposal, as presented. Judge Cornish seconded the motion, which passed unanimously.

On behalf of the Juror Equity Workgroup, Jon Puente shared that one of the potential barriers to more representative juries is compensation. He explained that the Utah Bar Foundation (UBF) has expressed interest in funding the Jury Compensation Pilot Program developed by the Workgroup to gather this proof-of-concept data to address this barrier.

Justice Petersen had a concern over the workgroup’s interpretation of statute that sets juror compensation as a floor rather than the exact amount they are to be paid. Judge DiReda provided some insight from the perspective of the Budget and Fiscal Management Committee (BFMC), which asked for more data before approving the funding of the pilot. He explained that at that

point, UBF offered to provide the funding and the BFMC recommended that the Workgroup present it to the Council for final approval. Mr. Puente added that the pilot program would be for one district for one month to establish a control group and an intervention group to see if higher compensation would decrease the amount of potential jurors asking to be excused due to financial hardship.

Justice Petersen recommended getting an opinion from the Courts' legal counsel before moving forward with this program.

Judge Brendan McCullagh made a recommendation to defer consideration of this item to next month's agenda after the Workgroup can get a written opinion from legal counsel.

Quarterly Grant Report (Q2 FY 2025)

Jordan Murray presented a summary of the Judiciary's grant portfolio as of the second quarter of FY 2025.

6. TREATMENT COURT RECERTIFICATION: (Cris Seabury)

Cris Seabury presented the recertification report for the Second District - Weber County Treatment Court, and added her recommendation for its recertification.

Motion: Judge McCullagh made a motion to approve the recertification of the Second District Adult Mental Health Court. Judge Gardner seconded the motion, which passed unanimously.

7. RULES FOR FINAL APPROVAL: (Keisa Williams)

Keisa Williams stated that CJA rules 4-202.02, 4-202.04, and 4-202.07 came back from a 45-day public comment period, during which no public comments were received on rules 4-202.02 or 4-202.07. She added that one public comment was received on rule 4-202.04, and discussed the minor amendments that the Policy, Planning and Technology Committee (PP&T) made based on that comment. Ms. Williams added that PP&T recommended that the rules above be adopted as final with a May 1, 2025 effective date.

Judge Eisenman had a question about one of the amendments to rule 4-202.07(1), and the recommendation was to refer it back to PP&T for further consideration.

Motion: Judge Cornish made a motion to approve CJA rules 4-202.02 and 4-202.04 with a May 1, 2025 effective date, and to refer rule 4-202.07 back to PP&T for consideration. Judge Jon Carpenter seconded the motion, which passed unanimously.

With regard CJA rule 4-111, Ms. Williams explained that this rule requires the courts to expedite the procedures, hearings, and disposition of post conviction petitions and capital cases above all other cases, except the trial and appeal of capital felonies, and requires the Administrative Office of the Courts to prepare and send a monthly report on pending post-conviction petitions and capital cases. She shared that the Board of District Court Judges has recommended that the requirement to report be eliminated, explaining that the report has to be manually created and is not very helpful. Ms. Williams did not ask for final approval on this rule, just a discussion. Judge Gardner recommended that this rule be repealed as judges are already doing their part to track these cases and to expedite those procedures.

Motion: Judge McCullagh made a motion to refer to PP&T to consider the continued utility of CJA rule 4-111. Judge Eisenman seconded the motion, which passed unanimously.

8. LEGISLATIVE UPDATE: (Michael Drechsel)

Michael Drechsel presented an update of the bills initiated by the Judiciary this legislative session. The medical cannabis policy change initiated by the Board of District Court Judges did not gain traction with the legislators, and Mr. Drechsel added that there will not be a resolution on that issue this session. He also reported that HB 49 regarding juror eligibility for those convicted of a felony received resistance, but a change will be made to make those whose felonies have been expunged or reduced to a misdemeanor eligible. Mr. Drechsel also shared that SB 109 requesting new judicial officers is on the legislative agenda for tomorrow afternoon, as well as SB 148, which seeks to raise the online court assistance fee from \$20 to \$60.

Mr. Drechsel then gave an update on a number of bills and proposals that have caught the collective attention of the Judiciary, including SB 296 regarding the appointment and reappointment of the Chief Justice and the Presiding Judge in the Court of Appeals. Justice Petersen voiced opposition to this bill, with which several other Council members agreed, in that it appears to threaten the independence of the Judicial Branch. There was a discussion about the best path to take in expressing these concerns, noted further in the meeting.

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

Jim Peters requested the certification of two new Justice Court judges, Mark Flores in the South Salt Lake Justice Court and Ryan Holtan in the West Jordan Justice Court.

Motion: Judge McCullagh made a motion to approve the certification of the two new Justice Court judges as presented. Judge DiReda seconded the motion, which passed unanimously.

10. SYSTEM REVIEW REPORT: (Cathy Zacharias, Ron Gordon)

Ron Gordon introduced Cathy Zacharias from the National Center for State Courts, who summarized the findings from Phase II of the System Review. Mr. Gordon explained that Neira Siaperas created a tracking system for each of the findings. He added that they plan to present an overview of the System Review report via a webinar next month.

11. LEGISLATION: (Judge Thomas Low)

Judge Low shared five recommendations from the Liaison Committee as possible methods of responding to HB 512 and the other unfavorable bills related to the judiciary.

- 1) To issue a letter to the legislature about the Judiciary's opposition and the reasons therefore;
- 2) To authorize individual outreach from judges to their legislators;
- 3) To make an outreach to the Governor;
- 4) To share the Judiciary's concerns with the Utah State Bar; and
- 5) To make necessary changes to JPEC's process.

Motion #1: Judge Eisenman made a motion that the Council direct a letter to be sent to the legislature explaining its opposition to HB 512, and to express that the collective suite of bills aimed at the Judiciary are seen as an attempt to erode the independence of the Judicial Branch. Judge DiReda seconded the motion, and the motion failed, two in favor and six against.

Judge Brower recommended the Judiciary issue a press release rather than a letter directly to the legislature, concerned that a letter might be seen as drawing a line in the sand. Judge Low explained that a letter can address a lot more in writing than can be expressed in the few minutes the Judiciary has to oppose the bills in person. Mr. Gordon shared that Chief Justice Matthew B. Durrant has some time with the Speaker of the House and the Senate President this Thursday, which could provide a unique opportunity to share the concerns of the Council. Judge Michael Leavitt added his recommendation that directing a letter to the House and Senate leadership would be most effective in addition to the Chief's opportunity to meet with them. Chief Justice Durrant expressed his willingness to present a letter from the Council to the legislature's leadership to discuss in person, which could then be disseminated more widely. Justice Petersen asked for clarification on whether the Council would oppose just HB 512 in the letter, or all of the concerning bills. The Council discussed opposing HB 512, and to oppose any other further efforts to diminish the efforts of the Judiciary.

Motion #2: Justice Petersen made a motion to move forward with whatever form is most strategically wise to oppose HB 512, with reference to other proposed bills that would have the effect of undermining Judicial independence. Judge Low seconded the motion, which passed unanimously.

Judge Low discussed the second recommendation from the Liaison Committee, to reach out to the Governor's Office to discuss the Judiciary's opposition to HB 512.

Motion #3: Judge Chiara made a motion to communicate to the Governor's Office the Judiciary's opposition to HB 512, with reference to other proposed bills that would have the effect of undermining Judicial independence, either by memo, letter or other contact being most appropriate. Judge Cornish seconded the motion, which passed unanimously.

Judge Low discussed the third recommendation from the Liaison Committee, individual outreach from judges. Mr. Gordon shared the Liaison Committee recommended that if there is a judge who might have an existing relationship with a legislator who would potentially be open to a discussion, the Council should authorize that communication.

Motion: Judge Cornish made a motion to authorize the Liaison Committee, in their discretion, to identify legislators who might be open to communication from the courts and to match them with the appropriate judicial officers to make contact for a discussion. Judge DiReda moved to amend the motion to have the state court administrator and his staff be included in any of those discussions. Justice Petersen seconded the motion, which passed unanimously.

Judge Mortensen discussed the fourth recommended option from the Liaison Committee, to share the Judiciary's opposition to HB 512, and the other concerning bills, with the Utah State Bar.

Motion: Judge Carpenter made a motion to share the Judiciary's opposition to HB 512, and the other applicable bills, with the Utah State Bar. Judge Brower seconded the motion, which passed unanimously.

Judge Mortensen discussed the last recommendation from the Liaison Committee, to identify appropriate changes to the Judicial Performance Evaluation process, rather than the legislature creating their own judicial performance process. Justice Petersen voiced a concern with making any concessions to the legislature that would politicize the Judicial Performance Evaluation Commission.

Chief Justice Durrant expressed his appreciation for the work of Mr. Gordon and his team as well as for the efforts and thoughtfulness of the Judicial Council members.

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

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

13. OLD BUSINESS/NEW BUSINESS: (All)

There was none.

14. ACTIVE SENIOR JUDGE APPLICATION: (Neira Siaperas)

Motion: Judge McCullagh made a motion to move into an executive session for the purpose of discussing the character, professional competence, or physical or mental health of an individual and for the advice of legal counsel. Judge Gardner seconded the motion, which passed unanimously.

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

Motion: Judge Cornish made a motion to defer the active senior judge application for the Judicial Council to take action at a further date. Judge Low seconded the motion, which passed unanimously.

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

The meeting was adjourned.

CONSENT CALENDAR ITEMS

1. Rules for Public Comment
2. MUJI Civil Committee Membership
3. Standing Education Committee Membership
4. GAL Oversight Committee Membership
5. Standing Committee on Children and Family Law Membership
6. Forms Committee Membership
7. MUJI Crim Committee Membership