

JUDICIAL COUNCIL MEETING
Minutes

May 19, 2025

**Meeting held through Webex
and in person**

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

9:00 a.m. – 12:10 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. James Gardner
Hon. Michael Leavitt
Hon. Thomas Low
Hon. Brendan McCullagh
Justice Jill Pohlman
Kristin K. Woods

Presenters:

Judge Steven Beck
Karl Sweeney
Alisha Johnson
Jordan Murray
Tucker Samuelsen
Bart Olsen
Judge Michelle Christiansen Forster
Katy Burke
Judge Doulas Nielsen
Cris Seabury

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:

Hon. Susan Eisenman
Hon. Angela Fonnesbeck
Justice Paige Petersen
Hon. Amber Mettler

Presenters (cont.)

Judge Richard Mrazik
Janine Liebert
Jeremy Marsh
Judge Clay Stucki
Judge Adam Mow
Nini Rich
Shelly Waite

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

Chief Justice Matthew B. Durrant welcomed everyone to the meeting and asked if there were any questions or comments on the previous month's minutes. There were none.

Motion: Judge Thomas Low made a motion to approve the April 28, 2025 meeting minutes. Judge Brian Brower seconded the motion, which passed unanimously.

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

Ron Gordon expressed gratitude to the Education Team for planning and executing successful court level judicial conferences this spring. He also conveyed appreciation and gratitude to the Council for approving the "Investing in our People" compensation and benefits proposal last month, adding that leadership continues to work on the implementation details. Lastly, Mr. Gordon shared that the System Review tracking document will soon be posted on the intranet, making it available to employees and judges, and that he will provide a progress report at the next meeting.

3. 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:

Senator Brammer has reached out to discuss a couple of issues, one of which involves appellate courts' JPEC performance standards. The committee looks forward to being able to address those issues as they arise. Legislative interim meetings begin May 20th, with additional meetings in June, August, September, October and November. Michael Drechsel has agreed to attend those meetings and will subsequently update the Council with relevant information.

Policy, Planning, and Technology Committee Report:

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

Bar Commission Report:

The Bar will be hosting the "Jack Rabbit Bar Conference" later this week in St. George, which includes smaller Bar organizations from around the country.

4. BOARD OF JUVENILE COURT JUDGES REPORT: (Judge Steven Beck, Sonia Sweeney)

Judge Steven Beck reported on the work of the Board of Juvenile Court Judges, noting that an ongoing goal for the year is to increase job satisfaction for staff, particularly since the board does not have budgetary ability to provide monetary increases. The board has made many efforts towards this goal, including implied leadership training for judges, the celebration of

Administrative Professionals Day, expanding local bench meetings to include more staff, and holding staff-led themed experiences and events promoting relationships between staff and the bench.

Judge Beck reported on a change regarding initial detention hearings for the youth, which are now being transitioned to the youth's home district rather than the location the youth was booked. This change aims to address concerns from families about seeing unfamiliar judges.

Finally, Judge Beck discussed efforts related to SB 157, which mandates that youth must now be advised of their right to receive legal advice through the Indigent Defense Commission (IDC) before declining a nonjudicial adjustment. As the courts and IDC begin implementing this requirement, an issue emerged regarding what information the IDC attorney should have access to when advising these youth. The board is considering a standing order that would authorize the release of the protected police reports to the IDC attorney for these types of cases.

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

Alisha Johnson presented the financial reports.

FY 2025 Ongoing Turnover Savings

#		Prior Month	Forecast	Actual	Forecasted	Change in Forecast
		Amount @ YE	Amount YTD	Amount @ YE	Amount @ YE	
	Net Carried over Ongoing Savings (finalized from FY 2024)	140,594	140,594	140,594		-
	Ongoing Turnover Savings FY 2025 (actual year-to-date, Salary Differential only)	734,456	772,110	772,110		37,653
1	Ongoing Turnover Savings FY 2025 (forecast \$65,000 / month x 2 months, Salary Differential only)	195,000	-	130,000	(65,000)	
	TOTAL SALARY RELATED ONGOING SAVINGS	1,070,051	912,704	1,042,704		(27,347)
	Benefit Differential Savings FY 2025 (will be recognized in this row starting in Q4)	34,050	78,365	78,365		44,315
	TOTAL SAVINGS	1,104,100	991,069	1,121,069		16,969
2	2025 Annual Authorized Hot Spot Raises	(200,000)	(193,877)	(200,000)		-
	TOTAL USES	(200,000)	(193,877)	(200,000)		-
Total Actual/Forecasted Unencumbered Turnover Savings for FY 2025		904,100	797,192	921,069		16,969

FY 2025 One Time Turnover Savings

#		Actual	
		Funding Type	Amount
1	One Time Turnover Savings (from actual payroll data versus budget as of PPE 04/11/2025)	Internal Savings	2,487,739
2	Est. One Time Savings for remaining pay hours (448 @ \$1,500 / pay hour)	Internal Savings (Est.)	672,000
Total Potential One Time Savings			3,159,739

Prior Report Totals (as of 03/14/2025)

3,237,179

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 04/11/2025	Turnover Savings	2,487,739
Turnover savings Estimate for the rest of the year (\$1,500 x 448 pay hours)	Turnover Savings	672,000
Total Potential One Time Turnover Savings		3,159,739
Less: Judicial Council Delegated to State Court Administrator for Discretionary Use		(250,000)
(a) Total Potential One Time Turnover Savings Less Discretionary Use		2,909,739
<i>Operational Savings From TCE / AOC Budgets - mid-year forecast</i>	<i>Internal Operating Savings</i>	634,358
<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>	741,488
<i>Prior year adjustments - impact on current year operations (Hyrum and OFA)</i>	<i>Adjustments to CY Operations</i>	(90,000)
(b) Total Operational Savings, Reserve, Unclaimed Property and Prior Year Adjustments		1,436,693
(c) Total of Turnover Savings & Operational Savings = (a) + (b)		4,346,432
Uses of YE 2025 Funds		
(d) Carryforward into FY 2026 (Anticipate request to Legislature for \$3,700,000)	FY 2026 Carryforward	(3,700,000)
Total Potential One Time Savings = (c) less Carryforward (d)		646,432
Less: Judicial Council Requests Previously Approved		(532,800)
Less: Judicial Council Current Month Spending Requests		-
Remaining Forecasted Funds Available for FY 2025 YE Spending Requests, CCCF, etc.		113,632

Updated 05/05/2025

Exchange Fee Increase:

Karl Sweeney and Tucker Samuelsen presented a proposal to increase three Xchange fees: the case search fee, the document download fee, and the guest and the one-time user account fees, effective July 1, 2025. It is anticipated that the proposed fee increases will generate \$1.2 million in funding for various items not funded by the Utah Legislature, such as critical ongoing IT expenses, while attempting to stay within the revenue cap set by HB 531.

Motion: Judge Low made a motion to approve the proposed Xchange fee increase as presented. Judge Brendan McCullagh seconded the motion, which passed unanimously.

Commissioner Pay Increases FY 2026:

Mr. Gordon presented a proposed annual pay increase for court commissioners, which has historically been set at 90% of a trial court judge's salary. Per the 2025 legislative session HB 8, District and Juvenile Court judges salaries are scheduled to increase from \$213,900 to \$219,250 effective June 23, 2025, which is a 2.5% increase. This proposal requests to set the salary for all 11 court commissioners for FY 2026 to also increase 2.5% from \$192,504 to \$197,330 to maintain the approximate 90% ratio. This request would be entirely funded through legislative appropriations for FY 2026, with no additional court funding needed.

Mr. Gordon shared that the commissioners, as a group, have requested that the Council consider covering the 0.11% Tier 2 retirement funding increase for FY 2026, which had been funded by

the legislature last year for FY 2025. The legislature did not set aside funds for this offset this year.

There was a discussion about the fairness of funding the retirement contribution increase for only some employees and not others, and the possibility that the cost could increase significantly in future years. Judge Rita Cornish noted that the Budget and Fiscal Management Committee (BFMC) *did* recommend approving the 2.5% commissioner salary increase, but there was no recommendation on funding the retirement cost increase for commissioners.

Motion: Judge David Mortensen motioned to approve the 2.5% salary increase for court commissioners, but not the retirement cost difference requested. Judge Michael DiReda seconded the motion, which passed unanimously.

New Grant from Utah Bar Foundation:

Nick Stiles requested approval to apply for a Utah Bar Foundation grant in the amount of \$10,000 in support of the Utah Supreme Court's Ad Hoc Committee on Regulatory Reform. The purpose of the grant is to fund two one-year law student fellowships to support the committee's study of the first five years of the Regulatory Sandbox, and then to recommend to the Supreme Court permanent rule changes to institutionalize the Sandbox's successes once it concludes.

Motion: Judge James Gardner motioned to approve the grant application, as presented. Judge Brower seconded the motion, which passed unanimously.

6. CJA Rule 4-202.08 AMENDMENT: (Ron Gordon, Neira Siaperas)

Mr. Gordon presented the proposed rule amendment for Xchange fees with an expedited effective date of July 1, 2025 which will be followed by a public comment period.

Judge McCullagh recommended a slight change in the wording of the rule amendment, using present tense of what the fee increase will be, rather than future tense. Jordan Murray made note of the recommended change, explaining that the rule had not yet been reviewed by Policy, Planning and Technology (PP&T) due to scheduling issues.

Motion: Judge Mortensen made a motion to approve the rule amendment, as presented. Judge Cornish seconded the motion, which passed unanimously.

7. COMMITTEE ON RESOURCES FOR SELF-REPRESENTED PARTIES REPORT: (Judge Richard Mrazik, Janine Liebert)

Janine Liebert reported on the work of the Committee on Resources for Self-Represented Parties, reporting that the committee has continued to focus on the development of Non-Lawyer Community Justice Advocates (CJAs) to help fill the access to justice gap, efforts which continue to bear fruit. She explained that the Community Justice Center, originating from the Timpanogas Legal Center, trains victim advocates as community justice advocates to provide limited scope legal advice regarding protective orders and civil stalkings, and will soon be expanded to include advocates for housing stability and medical debt.

A new training program through Utah State University's School of Social Work and the Transforming Communities Initiative is now underway to train new and existing social workers across the state as CJAs. Ms. Liebert explained that the pilot is focused on certifying social workers who are already employed by human services organizations, and the initial focus area is on debt collection.

In addition to this work, the committee supported efforts to change Rule 1-205 to add community non-lawyer voices on Judicial Council committees, and continues to monitor the needs of litigants in Utah.

Judge Richard Mrazik presented a preliminary discussion about running a pilot program in Summit and Wasatch counties, aimed to recreate the pro se debt collection and landlord/tenant calendars that have been successful in Salt Lake County, and to combine resources across the district and county lines.

8. HR POLICY AMENDMENTS FOR APPROVAL: (Bart Olsen, Jeremy Marsh)

Bart Olsen presented the proposed HR Policy Amendments for approval, noting that they have been vetted by PP&T and sent with a favorable recommendation for approval with an effective date of July 1, 2025.

Motion: Judge Cornish made a motion to approve the HR policy amendments, as presented. Judge Brower seconded the motion, which passed unanimously.

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

Judge Clay Stucky gave a high-level overview focusing on future steps for improving Justice Courts, particularly in light of the lack of traction for prior Justice Court reform efforts in the legislature. He discussed the next logical steps, the main focus of which would be consolidation. The objective is to get to where all justice courts are Class I or II, have a judicial workload of 1.0+, or to be the only justice court in a county. He asked for the Judicial Council's support in having the County Justice Court as the default in each situation, and shared the recommendation to create a statutory presumption that a court cannot close if the cases will end up being heard by a district court. Jim Peters addressed discussions with local municipalities and counties, and shared that a survey through the legislative task force indicated a consensus that such high number (105) of justice courts is likely not needed,

Judge Thomas Low highlighted the potential urgency related to the Salt Lake County Justice Court closure, noting that preventing a court from closing would be easier than restarting one, if needed. Mr. Peters and Judge Stucky agreed that there is some urgency in continuing reform efforts, but shared that there probably wouldn't be any movement until next year.

10. ALTERNATIVE DISPUTE RESOLUTION (ADR) COMMITTEE REPORT: (Judge Adam Mow, Nini Rich)

Judge Mow began by reporting on ADR's services and statistics from FY 2024. Nini Rich shared that her team directly administers mediation programs in Juvenile Court (child welfare and juvenile justice) and the Third District Court (co-parent mediation). These programs received just over 1,700 case referrals. Other mediation in Utah is conducted by private providers, with approximately 159 providers on the court roster. These providers reported over 4,500 mediated cases, 148 arbitrations, and 569 pro bono mediations in their annual reports.

A key focus area for the ADR Committee is to study the use of AI in mediations through a newly formed working group, with the goal of drafting a new section of the Best Practice Guide based on what is learned.

11. BOARD OF APPELLATE COURT JUDGES REPORT: (Judge Michele Christiansen Forster, Nick Stiles)

Judge Michele Christiansen Forster reported that the Appellate Pro Bono Program has seen an increase in cases with seven appellate cases currently assigned pro bono counsel, and efforts underway to find representation for five more. Planning is in progress for a three-part CLE series in conjunction with the Bar's appellate practice section to recruit more volunteers for those pro bono cases.

Following the hire of an additional appellate mediator last year, FY 2024 was the first year with two full-time mediators, doubling the number of cases mediated and settled compared to FY 2023. Out of 174 cases mediated in 2024, 156 were ordered mediations, and 72 cases were resolved.

Nick Stiles reported that he is working on a request to the Judicial Council for an additional Court of Appeals judge, but will first present it to BFMC at their July meeting as part of the legislative requests. Judge Christiansen Forster noted that the Court of Appeals has not been expanded since its creation in 1987, and the additional help would be beneficial.

12. TREATMENT COURT CERTIFICATION UPDATE: (Katy Burke)

Katy Burke reported that a review of certification records revealed that two treatment courts participated in the certification process in 2024 but were not presented to the Judicial Council for approval, due to an oversight. Ms. Burke requested approval to certify these two courts now, the Sixth District Adult Drug Court and the Sixth District Mental Health Court. Both courts were in good standing at the time with no concerns.

Motion: Judge Low made a motion to approve the Sixth District Adult Drug Court and the Sixth District Mental Health Court certifications. Judge DiReda seconded the motion, which passed unanimously.

13. 4TH DISTRICT TREATMENT COURT APPLICATION: (Judge Douglas Nielsen, Shelly Waite, Katy Burke)

Ms. Burke presented a Family Treatment Court application for the Fourth District Juvenile Court (to include Juab and Millard Counties). Both counties are rural communities with an identified need and support to start a combined family treatment court. Ms. Burke explained that there is an anticipation of between four and eight participants, and that Judge Nielsen would hold treatment court in-person in one county and virtually in the other, alternating weekly. Ms. Burke added that funding for this problem solving court is already in place with each stakeholder independently and no additional court funds are needed.

Motion: Judge McCullagh motioned to approve the 4th District Treatment Court application as presented. Judge Cornish seconded the motion, which passed unanimously.

14. TREATMENT COURT RECERTIFICATIONS: (Cris Seabury, Katy Burke)

Cris Seabury requested the recertification of five treatment courts - Davis County Adult Mental Health Court, Salt Lake County Youth Wellness Court, Weber County Family Recovery Court, Utah County Juvenile Behavioral Health Court, and Utah County Juvenile Recovery Court. She explained that all five treatment courts have met the required certification criteria.

Motion: Kristin Woods made a motion to approve the five treatment courts for recertification. Judge Suchada Bazzelle seconded, and the motion passed unanimously.

15. OLD BUSINESS/NEW BUSINESS: (All)

Judge Cornish discussed two statutes that impact the Business and Chancery Court, which may eventually require legislative amendment. She asked the Council for input on approaching the Policy, Planning & Technology or Liaison Committee to begin vetting these issues. Judge Low recommended interfacing with Michael Drechsel first, who will then potentially put the matter on the next Liaison Committee agenda.

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

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

17. 2nd DISTRICT DOMESTIC RELATIONS COMMISSIONER APPOINTMENT: (Ron Gordon)

Motion: Judge Mortensen made a motion to move into an executive session for the purpose of discussing the character, professional competence, or physician or mental health of an individual. Judge Low seconded the motion, which passed unanimously.

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

Motion: Judge Gardner made a motion to ratify the Management Committee's action to approve

Brandon Richards as a Second District Court Commissioner. Judge DiReda seconded the motion, which passed unanimously.

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

The meeting was adjourned.

DRAFT