JUDICIAL COUNCIL
Budget and Planning Session
Minutes
Friday, August 19th, 2016
Large Conference Room A
Matheson Courthouse
Salt Lake City, UT

Chief Justice Matthew B. Durrant, Presiding

ATTENDEES:
Chief Justice Matthew B. Durrant
Hon. Randall Skanchy, Vice Chair
Justice Thomas Lee
Hon. Marvin Bagley
Hon. Ann Boyden
Hon. Mark DeCaria
Hon. Paul Farr
Hon. Thomas Higbee
Hon. David Marx
Hon. Mary Noonan
Hon. Reed Parkin
Hon. Samuel McVey for Hon. Derek Pullan
Hon. Kate Toomey
John Lund, esq.

EXCUSED:
Hon. Derek Pullan

STAFF PRESENT:
Daniel J. Becker
Ray Wahl
Jody Gonzales
Dawn Marie Rubio
Debra Moore
Rick Schwermer
Derek Byrne
Geoff Fattah
Alyn Lunceford
Tucker Samuelson
Nancy Sylvester
Jessica Van Buren
Keisa Williams
Karolina Abuzyarova

GUESTS:
Phil Dean, GOMB
Gary Syphus, LFA
David Walsh, GOMB
Judge John Walton
Rick Davis, 5th Dist TCE
Judge James Brady
Judge David Connors
James Peters, 4th Dist Juv TCE
Larry Webster, 2nd Dist TCE
Judge Greg Orme
Judge Noel Hyde
Judge Marsha Thomas
Judge James Taylor
Judge Brendan McCullagh

1. WELCOME: (Chief Justice Matthew B. Durrant)

Chief Justice Durrant welcomed everyone to the meeting. Chief Justice Durrant welcomed Mr. David Walsh from the Governor's Office, as well as, other guests attending the Judicial Council Budget and Planning Session.

2. GOVERNOR'S OFFICE OF PLANNING AND BUDGET ECONOMIC PRESENTATION: (Phil Dean)

Chief Justice Durrant welcomed Mr. Phil Dean, Budget Director and Chief Economist, from the Governor's Office of Management and Budget to the meeting.

Mr. Dean highlighted the following in his economic update: 1) Utah population, 2) Utah population change, 3) Utah total employment, 4) employment growth rate, 5) employment rates by state, 6) Utah unemployment rate, 7) Utah labor force participation rate, 8) Utah personal income growth rate, 9) Utah nominal GDP growth rate, 10) components of Utah GDP, 11) U.S. oil prices, 12) inflation rate, and 13) tax revenue collections.

Chief Justice Durrant thanked Mr. Dean for his update.

3. OVERVIEW OF BUDGET PLANNING SESSION: (Daniel J. Becker)

Mr. Becker mentioned that the first part of the day will be spent addressing the FY 2018 Annual Budget Plan. The objective for the budget and planning session is to: 1) set a prioritized budget request, and 2) develop a plan to address the courts budget needs for FY 2018. He reported that the budget process begins in January of each year. This year there are 15 requests totaling $4.5 million dollars. In April of 2017, the Council will review what the legislature appropriated in the 2017 Legislative Session, and address one-time funding needs.

Information included with the budget and planning session materials and information to be provided later in the meeting include: 1) FY 2918 Annual Budget Plan prepared by Mr. Derek Byrne, 2) Navigating the Budget in Utah's State Courts prepared by Mr. Geoff Fattah, 3) court administrator's review and recommendations – FY 2018 budget request, 4) fiscal trends and restricted funds report to be provided by Mr. Derek Byrne, 5) caseload data presentation overview to be provided by Mr. Tucker Samuelsen, 6) reports and budget requests from the appropriate boards and committees, 7) recommendation review, discussion, debate and voting on budget priorities, and 8) review of proposed legislation.

The afternoon will consist of a brief Council meeting and a brief Management Committee meeting.

4. FISCAL TRENDS AND RESTRICTED FUNDS REPORTS: (Derek Byrne)

Mr. Byrne was welcomed to the meeting. Mr. Byrne reviewed the fiscal trends and data relative to the Utah courts budget summary. Available funding for use by the courts is categorized as follows: 1) general fund; 2) general fund, one-time; and 3) general fund, restricted accounts.

Mr. Byrne highlighted the following relative to courts restricted accounts: 1) Children's Legal Defense Fund (CLDF), 2) Alternative Dispute Resolution, 3) Court Complex Fund, 4) Actual/Projected Complex Revenues and Expenditures, 5) Law Library Non-Lapsing Dedicated Credit Fund, 6) Security Fee, 7) Courts Traffic Caseload, 8) Justice Court Technology, Security and Training Account, and 9) Trust Interest Account.

5. CASELOAD DATA PRESENTATION OVERVIEW: (Tucker Samuelsen)

Chief Justice Durrant welcomed Mr. Samuelsen to the meeting.

Mr. Samuelsen provided a caseload review of FY 2016 for the Council. He highlighted the following in his caseload review:

Supreme Court. There were 607 case filings in FY 2016 compared to 608 case filings in FY 2015. A review of the Supreme Court case filings by case type was provided.

Court of Appeals. There were 945 case filings in FY 2016 compared to 1,020 case filings in FY 2015 which represents a 7% decrease. A review of the Court of Appeals case filings by case type was provided.

District Court. There were 256,604 case filings in FY 2016 compared to 269,143 in FY 2015 which represents a 5% decrease. By removing judgment and debt collection case types, there were 112,124 case filings in FY 2016 compared to 113,035 in FY 2015 which represents a 1% decrease. Mr. Samuelsen highlighted the following relative to district court case filings: 1) case filings by case type, 2) criminal case filings in FY 2016 represent a 1% increase, 3) case types – provided with a 10 year view by district, 4) case type per 100K population provided by the National Center for State Courts (NCSC), 5) district court filings compared to weighted hours, 6) district court judicial weighted caseload – total hours needed, 7) district court judicial weighted caseload - % of standard, 8) district court judicial weighted caseload – judicial officers needed, 9) district court time to disposition, and district court age of pending cases.

Justice Court. There were 428,809 cases in FY 2016 compared to 551,023 cases in FY 2015 which represents a 7% decrease. Mr. Samuelsen highlighted the following relative to justice court case filings: 1) justice court – filing trend, 2) case filings by case type, 3) justice court traffic cases – a six year view by district, 4) justice court time to disposition, and 5) justice court age of pending cases.

Juvenile Court. There were 30,641 referrals and filings in FY 2016 compared to 34,135 in FY 2015 which represents a 10% decrease. Mr. Samuelsen highlighted the following relative to juvenile court referrals and filings: 1) referrals by case type, 2) referrals by district, 3) juvenile court referrals compared to weighted hours, 4) juvenile court judicial weighted caseload – total hours needed, 5) juvenile court judicial weighted caseload – % of standard, 6) juvenile court judicial weighted caseload – judicial officers needed, and 7) juvenile court time to disposition.

6. REPORTS AND BUDGET REQUESTS FROM BOARDS AND COMMITTEES

Board of District Court Judges

Chief Justice Durrant welcomed Judge Hyde to the meeting.

The Board of District Court Judges has the following budget requests: 1) an additional judgeship and staff in the Fifth District, and 2) five law clerks.

Judge John Walton, Fifth District Court Judge, and Mr. Rick Davis, Fifth District TCE, spoke on behalf of the Fifth District Court's request for an additional judgeship and staff. Coverage is currently being provided by senior judges, Fifth District Court judges and visiting judges.

Technology Standing Committee: (Ray Wahl)

Chief Justice Durrant welcomed Mr. Wahl to the meeting.

The Technology Standing Committee has the following budget requests: 1) implementation of a five-year computer replacement schedule, 2) FY 2018 CORIS Modernization Project, and 3) courts AV support.

Court Facilities Planning Committee: (Judge Samuel McVey & Alyn Lunceford)

Chief Justice Durrant welcomed Judge McVey and Mr. Lunceford to the meeting.

The Court Facilities Planning Committee has the following requests: 1) adoption of the recommended priority list for capital development projects, 2) approval to proceed with the Manti Courthouse project, and 3) funding to cover the contract and lease obligations.

Self-Help Center: (Judge Marsha Thomas and Jessica Van Buren)

Chief Justice Durrant welcomed Judge Thomas and Ms. Van Buren to the meeting.

The Committee on Self-Represented Parties has requested funding to expand the part-time Self-Help Center attorneys from 30 hours per week to full-time employees.

Volunteer Court Visitor Program: (Judge David Connors, Judge James Brady, and Nancy Sylvester)

Permanent funding of the Volunteer Court Visitor Program has been requested. This is the third time the request has been made. Nancy Sylvester, Judge Brady, and Judge Connors provided information on program uses that have been beneficial to guardianship and conservatorship proceedings.

District Court Program Administrator: (Debra Moore)

Ms. Moore requested permanent funding for the remaining 25 percent of the District Court Program Administrator's position.

Domestic Violence Program Coordinator: (Debra Moore)

Ms. Moore requested the following relative to funding of the Domestic Violence Program Coordinator position: 1) fund the deficit not currently funded by the VAWA grant, and 2) fund the position on a full-time basis.

SYSTEM-WIDE REQUESTS:

The following system-wide budget requests have been made:

- Replace Main Line Item Court Complex Account with General Fund
- Ongoing Increase for FY 17 Internal Service Fund Increases in FY 18
- Supplemental for FY 17 Internal Service Fund Increases
- Juror/Witness/Interpreter – ongoing
- Juror/Witness/Interpreter – supplemental

7. **STATE COURT ADMINISTRATOR'S REVIEW AND RECOMMENDATIONS**

Mr. Becker thanked the Executive Budget Committee for their assistance in preparing the budget recommendations for consideration by the Council, and he recognized the participation of Mr. Jim Peters, Fourth District Juvenile Court TCE, and Mr. Larry Webster, Second District Court TCE. Mr. Becker reviewed the FY 2018 budget requests, totaling $4,746,000, with the following recommendations:

Fifth District Court Judgeship. This request is the top priority of the Board of District Court Judges and was advanced during the 2016 Legislative Session. Mr. Becker recommended advancement for funding of the Fifth District Court judgeship.

Law Clerks. This request was the second priority of the Board of District Court Judges. Mr. Becker recommended advancement for funding of three positions that would replace the law clerk/bailiff positions in the Fourth District Court. He also recommended that the other two law clerk positions be deferred to the May 2017 Council meeting for consideration when approving the FY 2018 spending plan.

Volunteer Court Visitor Program. This is the third year a request for permanent funding of the program has been made. Mr. Becker recommended advancement for funding of the Court Visitor Program in the amount of $159,000.

Lease Increases. The Court Facilities Planning Committee has requested funding for lease increases, in the amount of $327,700, associated with non-state owned buildings. Mr. Becker recommended advancement for funding of the lease increases.

Replace Main Line Item Court Complex Account with GF. This request addresses a need to restore general fund dollars in the court complex fund in the FY 2018 budget to provide the necessary ongoing funding to cover the bond obligation for the new Provo courthouse. Mr. Becker recommended advancement for funding of this request.

CORIS, AIS, Jury Management System Re-Write. An appropriations request for $750,000 for each year over a two-year period was submitted during the 2016 Legislative Session. Funding was provided, in part, by the legislature transferring $549,100 appropriated for operations and maintenance for the new Provo courthouse, but not required until occupancy in FY 2019 took place. Mr. Becker recommended an appropriations request be advanced to fund the second year, in the same manner as was done for FY 2017.

Internal Service Fund Increase. Typically, the internal service fund adjustment is built into the budget each year. In 2016, the Legislature failed to do so. Mr. Becker recommended an appropriations request be advanced to supplement the FY 2017 Internal Service Fund in the amount of $84,500 and an ongoing request for the FY 2018 Internal Service Fund.

Juror/Witness/Interpreter. Mr. Becker requested advancement for funding of the following: 1) $975,000 in ongoing funding to bring the base budget in line with actual expenditures, and 2) $910,900 to cover the FY 2016 deficit through a FY 2017 supplemental.

Mr. Becker recommended that the following budget requests be deferred for consideration at the May meeting when the Council reviews and approves the FY 2018 spending plan: 1) two law clerk positions, 2) five-year computer replacement schedule, 3) additional funding for the District Court Program Administrator, 4) additional funding for the Domestic Violence Program Coordinator, 5) increasing the part-time Self-Help Center attorneys to full-time status, and 6) audio-visual support position.

8. BUILDING BLOCK DISCUSSION AND JUDICIAL COUNCIL DECISIONS ON PROPOSED FY 2018 LEGISLATIVE REQUESTS

Mr. Schwermer reviewed the process of prioritizing the budget requests. He mentioned the importance of assessing each request, reviewing the options, and making a decision on each request.

He reviewed the budget categories to be considered when prioritizing the budget requests to include: 1) obligations, 2) deferral or alternative funding, 3) elimination, 4) building blocks, 5) supplemental, and 6) fiscal note building blocks.

Categorization of Each Request:
5th District Court Judge and Staff - fiscal note/legislation
Reduce Main Line Item Court Complex Account with GF – obligation
Reduce Court Complex in Main Line Item – obligation
Ongoing Increase for FY 17 Internal Service Fund Increases in FY 18 – obligation
Supplemental for FY 17 Internal Service Fund Increases - obligation
Juror/Witness/Interpreter – ongoing – building block
Juror/Witness/Interpreter – supplemental – building block
Lease Increases – building block
Law Clerks – building block – deferral of 2
Domestic Violence Program Coordinator – defer
District Court Program Administrator – defer
Five-Year Computer Replacement Schedule- defer
Courts AV Support Specialist – defer
CORIS Modernization Project – alternate funding, partial deferral
Volunteer Court Visitor Program – building block
Self-Help Center – defer

Motion: Judge Noonan moved to defer consideration of funding the Self-Help Center part-time attorneys to full-time status until the May Council meeting for consideration when approving the FY 2018 spending plan. Judge Toomey seconded the motion. The motion passed with Judge Skanchy voting no.

Motion: Judge Bagley moved to prioritize and advance the items in the following order:
1) Fifth District Court Judge, 2) Law Clerks, 3) Volunteer Court Visitor Program, 4) Lease Increases, 5) CORIS Modernization Project, 6) FY 17 Supplemental to Cover FY 16 Juror/Witness/Interpreter Deficit, 7) Ongoing Juror/Witness/Interpreter funding, and 8) to advance the Manti Courthouse project. Judge DeCaria seconded the motion, and it passed unanimously.

Judicial Council Annual Budget Meeting Actions & Prioritizations of Requests 8-19-16

Priority	District	Request	Request $	Obligation	Fiscal Note / Legislation	Building Block	Alternative Funding	Eliminate	Deferral	TOTALS
Obligation	AOC	Replace Main Line Item Court Complex Account with GF	313,400	313,400						313,400
Obligation	AOC	Reduce Court Complex in Main Line Item	(313,400)	(313,400)						(313,400)
Obligation	AOC	Ongoing Increase for FY 17 ISF Increases in FY 2018	84,500	85,400						85,400
Obligation	AOC	Supplemental for FY 17 ISF Increases	84,500	85,400						85,400
Fiscal Note	5th D	District Court Judge and Staff (3 FTEs)	433,000		433,000					433,000
1	District Court	Law Clerks (5 FTEs)	471,500			282,900			188,600	471,500
2	Legal	Volunteer Court Visitor Program	179,700			159,000				159,000
3	C & L	Lease Increases	325,700			325,700				325,700
4	IT	CORIS Modernization Project	750,000			549,100			200,900	750,000
5	AOC	FY17 Supplemental to Cover FY16 JWI Deficit	919,900			919,900				919,900
6	AOC	Ongoing JWI Funding	975,000			975,000				975,000
N/A	District Court	Domestic Violence Program Coordinator	58,900						58,900	
N/A	District Court	District Court Program Administrator	21,500						21,500	
N/A	IT	5-Year Computer Replacement Schedule	250,000						250,000	
N/A	IT	Courts AV Support Specialist	101,000						101,000	
N/A	Self-Help Committee	Self-Help Center--Increase All Self-Help Attorneys to Full-time Hours	99,800						99,800	99,800
	Totals		4,755,000	170,800	433,000	3,211,600	-	-	920,700	4,736,100

= One-time Request

C:\Users\jody.gonzales\Downloads\[Jud Coun Final Priority List 8-19-16 (2).xlsx]FY18 Jud Coun Final

9. PROPOSED LEGISLATION

Mr. Schwermer reported that the Liaison Committee met prior to the Budget and Planning Session, and they considered several matters of legislation. Mr. Schwermer highlighted the draft judiciary amendments.

Motion: Judge Toomey moved to approve the draft judiciary amendments, in concept. Judge Higbee seconded the motion, and it passed unanimously.

10. ADJOURN

The meeting was adjourned.

JUDICIAL COUNCIL MEETING

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ATTENDEES:
Chief Justice Matthew B. Durrant
Justice Thomas Lee
Hon. Marvin Bagley
Hon. Ann Boyden
Hon. Mark DeCaria
Hon. Paul Farr
Hon. Thomas Higbee
Hon. David Marx
Hon. Mary Noonan
Hon. Reed Parkin
Hon. James Taylor for Hon. Derek Pullan
John Randall Skanchy
Hon. Kate Toomey
John Lund, esq.

STAFF PRESENT:
Daniel J. Becker
Ray Wahl
Jody Gonzales
James Ishida
Debra Moore
Dawn Marie Rubio
Rick Schwermer

GUESTS:
James Peters

1. **WELCOME AND APPROVAL OF MINUTES: (Chief Justice Matthew B. Durrant)**
Chief Justice Matthew B. Durrant welcomed everyone to the meeting.

Motion: Judge Toomey moved to approve the minutes from the July 18, 2016 Judicial Council meeting. Judge DeCaria seconded the motion, and it passed unanimously.

2. **CHAIR'S REPORT: (Chief Justice Matthew B. Durrant)**
Chief Justice Durrant, Mr. Becker and Mr. Schwermer met with JPEC at their monthly meeting. Discussion topics were mentioned.

Chief Justice and Mr. Becker attended the CCJ/COSCA Annual meeting in Jackson Hole, Wyoming at the end of July. Mr. Becker provided a presentation on the changes made in the civil justice process at the meeting.

Chief Justice Durrant and Governor Herbert provided remarks at the National Conference of Sentencing Commission earlier in the month.

3. **ADMINISTRATOR'S REPORT: (Daniel J. Becker)**
Mr. Becker reported on the following items:

Justice Court Administrator. Mr. Jim Peters has been appointed as the justice court administrator. He will begin working in this new capacity on August 29.

Legislative Audit on Cash Bail. The second legislative audit on cash bail will close shortly with a report to the Audit Committee, tentatively to be provided in October.

Judicial Retirement. Judge Jeffrey Burbank, First District Juvenile Court Judge has announced his upcoming retirement, effective March 15, 2017.

JPEC Update. Mr. Schwermer highlighted the following in his update: 1) JPEC has approved a design of a new website, and a press release will be sent out when the new website is functioning.

4. COMMITTEE REPORTS:

Management Committee Report:

Chief Justice Durrant reported that the Management Committee meeting minutes accurately reflect the issues discussed. The items needing to be addressed by the Council have been placed on today's agenda.

Liaison Committee Report:

No meeting was held in July.

Policy and Planning Meeting:

Judge Parkin had nothing new to report.

Bar Commission Report:

Mr. Lund had nothing new to report.

5. CIVIL JUSTICE INITIATIVE REPORT: (Daniel J. Becker)

Mr. Becker mentioned that a copy of the Executive Summary and the Full Report entitled *Call to Action: Achieving Civil Justice for All* which is included with the Council material.

Mr. Becker highlighted the following regarding the civil justice initiative report:

- the study was conducted over a 2.5 year period commissioned by the Conference of Chief Justices
- the full report was adopted by the Conference of Chief Justices and the Conference of State Court Administrators at their annual conference in July
- the effort to move forward with the adoption of the recommendations in each state is recommended
- all the western states will attend a working conference, in Park City in late May, dedicated to the implementation of the recommendations with teams led by the chief justice and the state court administrator from each state
- Mr. Becker referenced a complementary document entitled *Landscape – Civil Litigation*
- Statistics were reviewed relative to civil litigation in state courts
- 13 recommendations are included in the report founded on several core principals

Mr. Becker recommended that the recommendations be considered in the context of the above-mentioned May conference.

Motion: Judge Skanchy moved to enter into an executive session to discuss a matter of professional competence. Judge Toomey seconded the motion, and it passed unanimously.

6. EXECUTIVE SESSION

An executive session was held at this time.

7. ADJOURN

The meeting was adjourned.

Administrative Office of the Courts

Chief Justice Matthew B. Durrant
Utah Supreme Court
Chair, Utah Judicial Council

Daniel J. Becker
State Court Administrator
Raymond H. Wahl
Deputy Court Administrator

Sworn Statement under Rule 2-103(4)(B) of the Utah Code of Judicial Administration Regarding Judicial Council Meeting Closure

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I, Justice Matthew B. Durrant, state as follows:

1. On 8-19-16 (date), the Judicial Council closed its meeting. The meeting was closed only to discuss:

   - ☑ the character, competence, or physical or mental health of an individual;
   - ☐ litigation;
   - ☐ the deployment of security personnel, devices, or systems;
   - ☐ allegations of criminal misconduct;
   - ☐ consideration of a private, protected, sealed, juvenile court social, juvenile court legal, or safeguarded record;
   - ☐ the purchase, or exchange or lease of real property because public discussion would prevent the Council from completing the transaction on the best possible terms; or
   - ☐ the sale of real property because public discussion would prevent the Council from completing the transaction on the best possible terms.

2. For the reason(s) noted above, a recording and minutes were not kept during the closed portion of the meeting.

I declare under penalty of perjury that the statements made in this document are true and correct.

8-19-16
Date

Justice Matthew B. Durrant
Chair, Utah Judicial Council

The mission of the Utah judiciary is to provide the people an open, fair, efficient, and independent system for the advancement of justice under the law.

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