

JUDICIAL COUNCIL
Budget and Planning Session
Minutes
Thursday, August 27th, 2009
Large Conference Room A
Matheson Courthouse
Salt Lake City, UT

Chief Justice Christine M. Durham, Presiding

ATTENDEES:

Chief Justice Christine M. Durham, Chair
Hon. Hans Chamberlain, Vice Chair
Justice Ron Nehring
Hon. Mark Andrus
Hon. Judith Atherton
Hon. Donald Eyre, Jr.
Hon. Michael Kwan
Hon. Michael Lyon
Hon. Paul Maughan
Hon. Brendan McCullagh
Hon. Gregory Orme
Hon. Jody Petry
Hon. Michael Westfall
Lori Nelson, esq.

STAFF PRESENT:

Daniel J. Becker
Myron K. March
Jody Gonzales
Debra Moore
Ray Wahl
Rick Schwermer
Tim Shea
Matty Branch
Nancy Volmer
Kim Allard
Jessica Van Buren
Alyn Lunceford
Mary Aguirre-Shahin
Derek Byrne

EXCUSED:

GUESTS:

Mary Jane Ciccarello
Beani Martinez
Joe Derring
David Walsh
Gary Syphus
Judge Keith Stoney
Judge Thomas Kay
Judge Dane Nolan
John Nixon
Steve Hunt, Salt Lake Tribune

1. WELCOME AND APPROVAL OF MINUTES: (Chief Justice Christine M. Durham)

Chief Justice Durham welcomed everyone to the meeting. She turned the time over to Mr. Becker to provide an overview of the agenda.

2. OVERVIEW OF PLANNING AGENDA: (Daniel J. Becker)

Mr. Becker reviewed the agenda for the budget and planning session. Mr. Becker reported that the budget and planning session will proceed with the following: 1) fiscal trends

relating to select budget accounts, 2) state economic presentation from the Governor's Office for Planning and Budget (GOPB), 3) workload/demographic trends, 4) building block presentations, 5) review of legislative proposals, 6) analysis and recommendations to be given by Mr. Becker, and 7) discussion and vote on budget priorities. Upon completing the budget and planning session, a Council meeting and brief Management Committee meeting will be held.

He recognized Mr. Byrne for his hard work in compiling the budget plan into its concise format. He mentioned that Council members received a copy of the budget plan and a copy of *Navigating the Budget*. The updated copy of *Navigating the Budget* includes information on the budget cycle and process, and summary budgets by program and workloads. Mr. Becker mentioned that a copy of his budget recommendations were sent to all Council members by email. He mentioned that Ms. Allard's presentation is available by email for anyone wanting a copy. Mr. Becker welcomed Mr. Gary Syphus, Fiscal Analyst; Mr. David Walsh, GOPB and Commission on Criminal and Juvenile Justice; and Ms. Beani Martinez, TCE, who served on the Executive Budget Committee. He mentioned that Mr. Joe Derring, TCE, who also served on the Executive Budget Committee will also be in attendance.

3. PLACING BUDGET PROPOSALS IN CONTEXT:

Summary of FY 2011 Proposals (Mr. March):

Mr. March reviewed the Utah State Courts FY2011 Building Block Summary. The following are the requests:

District Court: 1) law clerks (3 FTEs), 2) judge - 8th District (3 FTEs), and 3) judge - 3rd District (3 FTEs).

Juvenile Court: 1) judge - 5th District (3 FTEs), 2) law clerk (1 FTE); and 3) clerical resources - 4th District (3 FTEs).

Education Standing Committee: 1) small claims judge training, 2) mentor judge program, 3) executive leadership and organizational change development, and 4) PO safety training.

Base and System Wide Requests: 1) self-help center, 2) juror video update - one-time, 3) justice courts tech, security, and training, 4) judicial retirement adjustment, 5) facilities - lease increases, and 6) juror/witness/interpreters - ongoing increase to eliminate deficits. Mr. March mentioned that the juror video will be deferred until April.

Supplementals - FY 2010: 1) juror/witness/interpreter, 2) judicial retirement adjustment, and 3) justice courts tech, security, and training.

Supplementals - FY 2011: 1) OCAP (available restricted funds).

Fiscal Trends and Budget Process (Mr. March and Mr. Byrne):

Mr. March provided a brief history and current standing of the following funds:

Children's Legal Defense Fund. He reported that there was an increase in fees in 2007. Currently, the fund is healthy. The estimated FY 2010 appropriation is \$810,600, and estimated revenue is \$932,000.

Alternative Dispute Resolution Fund. The information in the plan notes the revenue and expenditures to the fund since FY 1996. There was an increase in fees in 2007. He reported that the fund was part of the budget reductions with a reduction of \$100,000 in general funds that was replaced with \$100,000 from this fund.

Court Complex Funding. Mr. March reported that this fund has been up and down. However, it is projected to have a positive balance until the bond is paid off in 2018. Last year,

\$300,000 was taken from this fund to cover the reduced budget of \$300,000 in the leases contract budget.

Law Library Non-Lapsing Fund. The fund is controlled by the Judicial Council and is available for issues related to library operations. In FY 2009, the Council approved a \$100,000 expenditure to support the Self-Help Law Center, which is operated out of the library.

Security Fee. A history was provided on the fund. In 2009, the legislature added an additional \$8 fee to the \$32 security fee to fund perimeter security as well as bailiff services. This became effective May 12, 2009. All security is now paid from the fund.

Justice Court Technology, Security, and Training Account. The fund is healthy and is bringing in additional monies. There is a supplemental request in regards to this fund.

It was noted that last year, a significant number of personnel were moved from general funds to restricted funds, and it is important that these funds be closely tracked.

Caseload Review (Kim Allard):

Ms. Allard provided the following review of caseload:

Supreme Court Case Filings. The information was reflective of the past ten years with 593 case filings in 2009 which is a slight increase over 2008. The numbers reflected the following changes from FY08-FY09: 1) criminal appeals, 13% increase; 2) civil appeals, 2% decrease, 3) bar matters, 50% decrease; and 4) post conviction relief, 57% increase.

Court of Appeals Case Filings. There were 871 case filings in 2009 compared to 875 case filings in 2008. The numbers reflected the following changes from FY08-FY09: 1) juvenile delinquency appeals, 1% decrease; 2) juvenile child welfare appeals, 27% decrease; and 3) administrative agency cases, 15% increase.

District Court. Case filings in district court included: 1) criminal, 4% increase; 2) traffic, 4% decrease; 3) domestic, 8% increase; 4) general civil, 26% increase; 5) debt collection, 18% increase; 6) small claims, 12% increase; 7) torts, 5% increase; and 8) judgements, 41% increase. The total increase in district court case filings is 17%.

Ms. Allard then reviewed the district court filings in the individual districts. Ms. Allard commented that there was an increase of 302 cases in the past year in the domestic modification classification.

The Justice Court filings showed the following changes: 1) traffic, 2% increase; 2) misdemeanor, 5% decrease; and 3) small claims, 7% increase. The total increase in justice court filings was 1%. Ms. Allard mentioned that Tooele was not included in these filings.

Ms. Allard reported on the weighted caseload as a percent of standard in each district as follows: First District, 99%; Second District, 92%; Third District, 117%; Fourth District, 118%; Fifth District, 129%; Sixth District, 108%; Seventh District, 58%; and Eighth District, 143%. The caseload as a percent of standard statewide for FY09 in the district court was 110%.

She presented a case-filing and weighted workload review over the past five years for the Eighth District and the Third District.

She mentioned that the performance measures can be viewed at <http://www.utcourts.gov/courtools/>.

Juvenile Court. Ms. Allard reported that referrals in juvenile court were down 7% in the last year. Case filings in juvenile court included: 1) termination of parental rights, 10% decrease; 2) child welfare proceedings, 2% increase; 3) adult violations, 2% decrease; 4) traffic, 18% decrease; 5) status offenses, 17% decrease; 6) contempt, 11% increase; 7) infractions, 10% decrease; 8) misdemeanors, 9% decrease; and 9) felonies, 15% decrease.

Ms. Allard then reviewed juvenile court case filings in the individual districts.

She compared the FY09 referrals to the FY09 weighted judicial hours distribution. The referrals were shown by the following: 1) delinquency, 88%; 2) child welfare, 10%; and 3) adult violations, 2%. The weighted judicial hours distribution was: 1) delinquency, 43%; 2) child welfare, 50%; and 3) adult violations, 7%. Mr. Wahl provided an explanation on this information.

Ms. Allard reported on the caseload as a percent of standard relative to the juvenile court weighted workload in each district as follows: First District, 94%; Second District, 113%; Third District, 110%; Fourth District, 126%; Fifth District, 138%; Sixth District, 75%; Seventh District, 113%; and Eighth District, 147%. The caseload as a percent of standard statewide for FY09 in the juvenile court was 114%.

She reviewed the workload vs. available hours per judicial officer for FY09 for the juvenile court in the respective districts.

To offer information relative to the request for a Fifth District juvenile judge, Ms. Allard presented the weighted workload trend for that district and statewide.

4. STATE OF UTAH ECONOMIC STATUS: (John Nixon)

Chief Justice Durham welcomed Mr. Nixon to the meeting.

Mr. Nixon presented information on how the budget was prepared last year and what we see coming for the FY 2011 budget and for the upcoming Legislative session. He mentioned that the Governor has released his budget guidelines.

He reviewed the process taken to evaluate the economic indicators which takes place four times a year. He highlighted the Utah economic indicators. He shared information on the combined general fund/education fund revenues with the FY 2007 revenue amount of \$5.3 million compared to FY 2010 at \$4.3 million.

The final closeout of the numbers from FY 2009 are scheduled to be done at the end of August. A range forecast will be prepared for FY 2010 in September with a point forecast prepared in November.

Balancing the FY 2010 budget was done with: 1) agency budget cuts with one-time backfills, 2) reduction of various fund balances, and 3) non-lapsing balances. Backfill in the FY 2010 budget was done in the following areas: 1) public education, \$283 million; 2) higher education, \$63 million; 3) health, \$50 million; 4) human services, \$17 million; 5) corrections, \$7 million; and 6) other, \$30 million. The total backfilled amount is \$450 million.

The FY 2011 potential "must fund" items include: 1) enrollment growth, \$100 million; 2) employment retirement, \$75 million; 3) employee health, \$20 million; 4) medicaid, \$20 million; 5) human services, \$15 million; and 6) other, \$20 million. The total for must fund items is \$250 million.

The total FY 2011 potential deficit of \$700 million includes the \$450 million FY 2010 backfilled total and the \$250 FY 2011 must fund total.

Mr. Nixon reported that in November, the revenue indicators will be reviewed and a determination of what needs to be funded will be made. After this review, the Governor's recommendations will be prepared.

Existing resources in the amount of \$568 million include: 1) \$418 million in the Rainy Day Fund, 2) \$100 million in the Education Set-Aside, and 3) \$50 million in additional 2011 ARRA. He reported that Utah faces challenges, but the State is in a relatively good position, compared to other states.

He outlined the FY 2011 budget balancing options, 1) existing resources, 2) adjust agency budgets, 3) review capital expenditures, including bonding, and 4) other viable options such as revenue enhancement options.

The budget guidelines include a request for a prioritized five percent budget scenario be submitted with the budget which is due September 8, 2009. Performance metrics are required for requests over \$100K or additional FTEs. Mandatory requests for existing programs must be submitted based on the following: 1) federal mandates or federal match rate changes; 2) caseload growth for federal or state mandated programs, 3) existing critical programs for which an imminent risk to public health and safety exists, and 4) replacement of one-time funding for critical ongoing programs.

The timeline is reflected by the following schedule: 1) preliminary requests and reduction scenarios are due by Tuesday, September 8, 2009; 2) final budget request package is due by Thursday, September 24, 2009; and 3) federal funds summary is due by Monday, September 28, 2009.

Chief Justice Durham thanked Mr. Nixon for his attendance and the valuable information that was presented.

5. DISTRICT BOARD REPORT: (Judge Thomas Kay and Debra Moore)

Chief Justice Durham welcomed Judge Kay to the meeting.

Judge Kay reviewed the list of District Board members with the Council. He presented the District Board's FY 2011 budget priorities: 1) three law clerks, 2) Eighth District judge, and 3) Third District judge.

First Priority - Three Law Clerks. The justification for this request include: 1) long-standing Board and Council goal to attain judge to law clerk ratio of 2:1, 2) general jurisdiction trial courts in comparable states have 1:1 ratio, and 3) law clerks enhance quality of justice, reduce delay, and increase public confidence in the courts. He mentioned that last year, no positions were funded. In April 2009, the Council eliminated one permanent position and allocated one-time funding for three temporary positions. With the three temporary positions, the current ratio is 2.7 judges to 1 law clerk. The three permanent law clerks would maintain this ratio. He listed the benefits the law clerks provide to the district court judges.

Second Priority - Eighth District Court Judge. Judge Kay reviewed the caseload numbers for the Eighth District which have increased each year for the past five years. Currently, there are two judges handling the district court caseload in the Eighth District.

Third Priority - Third District Court Judge. He reported that the Third District has experienced increases in its caseload over the past three years.

Judge Kay was questioned on the prevalence of sharing law clerks between district court and juvenile court. He mentioned that in some districts, district court judges are sharing clerks, but sharing of law clerks between district court and juvenile court is more common in outlying areas.

Chief Justice Durham thanked the District Board for their presentation. She asked Judge Kay to share the information presented by Mr. Nixon to the District Board members.

6. JUVENILE BOARD REPORT: (Judge Dane Nolan and Ray Wahl)

Chief Justice Durham welcomed Judge Nolan to the meeting.

Judge Nolan reviewed the list of Juvenile Board members with the Council. He presented the Juvenile Board's FY 2011 budget priorities: 1) Fifth District judge, 2) juvenile law

clerk, and 3) clerical resources. He reviewed the Juvenile Board's budget process to include the following: 1) TCEs submit requests to the Juvenile Court administrator, 2) Juvenile Court administrator reviews the requests and workload data and prioritizes three items, and 3) the districts present their requests to the Juvenile Board and the final recommendations are adopted.

First Priority - Fifth District Juvenile Court Judge. Judge Nolan presented the following data to justify this request: 1) the workload formula reflects the district working at 139% of standard, 2) even with a 7% decrease in judicial hours from last year, the district still needs assistance, 3) this request has been made for the past three years, 4) developed a diversion unit this past year and utilized senior judge and out-of-district judge assistance, and 5) the need equates to .8 judges.

Second Priority - Juvenile Court Law Clerk. Currently there is one law clerk for 29.5 judicial officers. The law clerk position was funded by a JAG Grant from 2006-2009. For FY 2010, it is being funded by court improvement funding. The quality of legal decisions has improved with this resource.

Third Priority - Clerical Resources. This request is being made for a clerk in the Fourth District. This district is 2.7 clerks outside of the deviation established by the clerical weighted caseload. As of July 1, a time limited clerk has been provided for this district. There is an additional need for this resource to help support a half-time commissioner and specialty courts.

Judge Nolan explained to the Council the reasons for these requests during a time of challenging economic climate.

Chief Justice Durham thanked Judge Nolan for his presentation.

7. EDUCATION STANDING COMMITTEE REPORT

Chief Justice Durham welcomed Ms. Aguirre-Shahin to the meeting.

Ms. Aguirre-Shahin reported that Judge Lindsley was unavailable to attend the meeting at this time due to a scheduled trial.

The first priority request of the Education Standing Committee is for small claims judges training in the amount of \$7,100. She reported that it is mandated by rule to provide training on small claims for judges. Last year, seven sessions were held. The training was provided by Ms. Kris Prince. Ms. Aguirre-Shahin reported that the small claims DVD is available for distribution to the judges. Chief Justice Durham requested a summary report be prepared for the supreme court regarding the effectiveness of the training.

The second priority request of the Education Standing Committee is for the mentor judge program in the amount of \$5,900. It was mentioned that the mentoring was originally combined with the new judge orientation. However, in cases where a new judge starts before a new judge orientation is scheduled, the mentor will be assigned immediately. There are mentoring material available and a followup schedule is available for such use.

The third priority request of the Education Standing Committee is for executive leadership and organizational change development in the amount of \$75,600. Ms. Aguirre-Shahin mentioned the three components to continue leadership training resources for presiding judges and TCEs to include: 1) annual presiding judge and TCE training meeting, 2) Western States Court Leadership Program, and 3) TCE workshop combined with Idaho TCEs.

The fourth priority request of the Education Standing Committee is for juvenile probation officer safety training. This training is currently being grant funded, and such funds are expected to be available next year as well.

8. FACILITIES COMMITTEE REPORT

Chief Justice Durham welcomed Mr. Lunceford to the meeting.

Mr. Lunceford reported that Judge Dever was unable to attend the meeting.

He reported that there are 16 court and court related facilities covered in the budget request. The budget request anticipates an increase of \$21,600 to cover the additional annual cost associated with the ongoing and contractual commitments of lease facilities. He provided details as to what is covered in the request. He mentioned that the FY 2011 budget request contains an increase for the Spanish Fork lease. It will provide funding for the State Courts share of the new facility that was completed in October of 2008. The original plan to fund the new lease for the Spanish Fork facility included the use of the Provo District Court bond payment in FY 2011. The use of the bond payment, which is no longer required for the Provo facility, will cover most of the lease and contract increase for FY 2011. He outlined the agreement with Bountiful regarding the lease at that facility.

He provided an overview of the request for advancement of the Ogden Juvenile Court facility. He reported that a Building Board tour of the current facility and the new property will take place on September 9 and 10. The tour will include key Legislators.

Chief Justice Durham thanked Mr. Lunceford for his report.

9. OTHER REQUESTS:

JUROR/WITNESS, SUPPLEMENTAL AND FY 2011

Mr. Byrne reviewed the history and background for this fund. Fees continue to increase. He mentioned that this is the only fund where we deficit spend.

The increase cost for this fund are driven principally by increased interpreter fees. It was mentioned that steps to reduce interpreter costs was discussed in the Council workshop on August 26. It was noted that funding for several staff was switched from general funds to juror/witness/interpreter funds. Discussion took place.

This request for \$600,000 is to address the projected ongoing cost required to keep this fund in the black.

It was also mentioned that there is a supplemental request need for FY 2008, 2009, and projected 2010 which amounts to a total of \$1,404,200.

JUSTICE COURT TECHNOLOGY ACCOUNT: (Rick Schwermer)

Mr. Schwermer reported that this request is to obtain ongoing and one-time restricted fund supplemental from the Justice Courts technology, security, and training account for the Justice Court CORIS Conversion Project in the amount of \$100,000. This request will help the conversion project be completed as required by statute. No new funding is required

OCAP GENERAL FUND RESTRICTED ONE-TIME INCREASE: (Kim Allard)

Ms. Allard mentioned that there is a policy board that governs the Online Court Assistance Program. She listed the members of the board.

This request will draw a one-time amount of \$50,000 from the restricted account. These funds will be used to add additional functionality to the Online Court Assistance Program and for programming to convert additional applications to comply with published electronic filing protocols. No new funding is required.

UPDATE OF JUROR VIDEO

The request is for one-time funding to update the juror video. It will be deferred until April for further discussion.

Chief Justice Durham asked whether we have looked into private funding of the video update. Ms. Volmer reported that she would look into this option.

SELF-HELP CENTER FUNDING: (Jessica Van Buren and Mary Jane Ciccarello)

Chief Justice Durham welcomed Ms. Van Buren and Ms. Ciccarello to the meeting.

Ms. Van Buren mentioned that Judge Baxter is unavailable to attend as he has a full calendar.

She provided a brief history of the program. In 2006, the Judicial Council funded a two-year pilot project to establish a Self-Help Center staffed by an attorney. Currently, the pilot project is in its second year in the Second and Eighth Districts, and service was expanded to the Seventh District in January 2009. The pilot employees one full-time attorney, who staffs a toll-free telephone help line 24 hours per week and an email service. She mentioned that the help line is open Monday - Thursday from 11 a.m. to 5 p.m., and email response is available during normal business hours. The Self-Help Center offers legal information, not advice. The goal of the Center is to educate people about the judicial system so that they are better prepared to work within it. In FY 09, there were 2,000 contacts made to the Center. The Center continues to receive positive feedback.

Ms. Van Buren reported that the Center applied for various grants and received funding from the Bar Foundation, the Michael's Foundation and the State Justice Institute. An additional part-time attorney has been hired to staff the Self-Help Center with these grant funds.

The budget request is for four full-time, permanent attorneys to staff the Self-Help center. Ms. Van Buren reported that the request would support experienced attorneys. Discussion took place regarding this issue. The possible use of volunteers was mentioned by Council members.

Chief Justice Durham thanked Ms. Van Buren and Ms. Ciccarello for their leadership and hard work in their efforts with the Self-Help Center.

Chief Justice Durham thanked everyone involved with the building block presentations.

10. LEGISLATIVE PROPOSALS: (Rick Schwermer and Tim Shea)

Mr. Schwermer distributed a copy of the draft minutes from the Liaison Committee. The Committee held their meeting following the Council's Planning meeting on August 26, 2009.

The three areas to be covered include: 1) housekeeping legislation, 2) court reporter legislation, and 3) Utah Protective Proceedings Act (Guardian and Conservator Legislation).

Mr. Shea reviewed the proposed Housekeeping Legislation.

Section 17-20-1. County Clerk. The proposed legislation anticipates the use of the justice courts in some counties as the equivalent of the district court contract sites. This is contingent on the Council's decision regarding the use of justice courts in some counties as the equivalent of the district court contract sites.

Section 59-10-529. Overpayment of Tax - Credits - Refunds. This amendment is being made at the request of the Clerks of Court to remove the need to send a notice of the forfeiture of an overpayment applied as bail to the taxpayer. Discussion took place.

Section 78A-7-106. Jurisdiction. This change deals with the formation and elimination

of a municipal justice court and provides clarification. Mr. Shea stated that the proposed language for justice courts is already on the books for district court and juvenile court jurisdiction.

Section 78B-7-107. Hearings on Ex Parte Orders. Mr. Shea reported that the proposed amendment is made because there is concern that if the ex parte order is denied and a hearing is automatically set, which is the presumed action now, it might put the petitioner at risk because the respondent would get notice of a hearing while there is no protective order in place. Understanding of the current provision was discussed. It was also mentioned that the same wording should be listed in the juvenile protective order section as well.

Court Reporter Legislation. The proposed legislation eliminates all references to official court reporters. The other provisions remain intact. The question was asked as to whether this legislation could be included in the housekeeping legislation as the changes are reference changes only.

Utah Protective Proceedings Act (Guardian and Conservator Legislation). This bill establishes the authority of the court to appoint and regulate guardians and conservators for minors and incapacitated adults and other people in need of protection. If the legislation is approved, then rule changes will be pursued.

Mr. Schwermer mentioned there are sponsors for two of the three bills.

Motion: Judge Lyon moved to include the court reporter legislation in the housekeeping legislation. Judge Westfall seconded the motion, and it passed unanimously.

Motion. Judge Maughan moved to approve the housekeeping legislation once the redrafting refinements have been made. Judge Andrus seconded the motion, and it passed unanimously.

Motion: Judge Lyon moved to approve the Utah Protective Proceedings Act (guardian and conservator legislation). Judge Eyre seconded the motion, and it passed unanimously.

11. STATE COURT ADMINISTRATOR'S ANALYSIS AND RECOMMENDATIONS: (Daniel J. Becker)

Mr. Becker thanked the Executive Budget Committee for their work in reviewing the budget requests received for this budget session. He briefly reviewed the budget process.

He mentioned that all Council members were sent an email with his suggested recommendations. There are \$2.6 million in ongoing requests, and \$1.5 million in supplemental requests. He reported that the Guardian ad Litem did not submit any requests this year.

The Governor's office is asking for a 1, 3, and 5 percent contingency plan for budget reductions from all state agencies for the coming fiscal year. At this time, any reductions in the courts would have to be taken in personnel. He mentioned that filings have increased in district court but are down in juvenile court. With this, the impact has been principally on the clerical staff of the courts.

After Mr. Nixon's comments this morning regarding the state of Utah's economy, Mr. Becker added one change to his recommendations. Mr. Becker's recommendations are listed below:

Backfill Budget Item. He recommends addressing the backfill of 18 clerks in the amount of \$900,000.

Judicial Retirement Adjustment. He recommends the request for a \$540,000

supplemental request and a \$540,000 ongoing request in funding.

These two areas are the only two ongoing requests for funding. He reported that we need to look at efficiencies and demonstrate an effective use of the resources that are available. He suggests that all other ongoing requests be considered in April with one-time funding.

Lease Increases. He mentioned that the \$26,000 should be funded with the existing budget.

Juror/Witness/Interpreter. He recommends that we advance the supplemental request.

Justice Court Technology Account, and OCAP General Fund Restricted One-Time Increase. He recommends advancement of these requests which increases the spending limit.

Ogden Juvenile Court Facility. This request is on a building board list. Mr. Becker recommends advancing this request.

12. DISCUSSION AND VOTE ON BUDGET PRIORITIES: (Rick Schwermer)

Mr. Schwermer reminded the Council of the process of prioritizing the budget requests. He mentioned that it is important to understand all of the proposals presented and address each item and make a decision on each request. The items will then be categorized as follows: 1) obligation or mandate, 2) alternative funding, 3) eliminate, 4) building block, 5) supplementals, 6) legislative building blocks, or 7) fiscal notes. Clarification of the categories was given.

Law Clerks. The Council agreed to defer this request.

Clerk Backfill. The Council agreed to submit this as an appropriation building block request.

Judgeship Requests. The Council agreed to defer all judgeship requests to include the requests in the Third, Fifth and Eighth Districts.

Clerical Resources. The Council agreed to defer this request.

Small Claims. The Council agreed to defer this request.

Mentor Judge Program. The Council agreed to defer this request.

Executive Leadership. The Council agreed to defer this request.

PO Safety Training. The Council agreed to look at alternative funding for this request.

Self-Help Center. The Council agreed to defer this request.

Juror Video Update. The Council agreed to defer this request.

Justice Courts Technology. The Council agreed to submit this request as an appropriations building block request to increase the spending limit.

Judicial Retirement Adjustment. The Council agreed to submit this request as a mandate.

Leases Increases. The Council agreed to eliminate this request, but to monitor this item to ensure that the bond funds remain in the lease and contract budget.

Juror/Witness/Interpreter Ongoing Increase. The Council agreed to eliminate this request.

Juror/Witness/Interpreter Supplemental. The Council agreed to submit this request as a mandate.

Judicial Retirement Adjustment Supplemental. The Council agreed to submit this request as a mandate.

Justice Courts Technology Supplemental. The Council agreed to submit this request as an appropriations building block request.

OCAP Supplemental. The Council agreed to submit this request as an appropriations building block request.

FY 2011 Judicial Council Priority List

Request Description	Priority	Amount
Judicial Retirement Adjustment	Mandate	\$ 540,000
Juror/Witness/Interpreter	Mandate	\$ 1,404,200
Judicial Retirement Adjustment	Mandate	\$ 540,000
Clerk Backfill (18FTEs)	1	\$ 900,000
Justice Courts Tech, Security, and Training (Available Restricted Funds)	2	\$ 100,000
Justice Courts Tech, Security, and Training (Available Restricted Funds) Supplemental	1	\$ 100,000
OCAP (Available Restricted Funds), One-time	2	\$ 50,000
Grand Total		\$ 3,634,200
		Supplemental and One-time Requests

Motion: Judge Andrus moved to approve the budget requests as outlined by the Council. Judge Maughan seconded the motion, and it passed unanimously.

Motion: Judge Chamberlain moved to advance the request for the Ogden Juvenile Court Facility. Judge Andrus seconded the motion, and it passed unanimously.

Chief Justice Durham thanked everyone for their hard work and efforts in regards to this budget and planning session.

12. ADJOURN

The meeting was adjourned.