

JUDICIAL COUNCIL
Budget and Planning Session
Minutes
Thursday, August 18th, 2011
Large Conference Room A
Matheson Courthouse
Salt Lake City, UT

Chief Justice Christine M. Durham, Presiding

ATTENDEES:

Chief Justice Christine M. Durham, Chair
Hon. Michael Westfall, Vice Chair
Justice Jill Parrish
Hon. Judith Atherton
Hon. Donald Eyre, Jr.
Hon. Kimberly K. Hornak
Hon. Paul Maughan
Hon. Brendan McCullagh
Hon. Gregory Orme
Hon. Jody Petry
Hon. Larry Steele
Hon. Keith Stoney
Hon. Thomas Willmore
Lori Nelson, esq.

GUESTS:

Aaron Falk, SL Tribune
David Wash
Gary Syphus
Ron Bigelow
Hon. Kate Toomey
Hon. L.A. Dever
Hon. Thomas Higbee
Martha Pierce, GAL

STAFF PRESENT:

Daniel J. Becker
Ray Wahl
Lisa-Michele Church
Jody Gonzales
Debra Moore
Rick Schwermer
Tim Shea
Nancy Volmer
Kim Allard
Alyn Lunceford
Derek Byrne
Diane Abegglen
Jessica VanBuren
Mary Jane Ciccarello
Lori Brown
Mark Bedel

EXCUSED:

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

Chief Justice Durham welcomed everyone to the meeting. She welcomed Mr. David Walsh, GOPB and Commission on Criminal and Juvenile Justice; and Mr. Gary Syphus, Fiscal Analyst. Mr. Ron Bigelow, Director - Office of Planning and Budget will provide an overview of the status of the State of Utah economy later in the meeting.

She read a few excerpts from an article in today's New York Times entitled *Threadbearer American Justice*. The article reported on the condition of the state courts nationwide during the economic downturn over the past three years.

She contrasted the article with the Utah State Courts and their efforts to continue

providing adequate service during the economic downturn.

Chief Justice Durham 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. He reported that this year's session would be an abbreviated session as no requests from the boards of judges were being advanced at this time. The budget and planning session will include: 1) state economic presentation by Ron Bigelow from the Office for Planning and Budget (GOPB), 2) fiscal trends and restricted funds report, 3) reports and budget requests from the boards and committees, 4) analysis and recommendations to be given by Mr. Becker, 6) legislative proposals, and 7) discussion and voting on budget priorities.

Following lunch, a workshop entitled *How to Best Build a Bridge with Existing Resources* will be held, then a Council meeting and brief Management Committee meeting.

3. GOVERNOR'S OFFICE OF PLANNING AND BUDGET ECONOMIC PRESENTATION: (Ron Bigelow)

Chief Justice Durham welcomed Mr. Bigelow to the meeting.

Mr. Bigelow provided an update to the Council on the status of the State of Utah's economy.

He highlighted the budget process principles in his update to include: 1) revenue estimates and what it entails, 2) revenue sources, 3) fund expenditures, 4) balancing the budget, 5) revenue growth, 6) capital needs, 7) long-term budget needs, and 8) economic forecast.

He noted the following areas to monitor relative to the economic forecast: 1) federal funds, 2) stock market, 3) retirement, 4) consumer confidence, 5) medicaid reform, and 6) structural imbalance.

Mr. Bigelow reviewed the budget projections from last fiscal year with the start of FY 2012.

Questions were asked of Mr. Bigelow relative to the budget. He provided a response to each.

Mr. Becker thanked Mr. Bigelow and the staff in the Office of Planning and Budget for their ongoing support to the courts.

Mr. Bigelow was thanked for his update.

4. PLACING BUDGET PROPOSALS IN CONTEXT:

Workload/Demographic Trends:

Ms. Allard updated the Council on the FY 2011 Cases, Referrals and Weighted Workload Report. She mentioned that the report listed data for all the court levels from FY 2001 - FY 2011. In FY 2001, there were 808,025 case filings and referrals compared to 917,216 case filings and referrals in FY 2011.

Supreme Court. The report provided an 11-year view with 619 case filings in FY 2011. Of the 619 cases, 166 were retained for decision.

Court of Appeals. There were 922 case filings in FY 2011. Of the 922 cases filed with the Court of Appeals, 453 were transferred from the Utah Supreme Court.

District Court Case Filings. There were 305,974 district court case filings in FY 2011

compared to 321,606 in FY 2010 which represents a 5% decrease in case filings. She highlighted the district court case filings to include: 1) by case type, 2) by district, 3) comparing filings and judicial hours, 4) by judicial weighted caseload, and 5) by clerical weighted workload.

Justice Court. There were 575,510 justice court case filings in FY 2011 compared to 584,909 in FY 2010.

Juvenile Court. There were 41,033 referrals in FY 2011 compared to 44,432 in FY 2010 which represents an 8% decrease in referrals. She highlighted the juvenile court referrals to include: 1) by district, 2) by case type, 3) comparing referrals and judicial hours, 4) by judicial weighted workload, 5) by workload per judicial officer, and 6) by clerical weighted hours.

Ms. Allard was thanked for her presentation.

Fiscal Trends & Budget Process:

Mr. Wahl and Mr. Byrne provided an update of the fiscal data and trends and the restricted fund reports.

Mr. Byrne reviewed the Utah Courts budget summary relative to the fiscal data and trends. He highlighted the following: 1) budget reductions, 2) increase in the FY 2012 budget as a result of carry forward funding and benefit cost increases, and 3) ongoing building blocks.

Mr. Wahl reported that the Courts have 14 restricted funds. He provided an explanation of their existence and use of these funds. He highlighted the following funds: 1) Court Complex Funding, 2) Justice Court Technology, Security, and Training Account, and 3) Security Fee. An explanation was provided for the shortfall relative to the security fee fund.

Summary of FY 2013 Proposals:

The following categories were highlighted: 1) OCAP (Online Court Assistance Program) Expansion to Accommodate E-Filing Initiatives, to obtain one-time funding in the amount of \$75,000; and 2) Juror/Witness/Interpreter request, to obtain additional funding in the amount of \$600,000.

Discussion took place. Explanations were provided on the deficit spending of the juror/witness/interpreter funds by Mr. Byrne, Mr. Walsh, and Mr. Bigelow.

5. DISTRICT COURT BOARD OF JUDGES REPORT: (Judge Kate Toomey and Debra Moore)

Chief Justice Durham welcomed Judge Kate Toomey, vice chair of the Board of District Court Judges, to the meeting.

Judge Toomey highlighted the district court needs considered by the Board: 1) five permanent law clerk positions, 2) an Eighth District Court judge, 3) a Fifth District Court judge, and 4) a Third District Court judge. It was noted that no positions were funded last year. The Board wanted the Council to be aware of the district court needs even though they were not requesting funding for FY 2013.

Judge Toomey was thanked for her presentation.

6. JUVENILE COURT BOARD OF JUDGES REPORT: (Judge Thomas Higbee and Lisa-Michele Church)

Judge Thomas Higbee was welcomed to the meeting. Judge Suchada Bazelle, chair of

the Board of Juvenile Court Judges, was unable to attend.

As noted, the Board of Juvenile Court judges are not advancing any building block requests.

Judge Higbee provided an overview of the juvenile court and their needs for the future. He mentioned that delinquency referrals in the juvenile court show a decrease statewide. He highlighted the following areas relative to the juvenile court: 1) the use of evidence-based practices, 2) the use of motivational interview training by probation officers, 3) an increase in child welfare and termination cases, 4) elimination of resources available to the juvenile court, and 5) instituted self-imposed time frames for child delinquency cases similar to what is used for child welfare cases.

Ms. Church highlighted needs of the juvenile court to include: 1) additional probation staff, and 2) an Eighth District Juvenile Judge. She mentioned that the probation staff has had reductions each year for the past three years. In the future, this reduction may have an impact on probation services provided. In reference to the Eighth District Judge, Ms. Church mentioned that the caseload is up and the workload is high. She reminded the Council that future building block requests would be evidence-based and data driven.

The question was asked about the rationale for not advancing a building block request for an Eighth District Judge. An explanation was provided regarding the Board of Juvenile Judges decision on this matter.

Judge Higbee and Ms. Church were thanked for their presentation.

7. SELF-HELP CENTER FUNDING: (Jessica Van Buren)

Ms. Van Buren was welcomed to the meeting.

She provided a brief overview of the services provided by the Self-Help Center. The Self-Help Center provides legal information—not legal advice—to educate people about the judicial system so that they are better prepared to work within it. The program has been supported with one-time and grant funding.

Ms. Van Buren provided the following Self-Help Center highlights: 1) providing service to the 1st, 2nd, 5th, 6th, 7th, and 8th Districts; 2) providing Spanish services; 3) added text messaging services; 4) the contact methods include toll-free calling, email, text messaging, forms availability online, and soon chat; 5) the number of people served has jumped from 830 in its first year to 6,000 in FY 2011; and 6) serving nearly 40% of the state's population and 88% of the state geographically.

To expand the Self-Help Center statewide, the total staffing requirement would be a full-time supervising attorney and 3.5 FTE part-time attorneys staffing the help line, as well as adequate office space and equipment.

The Self-Help Center building block request of \$301,400 would cover 3.5 FTEs to expand the center's service statewide.

Ms. Van Buren was thanked for her presentation.

8. FACILITIES COMMITTEE REPORT: (Judge Lee Dever and Alyn Lunceford)

Judge Dever and Mr. Lunceford were welcomed to the meeting.

Mr. Lunceford updated the Council on the Facilities Committee requests. He mentioned that the Building Board tours took place on August 17 which included a tour of the Ogden Juvenile Court.

He highlighted the following requests: 1) new Second District Juvenile Courthouse

capital development request, 2) Northern Utah County Property Purchase land bank request, and 3) Sevier County Court Facility purchase to be funded with a lease revenue bond.

The Facilities Committee is asking the Council to advance these requests to the Building Board.

9. GUARDIAN AD LITEM: (Martha Pierce)

Chief Justice welcomed Martha Pierce from the Guardian ad Litem's office.

Ms. Pierce highlighted the following building block requests on behalf of the Guardian ad Litem's office: 1) attorney and support staff; 1 vehicle, and 2) attorney salary parity increase.

She mentioned the large salary differential between the Guardian ad Litem attorneys and attorneys in other state agencies. Discussion took place.

Ms. Pierce was thanked.

10. STATE COURT ADMINISTRATOR'S ANALYSIS AND RECOMMENDATIONS:

Mr. Becker referred to the New York Times article with regard to the state of the Utah court system during the economic downturn. He highlighted the discussions taking place with each district presiding judges and court executives during visits with each district. He noted that the workloads in the district courts are gradually returning to normal levels, and juvenile referrals reflect a decrease in juvenile court.

Mr. Becker summarized the recommendations as follows:

IT Funding - Implement 5-Year Computer Replacement Schedule. It was recommended to defer this request and use one-time funding.

OCAP (Available Restricted Funds). The Online Assistance Program Restricted Account has a sufficient balance to allow a one-time addition appropriation of \$75,000, and it was recommended that this request be advanced.

Facility - Lease and Contract Obligations. It was recommended to use one-time funding to cover the contractual obligations of contracts and leases.

Juror/Witness/Interpreter. It was recommended that an ongoing request of \$600,000 in the juror/witness/interpreter budget be advanced to bring the ongoing budget in line with actual expenses. A supplemental increase to cover the FY 2010, FY 2011 and projected FY 2012 deficit in the budget should also be advanced.

Self-Help Center. It was recommended to continue with one-time funding.

Guardian ad Litem. Mr. Becker reminded the Council that the Guardian ad Litem budget is separate from the Courts budget.

Discussion took place relative to the Self-Help Center and funding of the service.

Motion: Judge Eyre moved that the Judicial Council seek legislation to codify the Self-Help Center and provide permanent funding for the Self-Help Center. Justice Parrish seconded the motion, and it passed unanimously.

Motion: Judge McCullagh moved to approve the remainder of the recommendations as provided for the OCAP, Juror/Witness/Interpreter and Guardian ad Litem. Judge Westfall seconded the motion, and it passed unanimously.

Motion: Judge McCullagh moved to forward the recommendations on the 2nd Juvenile District Ogden Courthouse, Northern Utah County Land Bank Request, and Sevier County Court Facility

Purchase to the Building Board. Judge Hornak seconded the motion, and it passed unanimously.

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

Mr. Schwermer provided information relative to the proposed legislation. He reported that the Liaison Committee met prior to the Budget and Planning Session. He highlighted the following legislation to be considered: 1) housekeeping bill - legislation relative to private information concerning government employees, 2) juvenile court issue regarding the use of two information systems maintained by the Office of Licensing relative to supported finding of a severe type of child abuse or neglect, and 3) guardianship legislation. Mr. Schwermer provided an explanation on the housekeeping bill and the juvenile court issue. Mr. Shea provided a response on the recommendations approved by the Management Committee regarding the guardianship legislation.

It was noted that legislation modernizing various statutes relating to justice courts is being prepared for consideration at the September Council meeting.

Motion: Ms. Nelson moved to approve the recommendations from the Liaison Committee. Judge Petry seconded the motion, and it passed unanimously.

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

FY 2013 BUILDING BLOCK REQUESTS Approved by the Judicial Council--8/18/11

Request	\$ Requested	Judicial Council Action	Judicial Council Priority	Amount Requested
Implement 5-Year Computer Replacement Schedule	250,000	Defer for 1-time funds	N/A	-
Self-Help Center (3.5 FTEs)	301,400	Advance as Legislation	N/A	-
OCAP (Available Restricted Funds)-1 Time	75,000	Forward to Legislature	1	75,000
Ongoing Increase to Eliminate JWI Deficits	600,000	Forward to Legislature	2	600,000

SUPPLEMENTALS-FY 2012

Juror/Witness/Interpreter (FY10, FY11, & FY12 Deficits)	1,742,900	Forward to Legislature	1	1,742,900
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Guardian ad Litem

Attorney & Support Staff (2 FTEs); 1 Vehicle	201,900
Attorney Salary Parity Increase	1,255,800

Contracts & Leases--Judicial Council Recommendations Forwarded to the Building Board

Request	Type	Amount
2nd Juvenile District Ogden Courthouse	Capital Development	30,000,000
Northern Utah County Land Bank Request	Land Bank	1,750,000
Sevier County Court Facility Purchase	Non-State Funded Project/Lease Revenue Bond	1,900,000

13. ADJOURN

The meeting was adjourned.