

JUDICIAL COUNCIL
Budget and Planning Session
Minutes
Friday, August 15th, 2014
Large Conference Room A
Matheson Courthouse
Salt Lake City, UT

Chief Justice Matthew B. Durrant, Presiding

Chief Justice Matthew B. Durrant
Hon. Kimberly K. Hornak, Vice Chair
Justice Jill Parrish
Hon. James Davis
Hon. Glen Dawson
Hon. George Harmond
Hon. Thomas Higbee
Hon. David Marx
Hon. Paul Maughan
Hon. David Mortensen
Hon. Reed Parkin
Hon. John Sandberg
Hon. Randall Skanchy
John Lund, esq.

Daniel J. Becker
Ray Wahl
Jody Gonzales
Dawn Marie Rubio
Debra Moore
Rick Schwermer
Kim Allard
Ron Bowmaster
Derek Byrne
Brent Johnson
Alyn Lunceford
Nini Rich
Nancy Volmer
Jessica Van Buren
Karolina Abuzyarova

EXCUSED:

GUESTS:

Juliette Tennert, GOPB
Judge Kevin Allen
Judge John Walton
Judge Elizabeth Lindsley
Judge Mary Noonan
Judge Suchada Bazzelle
Neira Siaperas, 3rd Juv TCE
Rick Davis, 5th Dist TCE
James Peters, 4th Juv TCE
Lisa Collins
David Walsh
Ken Matthews
Gary Syphus

- 1. WELCOME: (Chief Justice Matthew B. Durrant)**
Chief Justice Durrant welcomed everyone to the meeting.

2. GOVERNOR'S OFFICE OF PLANNING AND BUDGET ECONOMIC PRESENTATION: (Juliette Tennert)

Chief Justice Durrant welcomed Ms. Juliette Tennert, Chief Economist and Budget Director, from the Governor's Office of Management and Budget to the meeting.

Ms. Tennert highlighted the following in her update: 1) no new bonds will be issued this year, 2) economic update of the US economy, 3) increase in Utah's labor force within the last year, 4) Utah's components of population change, 5) Utah level of employment from June 2004 – June 2014, 6) Utah employment as a percent of 2007 peak: June 2014, 7) unemployment rate in Utah and the US from June 2004 – June 2014, 8) Utah initial unemployment insurance claims from June 2004 – May 2014, 9) median existing home prices, 10) select economic indicators: February 2014 forecast, 11) FY 2015 budget: sources of funding, and 12) Utah sales and use tax collections: FY 2000 – FY 2015.

Chief Justice Durrant thanked Ms. Tennert for her update.

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

Mr. Becker recognized the following individuals: 1) Mr. David Walsh, GOMB and Commission on Criminal and Juvenile Justice; 2) Mr. Ken Matthews, Financial Operations Analyst; 3) Neira Siaperas, Third District Juvenile Court TCE; 4) Mr. Shane Bahr, Fourth District Court TCE; 5) Nancy Volmer, Courts Public Information Officer; and 6) Alyn Lunceford, Facilities Manager.

The objectives for the budget and planning session include: 1) set a prioritized budget request, and 2) develop a plan to address the courts budget needs for FY 2016.

Mr. Becker reviewed the agenda for the budget and planning session. He noted that a copy of the following documents was sent to each member of the Council for review prior to the meeting: 1) FY 2016 Annual Budget Plan, 2) Navigating the Budget, and 3) Court Administrator's Review and Recommendations. The budget and planning session will include the following: 1) an update from GOMB on the state's economy, 2) fiscal trends and restricted funds reports, 3) data and performance measure overview, 4) reports and budget requests from boards and committees, 5) the court administrator's analysis and recommendations, 6) discussion and voting on budget priorities, and 7) review of proposed legislation.

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

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

Mr. Byrne reviewed the fiscal data and trends relative to the Utah Courts budget summary. He noted that 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.

He highlighted the following restricted accounts: 1) Children's Legal Defense Fund (CLDF), 2) Alternative Dispute Resolution, 3) Court Complex Funding, 4) Law Library Non-Lapsing Dedicated Credit Fund, 5) Security Fee, 6) Court's Traffic Caseload, and 7) Justice Court Technology, Security and Training Account.

DATA PRESENTATION OVERVIEW: (Kim Allard)

Ms. Allard updated the Council on the FY 2014 Caseload Review.

Supreme Court. There were 626 case filings in FY 2014 compared to 595 case filings in FY 2013 which represents a 5% increase.

Court of Appeals. There were 991 case filings in FY 2014 compared to 943 case filings in FY 2013 which represents a 5% increase.

District Court. There were 273,492 case filings in FY 2014 compared to 285,196 case filings in FY 2013 which represents a 4% decrease. Ms. Allard highlighted the district court case filings to include: 1) by case type; 2) filings compared to judicial workload; 3) district court judicial weighted caseload from July 1, 2013 through June 30, 2014; 4) weighted caseload summary – caseload as a % of standard; 5) FY14 workload and available hours per judicial officer; 6) weighted caseload summary – judicial officers needed; and 7) district court time to disposition.

Justice Court. There were 496,953 case filings in FY 2014 compared to 524,628 case filings in FY 2013 which represents a 5% decrease. Ms. Allard highlighted the justice court case filings to include: 1) by case type, and 2) justice court time to disposition.

Juvenile Court. There were 36,078 referrals and filings in FY 2014 compared to 37,789 referrals and case filings in FY 2013 which represents a 5% decrease. Ms. Allard highlighted the juvenile court referrals and filings to include: 1) by case type; 2) filings compared to judicial work hours; 3) juvenile court judicial weighted caseload – total hours needed; 4) juvenile court judicial weighted caseload – judicial officers needed; 5) juvenile court judicial weighted caseload – caseload as % of standard; 6) juvenile court FY14 workload vs. available hours per judicial officer from July 1, 2013 through June 30, 2014; and 7) juvenile court time to disposition.

5. REPORTS AND BUDGET REQUESTS FROM BOARDS AND COMMITTEES

APPELLATE COURTS/LAW LIBRARY: (Lisa Collins and Jessica Van Buren)

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

Ms. Collins reported on the request to centralize the processing of requests for audio recordings of district and juvenile court hearings under the direction of the Appellate Courts. The request is to hire a judicial service representative (JSR) to fill requests for audio records of trial court and appellate court hearings.

Ms. Collins highlighted the following in her request: 1) benefits of centralizing the processing of requests for audio recordings, 2) the current process of requesting and receiving audio recordings, 3) the proposed process for requesting and receiving audio recordings, 4) financing, and 5) reasons for centralizing the process under the direction of the Appellate Courts.

Ms. Van Buren provided background information on the Council's approval in December 2013 to permanently move \$30,000 from the law library's book budget and non-lapsing fund to fund all Self-Help staff attorneys to 30 hours per week. In April 2014, the Council approved one-time funding in the amount of \$53,500 to increase the hours of all the Self-Help Center part-time attorneys to 30 hours per week and provide them with benefits in FY 2015.

The ongoing \$30,000 from the law library's budgets allows for permanent funding of three part-time attorneys at 30 hours per week. A request for \$51,100 would allow for a

permanent increase of 30 hours for the fourth and fifth part-time attorneys in the Self-Help Center and is intended to improve retention and recruitment for these attorney positions.

Ms. Van Buren reported on the request for \$63,000 to fund the future purchase of Utah Code copies for judicial staff. Background information and policies in place for purchasing the Utah Code were noted.

BOARD OF DISTRICT COURT JUDGES: (Judge Kevin Allen, Judge John Walton, Ms. Debra Moore, and Mr. Rick Davis)

Chief Justice Durrant welcomed Judge Allen, Judge Walton, Ms. Debra Moore, and Mr. Rick Davis to the meeting.

Judge Allen highlighted the following: 1) listed members of the Board of District Court Judges, and 2) reviewed the Board of District Court Judges budget requests and background behind each request.

The Board of District Court Judges budget requests include: 1) funding for an additional judgeship and staff in the Fifth District Court, and 2) funding of four permanent law clerk positions in the district court.

Mr. Rick Davis, Fifth District TCE, and Judge John Walton, Fifth District Court Judge, spoke on behalf of the Fifth District Court regarding their request for funding of an additional judgeship and staff. Their current use of juvenile, visiting and senior judges for coverage was noted. The Fifth District Court is down 1.5 judicial officers which equates to the current judges carrying 130 percent of the recommended caseload standard.

The Board of District Court Judges is requesting funding for four permanent, law clerk positions. Judge Allen highlighted the following: 1) the board's established goal to achieve a ratio of one law clerk for every two district court judges, 2) number of permanently funded and time-limited district court law clerk positions, and 3) benefits of increasing the number of district court law clerk positions.

COURT TECHNOLOGY STANDING COMMITTEE: (Ron Bowmaster)

Chief Justice Durrant welcomed Mr. Bowmaster to the meeting.

The Court Technology Standing Committee is requesting purchase of magnetic ink character recognition scanners and EMV credit card terminals in the amount of \$66,500. This request is to update the point-of-sale (POS) terminals installed in each courthouse.

The Court Technology Standing Committee also is requesting reinstatement of the Court's desktop replacement schedule that would replenish each unit once every five years. The amount being requested to fund the replacement schedule is \$250,000.

COURT FACILITIES PLANNING COMMITTEE: (Alyn Lunceford)

Chief Justice Durrant welcomed Mr. Lunceford to the meeting.

Mr. Lunceford mentioned that Judge Behrens was unable to attend.

Mr. Lunceford highlighted the following budget requests: 1) the budget request in the amount of \$52,000, from the Court Facilities Planning committee, to cover facilities, leases, and O & M; 2) replacement of the Provo District Court building; and 3) Northern Utah County land bank project.

He highlighted the contract and lease increases for FY 2016.

Mr. Lunceford reviewed details for replacement of the Provo District Court building, including proposed financing.

BOARD OF JUVENILE COURT JUDGES: (Judge Elizabeth Lindsley Judge Mary Noonan, Judge Suchada Bazzelle, Dawn Marie Rubio, and James Peters)

Chief Justice Durrant welcomed Judge Lindsley to the meeting.

The Board of Juvenile Court Judges is requesting funding for an additional judgeship and staff in the Fourth District Juvenile Court. Currently, judicial workload is at 132% in the Fourth District Juvenile Court.

Judge Noonan provided background information regarding the need for an additional judgeship in the Fourth District Juvenile Court. Commissioner support is shared between the district and juvenile court in the Fourth District. Additional judicial assistance has been provided by visiting judges.

Mr. James Peters provided staffing numbers in the Fourth District Juvenile Court.

Child mediator resources currently used in the Fourth District Juvenile Court was also noted.

SYSTEM WIDE REQUESTS:

COURT VISITOR PROGRAM: (Brent Johnson and Karolina Abuzyarova)

Chief Justice Durrant welcomed Mr. Brent Johnson to the meeting.

A request for permanent funding of the court visitor program is being made. Prior funding was provided by the State Justice Institute for a three-year period which expired on June 30, 2014. The Administrative Office of the Courts applied for \$100,000 in grants for 2015, but they were not awarded any funds. The Judicial Council committed \$45,000 to fund the difference between the cost of the program and the grant applications.

The request is to fund the salary and benefits for the program coordinator and the visitor coordinator.

ADDITIONAL CHILD WELFARE MEDIATOR POSITION: (Nini Rich)

Chief Justice Durrant welcomed Ms. Nini Rich to the meeting.

Ms. Rich requested funding for an additional child welfare mediator in the amount of \$85,800. She provided background information on the Child Welfare Mediation Program. She highlighted the following: 1) staffing levels since FY 2005, 2) caseload per mediator, 3) expected increase in child welfare referrals, 4) child welfare mediations per year, and 5) success rate of child welfare mediations.

JURY/WITNESS/INTERPRETER FUNDING: (Derek Byrne)

Mr. Byrne provided background information on the juror/witness/interpreter fund and the continued practice of the legislature allowing deficit spending and then awarding supplemental funding to cover the deficit.

There are two requests being made for the juror/witness/interpreter fund. One request is to obtain ongoing funding in the amount of \$950,000. The second request is a supplemental request in the amount of \$814,200 to fund the FY 2014 deficit.

6. STATE COURT ADMINISTRATOR'S REVIEW AND RECOMMENDATIONS

Mr. Becker highlighted the following as he provided his review and recommendations for the FY 2016 budget requests: 1) GOMB guidelines, 2) state of the economy, 3) workload trends,

and 4) performance measures. Some requests he will recommend be funded with alternate funding, and other requests he will recommend be advanced through legislative measures.

Judgeship Requests. Two requests for additional judgeships and staff were made by: 1) the Fourth District Juvenile Court, and 2) the Fifth District Court. Both courts demonstrate a need for an additional judgeship. Mr. Becker recommended a favorable consideration of the two requests. Alternative ways of supporting the judicial needs of both districts was provided.

Court Visitor Program. The court visitor program was funded for a three-year period by a State Justice Court grant that expired on June 30, 2014. The program is currently funded with one-time funding approved by the Council in April 2014. Mr. Becker recommended that this program be funded permanently. If the Council approves the judgeship request(s), Mr. Becker would recommend permanent funding of the court visitor program be deferred until the 2016 Legislative Session. If the Council decides to defer the request to 2016, he would recommend funding of the program be deferred until the April Council meeting as a one-time funding request.

General Fund Replacement of Trust Funds. Mr. Becker provided background information on legislative action in 2009 replacing general fund dollars with trust fund revenue, as a budget reduction measure. This was advanced as a temporary measure, and it was anticipated that general funds would need to be restored in the future. In 2010, interest rates fell dramatically and have remained at less than 1% every since, dramatically impacting available revenue.

Mr. Byrne provided expense details being provided from the trust account.

Mr. Becker is recommending that the general fund appropriation in place prior to the recession be restored.

District Court Law Clerks. It was recommended to address the request of four additional law clerks in district court by redirecting existing funds, using fiscal note funding, and/or one time funding in April when the Council considers a spending plan for FY 2016.

Leases and Contracts. It was recommended to absorb the increase in the lease and contract budget within its budget and not advance the request.

Juror/Witness/Interpreter. It was recommended to advance the following requests for funding: 1) 814,200 for FY 2015 supplemental funding to cover the FY 2014 deficit, and 2) \$950,000 in ongoing funding to bring the budget in line with current expenditures.

Child Welfare Mediator. It was recommended to seek legislation to increase the ADR fee by \$2.00. This fee increase would generate a sufficient amount of revenue to cover the deficit, as well as, the cost of an additional mediator.

Audio Records Coordinator. It was recommended to fund this position from the required fee paid to prepare and deliver the audio. Any revenue received above the required funding should be allocated amongst the districts.

Information Technology. The Standing Committee on Technology has made two requests: 1) point-of-sale credit card terminals, and 2) a five-year computer replacement schedule. It was recommended to defer both requests and use one-time funding.

Utah Code. It is recommended that this request be deferred for one-time funding consideration in April.

Increase in Self-Help Center Capacity. It is recommended that this request be deferred for one-time funding consideration in April.

Discussion took place.

7. BUILDING BLOCK DISCUSSION AND JUDICIAL COUNCIL DECISIONS ON PROPOSED FY 2016 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 alternate funding, 3) elimination, 4) building blocks, 5) supplemental, and 6) fiscal note building blocks.

Categorization of each request:

Audio Records Coordinator – alternate funding

Fifth District Court Judge – fiscal note/legislation

Law Clerks – deferral

Fourth District Juvenile Court Judge – fiscal note/legislation

Five-Year Computer Replacement Schedule – deferral

Additional Child Welfare Mediator Position – fiscal note/legislation

Replace Trust GFR Account Appropriation in GF – building block

Reduce Trust GFR Account Appropriation – building block

Self-Help Center Staff Hours and Benefit Increases – deferral

Utah Code – deferral

Volunteer Court Visitor Program – deferral

Lease O & M Increases – eliminate

JWI Ongoing Increase to Eliminate Annual Deficits – building block

JWI Supplemental – building block

Point of Sale Credit Card Terminals FY 15 One time – alternative funding

Discussion took place.

Mr. Schwermer noted that the fiscal note/legislation, building block requests would need to be prioritized and voted on.

Motion: Judge Davis moved to prioritize the items in the following order: 1) trust fund, 2) additional child welfare mediator, 3) Fourth District Juvenile Court Judge, and 4) Fifth District Court Judge. Judge Hornak seconded the motion. The motion did not pass with Judge Davis and Judge Hornak voting yes.

Discussion continued.

Motion: Mr. Lund moved to approve the Trust Fund requests as first priority. Judge Dawson seconded the motion. The motion passed with Judge Maughan voting no.

Motion: Judge Parkin moved to accept and approve the prioritization of the remaining budget requests as voted upon: 1) Fourth District Juvenile Court Judge, 2) Child Welfare Mediator, and 3) Fifth District Juvenile Court Judge. Mr. Lund seconded the motion, and it passed unanimously.

Motion: Judge Mortensen moved to advance the Facilities Standing Committee requests for the Fourth District Utah County Provo Courthouse Expansion along with the fee revenue schedule. Judge Hornak seconded the motion, and it passed unanimously.

Motion: Judge Mortensen moved to advance the Northern Utah County Land Bank Project. Judge Parkin seconded the motion, and it passed unanimously.

Motion: Judge Maughan moved to approve all other recommendations relative to the budget requests before the Council. Judge Sandberg seconded the motion, and it passed unanimously.

8. PROPOSED LEGISLATION

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

He reviewed the draft judiciary amendments with members of the Council.

Motion: Mr. Lund moved to support, in concept, the Unsworn Declaration Bill. Judge Harmond seconded the motion, and it passed unanimously.

9. ADJOURN

The meeting was adjourned.