

JUDICIAL COUNCIL MEETING

Minutes

March 13, 2020

Matheson Courthouse

Council Room & Webex

450 S. State St.

Salt Lake City, Utah 84111

9:00 a.m. – 1:45 p.m.

Chief Justice Matthew B. Durrant, Presiding

Members:

Chief Justice Matthew B. Durrant, Chair

– by Webex

Hon. Kate Appleby, Vice Chair

Hon. Brian Cannell – by Webex

Hon. Augustus Chin

Hon. Ryan Evershed – by Webex

Hon. Paul Farr

Justice Deno Himonas

Hon. Mark May

Hon. Kara Pettit

Hon. Derek Pullan

Hon. Brook Sessions – by Webex

Hon. Todd Shaughnessy

Hon. John Walton – by Webex

Rob Rice, esq.

AOC Staff:

Cathy Dupont

Michael Drechsel

Heidi Anderson

Shane Bahr

Todd Eaton

Geoff Fattah

Kim Free

Alisha Johnson

Tom Langhorne

Larissa Lee – by Webex

Bart Olsen

Chris Palmer

Jim Peters

Nini Rich

Chris Talbot

Jeni Wood

Excused:

Hon. Mary T. Noonan

Neira Siaperas

Guests:

Travis Erickson, TCE, Seventh District – by Webex

Brett Folkman, TCE, First District Court – by Webex

Hon. Barry Lawrence, Third District Court

Russ Pearson, TCE, Eighth District – by Webex

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

Chief Justice Matthew B. Durrant welcomed everyone to the meeting. Due to the recent coronavirus outbreak, the Council decided to move their meeting from St. George to Salt Lake City. Judge Kate Appleby noted Bryan Galloway was confirmed to the First District Court and Annette Jan was confirmed to the Third District Juvenile Court. Robert Lund was not confirmed by the Senate for a judicial position.

Motion: Judge Appleby moved to approve the February 24, 2020 Council minutes, as presented. Judge Augustus Chin seconded the motion, and it passed unanimously.

2. CHAIR’S REPORT: (Chief Justice Matthew B. Durrant)

Chief Justice Durrant briefly discussed his March 12 Administrative Order confirming that the Judiciary has moved to level “red” due to the COVID-19 pandemic. Chief Justice Durrant thanked Judge Mary Noonan, Cathy Dupont, Michael Drechsel and all involved with the session. Chief Justice Durrant appreciated the dedication and remarkable work with the budget recommendations.

3. ADMINISTRATOR’S REPORT: (Cathy Dupont)

Cathy Dupont noted the legislative session ended yesterday. Mr. Drechsel will report to the Council later in the meeting. Ms. Dupont reported that the legislature funded a 3% raise for state employees including judges. She also reported that the legislature:

Approved appropriations – ongoing funds

- \$932,000 Technology Investment
- \$650,000 IT Developers – Increase IT staff by six
- \$210,000 OCAP – Hire two dedicated OCAP technical support staff
- \$92,500 Court Commissioners – Recruit and retain
- \$72,000 Microsoft Licensing – Upgrade outdated Microsoft software
- \$54,947 Child-Welfare Mediator (original request \$54,900) – Replace previous one-time funding for a half-time mediator

Approved appropriations – one-time funds

- \$450,000 West Jordan Courthouse – Replace failing recording equipment

Budget requests not approved

- Manti Courthouse
- Self-Help Center Service Expansion – Increase access to attorney staff

4. COMMITTEE REPORTS:

Management Committee Report:

The work of this committee is reflected in the minutes.

Ad Hoc Budget & Finance Committee Report:

Judge Mark May will address the work of the committee later in the meeting.

Liaison Committee Report:

Judge Kara Pettit appreciated the work of Mr. Drechsel and others involved with the session. The Liaison Committee will schedule a meeting to debrief after the session and to plan for the interim legislative period. Judge Pettit chairs the Mental Health and Wellness Committee. The legislature approved many mental health budget items.

Policy and Planning Committee Report:

Judge Derek Pullan presented two draft orders regarding automatic expungements as well as proposed amendments to CJA Rule 4-208. Policy & Planning will soon be ready to present the courtroom attire policy to the Council.

The IT Department created a program to identify cases that meet the expungement criteria. Judge Pullan noted there is concern about allowing automatic judicial signatures on expungements. Heidi Anderson said IT must review cases back to the 90's when CORIS was created. The Council discussed options for expungements that might be possible now. Ms. Dupont suggested that we keep Representative Hutchings updated on the process and perhaps request additional time for cases prior to 2012, as they are more difficult to identify. Policy & Planning will continue their work.

Chief Justice Durrant thanked Ms. Anderson, Todd Eaton, and the IT Department for their exceptional efforts in an overwhelming situation and noted the courts are fortunate to have them.

Bar Commission Report:

Herm Olsen sent his regrets for not being able to provide the Council with a Bar report. The Bar cancelled their Spring Convention in St. George. Noting, the coronavirus is new territory for everyone, Rob Rice said many of the 200+ emails Mr. Olsen received supported cancelling the Convention. Mr. Rice noted S.J.R.5 to Amend the Rules of Civil Procedure on Disqualification of a Judge bill did not pass.

5. PANDEMIC RESPONSE PLAN: (Cathy Dupont and Chris Palmer)

Chief Justice Durrant welcomed Ms. Dupont and Chris Palmer. In Judge Noonan's absence, Ms. Dupont has taken the lead on issues relating to the pandemic. Ms. Dupont described events that took place in the courts this week. Judge Noonan attended a remote conference with the Governor's COVID-19 Response Team on Wednesday. Yesterday the Coronavirus Response Team (CRT) met to discuss information received on the virus then held an afternoon meeting with TCEs, Clerks of Court, and the Chief Probation Officers.

The CRT developed a recommendation to the Chief to implement the Pandemic Response Plan level "red." Chief Justice Durrant signed an Administrative Order yesterday regarding operations during the pandemic. There will be another meeting conducted through Webex this afternoon with presiding judges. Ms. Dupont said everyone involved understood this is mission critical to the courts and participated with patience, understanding, and prepared to take on assignments.

Webex has become a very useful tool in light of recent events.

Mr. Palmer is the head of the CRT. He has developed a court wide tracking system to monitor locations that need help to maintain mission critical functions. He is working towards court wide implementation of social distancing. The courts have increased cleaning throughout the courthouses. Additionally, the CRT reviews daily how courts throughout the country are handling the pandemic.

Ms. Dupont noted districts' most immediate tasks will be to meet with community partners, such as prosecutors and jails, to determine an effective method to remain operational. The CRT team will meet weekly and hold regular meetings with TCEs and Clerks of Court. Judge Pullan recommended a statewide standard on jury trials. Judge Appleby reminded the Council that even though a courtroom may only have a limited number of people, those people must pass through security and move through the building, which increases exposure to all. Judge Shaughnessy felt the message from the courts should be that the courts will continue to perform essential functions. Chief Justice Durrant acknowledged the need to promote the safety of court employees and the public, and the need to keep the courts open for essential operations. Judge Appleby believes the Court of Appeals can hold their oral arguments remotely.

Judge Kara Pettit asked if the districts could accommodate staff to work remotely. Judge Mark May felt the final decision should come from the Council, with the input of TCEs and Clerks of Court. Judge Todd Shaughnessy would like basic principles set in place for all courts. Mr. Rice noted many courts in the country continued all jury trials for a month or two. Justice Himonas did not want to continue jury trials but rather segregate jurors. Judge Pullan is concerned about jury trials comprising efforts to address a public health crisis. Judge Shaughnessy believed these should be addressed on a case-by-case basis.

Chief Justice Durrant said the courts will support resources to IT and would like the Council's thoughts on whether to conduct conferences online. Ms. Anderson can help with an online conference.

Motion: Judge Pullan moved to cancel the legislative update. Justice Himonas seconded the motion, and it passed unanimously. Michael Drechsel will prepare and distribute materials consistent with what would have been addressed.

The Council discussed that judicial districts were responding to the Chief's March 12th administrative order in different ways in terms of what is or is not an essential operation of the court. In addition, some justice courts were closing because the buildings the local governments were shutting down buildings. The Council discussed preparing a new administrative order that would uniformly identify essential operations for the court. Judge Pullan suggested identifying the essential hearings that can be conducted and reschedule anything that is not mission essential. Chief Justice Durrant felt the more detailed information the Council can provide the better the courts will be able to conduct business. Justice Himonas recommended scheduling the hearings apart from each other to limit exposure.

Justice Himonas recommended a small group review with Chief Justice Durrant an order to convey the message as discussed. Chief Justice Durrant felt an appellate, district, juvenile, and justice court judge be on the group. The Council agreed the order should read "direct to the extent possible" rather than recommend. Judge Farr said some clerks are city employees and must comply with the city requirements. Judge Brook Sessions recommended including contact information for questions in the order. Ms. Dupont suggested the workgroup also include Shane Bahr, Neira Siaperas, Jim Peters, and Larissa Lee. The group will remain immediately following the Council meeting to create details of orders.

Judge Shaughnessy said a message should be sent that if a court employee is ill they should stay home, even if they do not meet all three CDC COVID-19 requirements.

Bart Olsen sent the following message to the TCEs.

We want to address and hopefully alleviate some of the concerns being raised about employees using leave due to the COVID19 outbreak. The judicial branch employs individuals of high caliber and of strong moral integrity. While specific guidance may adjust with circumstances over the coming days, weeks, and months, management is committed to starting from a place of trust in our employees to do the right thing for themselves, their families, their work family, and the community (including the taxpayer). Telecommuting is highly encouraged wherever it is possible and reasonable. Appropriate use of accrued leave (possibly in combination with telecommuting work hours) is also highly encouraged. However, management is also committed to coordinate and find responsible, viable options for employees concerned about low leave balances to ensure no harm to employees due to the COVID19 outbreak. More detailed guidance may be found here.

Shane Bahr reminded the Council that senior judges are at a higher risk due to their age for COVID-19. Judge Shaughnessy said currently sitting judges could assist other courts. Chief Justice Durrant can assign a judge pro tem for any level of courts in Utah. Mr. Bahr recommended presiding judges not make any determinations until after the 3:00 meeting today.

Ms. Anderson said the Education Department has their own resources to conduct online courses/meetings and will not drain IT resources. Chief Justice Durrant recommended holding the conference through video presentations. Mr. Langhorne said Brent Johnson stated the Council has the authority to edit the required hours for personnel.

Chief Justice Durrant thanked Ms. Dupont and Mr. Palmer.

Motion: Judge Appleby moved to postpone all court CLE classes and request the Education Department develop an online curriculum so court personnel can still obtain their required education hours. Judge Chin seconded the motion, and it passed unanimously.

6. BOARD OF DISTRICT COURT JUDGES REPORT: (Judge Barry Lawrence and Shane Bahr)

Chief Justice Durrant welcomed Judge Barry Lawrence and Shane Bahr. Judge Lawrence requested the Council seek the Board's input on bills that relate to judges. Judge Pettit would like to hold a debriefing with the Board to better determine future procedures. The Board appreciates the communication received from the Council.

Board projects

- Rule changes
- Sup order process
- Established a judicial opinion base consisting of all judge materials
- Updating the district benchbooks
- Creating better materials for new judges

- Revised the practice of alleviating judges signing after commissioners

Chief Justice Durrant thanked Judge Lawrence and Mr. Bahr.

7. **LEGISLATIVE UPDATES: (Michael Drechsel)**

Chief Justice Durrant welcomed Michael Drechsel. Chief Justice Durrant noted Mr. Drechsel’s efforts during the legislative session “are nothing short of heroic.” The legislature approved a 3% COLA increase this year, effective July 1, 2020. Additionally, the Governor approved a \$900,000 target increase for the judiciary.

Summary of Bills

- 255 court-related bills reviewed (155 passed, but only 150 impact the courts)
- 502 bills & substitutes reviewed and responded to
- 510 possible group emails could have been sent, however, 330 were sent in an effort to be more targeted and less burdensome
- 5 email groups of judges
- 50 people on the fiscal team email group (Liaison + administrators + TCE + General Counsel)
- 81 people on the justice court judges email group
- 35 people on the juvenile court judges email group
- 72 people on the district court judges email group
- 16 people on the appellate court judges email group
- 11 meetings held by the Liaison Committee

Liaison Committee positions on bills

19 Bills – support position
 7 Bills – opposed (none passed)
 72 Bills – no position
 4 Bills – tabled
 399 Bills – not considered

Approved appropriations – ongoing funds

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Budget requests not approved

Self-Help Center Service Expansion – Increase access to attorney staff

Courtroom A/V Upgrades: Heidi Anderson

The IT Department requested funds for audio upgrades to various Ogden courtrooms. Although DFCM funding may be available in FY 2021 or FY 2022 for this project, there is no alternative funding for this effort for FY 2020.

Alternate funding: None.

Amount requested: \$350,000 one-time funds.

Upgrade Courtroom FTR Digital Recording Software: Heidi Anderson

FTR is the software used for recording court proceedings in courtrooms and some chambers throughout the state. The courts have 167 locations that use the software. At this time, the courts are one full version behind on the software.

Alternate funding: None.

Amount requested: \$257,585 one-time funds.

IT Remote Accessories: Heidi Anderson

The courts have a limited supply of equipment to support remote working and meetings. This request will allow the courts to be more effective virtually for a larger population. Judge May noted this amount could change, depending on the need. The majority of the funds includes additional Webex licenses. Ms. Anderson stated CISCO will allow unlimited Webex licenses free of charge for 90 days then the courts would determine who needs to continue with a 5-year (required) license.

Alternate funding: None.

Amount requested: \$83,000 one-time funds.

Learning Management System (LMS) Request: Tom Langhorne

Procure Learning Management System (LMS) software (two-year contract for 1300 Court employees and 500 justice court clerks: June 30, 2020 - June 30, 2022). The current system, LearningLink is built on Adobe Flash. Adobe Flash will discontinue in December 2020. A two-year contract will allow the Education Department to transfer all Adobe Flash based training to a current, supported format (HTML5) immediately, keeping the on-line training operating. In two years, the Education Department will identify cost savings by replacing/updating/consolidating current management (operating) systems to the LMS system.

Judge Shaughnessy is concerned this is an ongoing financial situation. Mr. Langhorne believed with cost-savings from discontinuing “Certain” and eliminating paid faculty classes would compensate the cost. Kim Free noted the ongoing funds would come from the Education Departments budget. Mr. Langhorne stated if there would be any requests for ongoing funds, the amounts would be minimal.

Alternate funding: The Education Department is awaiting a decision from the Board of Justice Court Judges of a \$15,000 contribution towards the LMS purchase. If not funding occurred, the next best option would be to move the current education library from online training to the intranet.

Amount requested: \$164,000 one-time funds.

Self-Assessment Temperament Instruments: Tom Langhorne

The Court Skills Leadership Academy and Middle Management Leadership Academy have produced significant, measurable and specific professional development outcomes over the past several years. Pre and post Academies' attendees' self-assessments of their competency routinely indicate significantly increased skill-based competency levels. These two instruments are very important components of those Academies' curricula and in-class instructional design.

Alternate funding: None.

Amount requested: \$2,000 one-time funds.

Education Training Equipment: Tom Langhorne

The OTP system is outdated and will sunset in December 2020. This equipment will be compatible to the new system. This equipment is not required for the LMS to work, but it will enhance process and deliverables.

Alternate funding: None.

Amount requested: \$4,600 one-time funds.

ADR Request: Nini Rich

The ADR Department requested funds for an advanced mediation workshop for the committee Chair and ADR Director. Harvard's Negotiation Institute offers the premier mediation training program in the United States. This workshop would enhance the ADR Committee's exposure to cutting-edge ADR training and standards for the resolution of complex disputes as well as influence our ADR Program structure and Utah Mediation Best Practice Guide.

Alternate funding: None.

Amount requested: \$13,186 one-time funds.

ODR Training Manual: Nini Rich

The Small Claims ODR Program currently utilizes 5 volunteer ODR facilitators. They need to train additional facilitators as the current facilitators end their volunteer service and to cover potential program expansion. They have a general outline for a manual but it is lacking the specific information and training materials necessary to train new ODR facilitators.

Alternate funding: None.

Amount requested: \$5,000 one-time funds.

Jury Chairs for Courtrooms 2 & 3 in Brigham City: Brett Folkman

The current chairs were installed when the building was completed in 1994-95. They are now worn and damaged and need to be replaced. They would be replacing the existing chairs with new chairs and bases that should last another 20 years. They will improve the look of the room and be more comfortable for the jurors that may spend hours or days sitting in them. The

new chairs will also be able to be wiped down with antibacterial wipes to keep them clean and sanitary. The new chairs are a leather like material.

Alternate funding: The First District will use their current expense funds for a portion of the project.

Amount requested: \$15,000 one-time funds.

Jury Assembly Room Tables/Chairs in West Jordan Courthouse: Chris Talbot

The furniture that is currently in the jury assembly room was purchased in June 2005. In June 2019 the jury assembly room was remodeled to create a new jury assembly room (twice the size of the old one) to accommodate the increasing number of jury trials, but the old jury assembly room furniture was retained.

There was concern at the Budget & Finance Committee meeting regarding the request. Chris Talbot recommended keeping the amount at the requested \$66,700 and explained the furniture was for a jury assembly room where comfort is important.

Alternate funding: None.

Amount requested: \$66,700 one-time funds.

Carpet Replacement Ogden Courthouse: Larry Webster

The Second District – Ogden Courthouse is planning on replacing cubicles and carpet. The bid for the cubicles was more than doubles the anticipated cost. Therefore, the funds that would have been used for the carpet must be used for the cubicles. Remodeling cubicles and carpet together is a cost saving move.

Alternate funding: None.

Amount requested: \$19,650 one-time funds.

Public Viewing Screen (monitor – no video): Larissa Lee

Currently, attorneys, parties, and the public have no way of knowing which case is currently being heard in the courtroom. They have to open up both doors, walk inside, and sit down until they can figure it out. This creates an almost constant disruption throughout the day, and results in confusion and anger amongst patrons. The appellate courts would like to install a screen outside the courtroom so that everyone can see exactly where the court is and be able to plan for bathroom breaks, phone calls, and conferencing with clients.

Alternate funding: None.

Amount requested: \$4,000 one-time funds.

Matheson Conference Room Furniture Replacement: Chris Talbot

The original 22-year-old conference tables and chairs in our three main conference room spaces are worn and do not provide modern amenities. The existing tables do not have power ports for laptop charging forcing staff to run cables across the walk way to wall outlets. The existing stackable chairs are also not ergonomically designed for sitting through a meeting longer than 30 minutes.

Alternate funding: None.
Amount requested: \$130,500 one-time funds.

Workforce Bonus: Judge Mary T. Noonan

The monthly average wage across industries in Utah has increased by 8% over the past two years in response to the steady increase in job growth and the competition that inherently accompanies such circumstances. This has resulted in higher than desired turnover. The overall turnover rate at the Courts continues to hover between 10% and 15%; however, the rate of churn for some job groups and particularly in urban districts is much higher – some at 40% and even higher.

For the past several years, one-time savings have been devoted to IT needs (100% of FY19 year-end one-time savings went to IT). The consequences of delaying this opportunity to emphasize personnel needs would leave the Courts vulnerable to the belief by their most dedicated employees that received past promises to recognize superior performance “when we are able to” were not genuine. Judge Noonan said the performance criteria and distribution formula concepts will be shared with the Council and specifics will be provided to the AOC, IT Department, district, juvenile, and appellate courts to facilitate recommendations.

Alternate funding: None.
Amount requested: \$500,000 one-time funds.

Attend NADCP All Rise 2020 Court Conference

The annual National Association of Drug Court Professionals Conference held in Anaheim CA for three days offering multiple courses per hour which cover the spectrum of specialty courts. This conference is the most important conference of the year for the Veterans Court. The training provides an excellent chance for the court personnel to meet with fellow participants and share knowledge and practices that really work and help Veterans.

Alternate funding: None.
Amount requested: \$3,960 one-time funds.

Matheson Carpet Replacement (Contingent): Chris Talbot

This request would start the replacement process of the existing +/-250,000 sf (square feet) of carpet in Matheson and resolve safety issues going forward. Facilities would evaluate and replace the areas with the most wear and tear safety issues first. This request will not provide replacement carpet tiles for the entire courthouse, but would provide material for a substantial first phase of up to 180,000 sf. Carpet is expected to last seven years; the Matheson Courthouse carpet has been in place since the building was created approximately 22 years ago.

Alternate funding: Facilities (DFCM) is anticipating providing \$350,000 in Capital Improvement funding in FY 2021 that can be used for purchasing carpet tiles or installation of carpet tiles. DFCM has placed our request sufficiently high on their list that they feel confident it will be approved in the current legislative session. Assuming our FY 2020-year end request for \$400,000 is approved, we can use all of the DFCM FY 2021 Capital Improvement funding of

\$350,000 to install this 120,000 sf of carpet tiles and 60,000 sf of carpet tiles in inventory purchased through DFCM Capital Improvement funding last fiscal year.

Carpet must be ordered no later than April 15.

Amount contingently requested: \$400,000 one-time funds.

Inventory of PCs (Contingent): Todd Eaton

Windows 7 support ceased in January 2020. The Courts are currently beginning to replace any laptops or PCs that run Windows 7 with Windows 10. All PCs and laptops running windows 7 will be upgraded by the end of 2020. IT anticipates some older laptops and PCs will not work properly with Windows 10 but has not done enough conversions to Windows 10 to have a firm estimate on the number. Purchasing additional inventory of laptops/PCs is a prudent way to forestall productivity issues that arise from waiting until conversion to order. Further, additional inventory provides flexibility if work-from home alternatives become necessary due to external conditions.

Alternate funding: None.

Amount contingently requested: \$250,000 one-time funds.

Workforce Bonus Employee Benefits (Contingent): Judge Mary T. Noonan

Due to the employer benefits cost of 32.04%, an additional \$160,200 was requested to bring the bonus total to \$500,000. The request is for \$160,200 (\$500,000 + 32.04% in employer paid salary related benefits = \$660,200, subtract the \$500,000 request and the balance is \$160,200).

Alternate funding: None.

Amount requested: \$160,200 one-time funds.

Name	Approved/Denied	Amount
Courtroom A/V Upgrades	Approved as presented	\$350,000
Upgrade FTR Digital Recording Software	Approved as presented	\$257,600
IT Remote Accessories	Approved as presented	\$83,000
Learning Management System	Approved with the understanding that any ongoing funds would be paid for by the Education Department	\$164,100
Self-Assessment Materials	Approved as presented	\$2,000
Training Equipment	Approved as presented	\$4,600
ADR Training	Approved as presented	\$13,200

ODR Training Manual	Approved as presented	\$5,000
Jury Chairs for Brigham City Courthouse	Approved as presented	\$15,000
Jury Tables/Chairs for West Jordan Courthouse	Approved as presented	\$66,700
Carpet Replacement Ogden Courthouse	Approved as presented	\$19,650
Public Viewing Screens	Approved as presented	\$4,000
Matheson Café Room and Conference Rooms A/B/C Furniture	Approved as presented	\$130,500
Workforce Bonuses	Approved as presented	\$500,000
Attend NADCP All Rise 2020 Court Conference	Approved as presented	\$3,960
	Total (without contingent) requests	\$1,619,310
Workforce Bonus Employee Benefits (Contingent)	Moved to April	\$160,200
Matheson Carpet Replacement (Contingent)	TBD at a later date	\$400,000
Inventory of PCs (Contingent)	Approved as presented	\$250,000
	Total	\$2,429,510

Judge May recommended moving Inventory of PCs from the contingency category to the other requests category. The Council agreed to move this item.

Chief Justice Durrant thanked Judge May and Ms. Dupont.

Motion: Judge May moved to approve the one-time budget requests 1-14 and 17 as identified above, to include the Inventory of PCs request of \$250,000, and to defer until the April Council meeting the employee benefits contingent request, and address the Matheson carpet replacement request by email before April 15, as amended. Justice Himonas seconded the motion, and it passed unanimously.

9. TCE REPORT: (Russ Pearson and Travis Erickson)

Chief Justice Durrant welcomed Russ Pearson and Travis Erickson. The TCEs are working heavily on the new pandemic level. The TCEs and presiding judges will attend a meeting this afternoon to discuss court operations. Ms. Dupont complimented Mr. Pearson, Chair and Mr. Erickson, Vice Chair along with the other TCEs for their willingness to be proactive and remain calm during this time.

Mr. Pearson reviewed the progress the TCEs have made over the past year, including the creation of a TCE Mission Statement:

The TCE group promotes an environment of collaboration, fairness, and efficiency, and proactively addresses the administrative needs of the Utah Courts.

The TCEs are members of 19 statewide committees.

Accomplishments over the past year

- June of 2019, TCEs made a recommendation to the Judicial Council of how to allocate the \$900,000.00 from the Legislature to the Clerical Staff.
- June of 2019 the TCE group, with the support of the State Court Administrator, now run their monthly meetings.
- TCEs have identified goals that they are working on this fiscal year. The goals include: Develop a more systematic approach to TCE / JTCE Team Organization, implement steps to enhance TCE / JTCE Communication & Transparency, System Review.

Future goals

- TCEs have established a committee to address retention issues. The Clerks of Court are meeting in March to discuss retention as well. We intend to bring both groups together to see how we can improve retention and hiring practices.
- TCEs are encouraging participating in Phase II of the System Review by awarding Administrative Leave to those who complete the survey. We also look forward to helping implement the findings from Phase II.
- TCEs have been working with IT to determine the number of devices in use throughout the State and find an appropriate number of devices individuals need to perform their work.

Chief Justice Durrant thanked Mr. Pearson and Mr. Erickson.

10. COMPOSITION OF CHILDREN & FAMILY LAW COMMITTEE: (Jim Peters)

Chief Justice Durrant welcomed Jim Peters. Mr. Peters presented an amendment to CJA Rule 1-205 that would change the committee composition. The committee recommended that Rule 1-205(1)(B)(vi) of the Code of Judicial Administration be revised as follows:

- That subsection (b), which requires that the committee include a Representative appointed by the Speaker of the House, be deleted. Legislation passed last year prohibits legislators from serving on committees like this one. (Subsection (a), which requires that the committee include a Senator appointed by the President of the Senate, can remain for now, as Senator Todd Weiler is currently serving in that role and has obtained permission from the President Adams to continue.)
- That subsection (h), which currently requires that "one mediator" serve on the committee, be changed to "the ADR Program Director or designee" in order to convert the position occupied by Nini Rich from one that is subject to term limits to one that allows her to continue indefinitely.

- And that a new subsection be added to require that the committee include a mental health professional. The committee believes that the perspective of a mental health professional is critical to its work and, as such, needs to be represented on the committee.

The committee requested that the rule change be adopted on an expedited basis, pursuant to Rule 2- 205 of the Code of Judicial Administration, so that the mental health professional can be recruited with the other positions that need to be filled.

Chief Justice Durrant thanked Mr. Peters.

Motion: Judge Paul Farr moved to approve the recommended changes to rule 2-205, effective immediately. Judge Todd Shaughnessy seconded the motion, and it passed unanimously.

11. CLERICAL TRAINER FOR JUSTICE COURTS: (Jim Peters and Cathy Dupont)

Chief Justice Durrant welcomed Jim Peters and Cathy Dupont. The purpose of this request is to fund half the cost of a new Justice Court Education Program Coordinator position from April 1, 2020 through June 30, 2020 by approving an additional allocation from the Justice Court Technology, Security and Training Account. There are more than 400 clerks who work in justice courts throughout the state. As with clerks in other court levels, justice court clerks turn-over with some regularity. Unlike clerks in other court levels, new justice court clerk hires have no access to training coordinators to assist with onboarding and ongoing training.

Rob Godfrey's departure from the courts presents an opportunity to create a Justice Court Education Program Coordinator. His position is currently funded as an Education Assistant II. By adding funds from the Justice Court Technology, Security and Training Account, the position could be enhanced to a similar position of the Juvenile Justice Education Program Coordinator. Half the cost of this position would be supplied by Education using funds from the Education Assistant position; the other half would be supplied by the Justice Court Technology, Security and Training Account.

If the Judicial Council does not approve another allocation from the Justice Court Technology, Security and Training Account, this request could be funded using general fund one-time monies instead. Mr. Peters felt the Board would fund this position in the future if need be.

Amount requested: \$15,000 one-time funds.

Chief Justice Durrant thanked Mr. Peters and Ms. Dupont.

Motion: Judge Pettit moved to approve a supplemental allocation of one-time funding of \$15,000 from the Justice Court Technology, Security and Training Account for the temporary cost of a justice court trainer, as presented. Judge Chin seconded the motion, and it passed unanimously.

12. OLD BUSINESS / NEW BUSINESS

Ms. Dupont received an email from Patti Tobias at the National Center for State Courts. The NCSC Phase II survey has been finalized and is ready to be sent to judicial employees. Ms.

Dupont recommended deferring the survey due to the pandemic. The Council agreed to defer sending the survey and readdress it in a couple of months.

Judge Pullan noted Justice Howe doesn't have the memory to assist with the Council's history project. The recommendations of the Racial and Ethnic Task Force was to hire an individual and to form a commission. Judge Pullan would like to address this at the next Council meeting. Dr. Jennifer Yim was the executive director and would be able to provide a considerable amount of information.

13. EXECUTIVE SESSION

An executive session was not held.

14. CONSENT CALENDAR ITEMS

a) CIP Grant. Approved without comment.

b) H.R. Policy Timeline. Approved without comment.

c) Committee Appointments. Ethics Advisory Committee – appointment of Judge Ryan Harris, appointment of Judge Laura Scott as Chair. Approved without comment.

15. ADJOURN

The meeting adjourned.