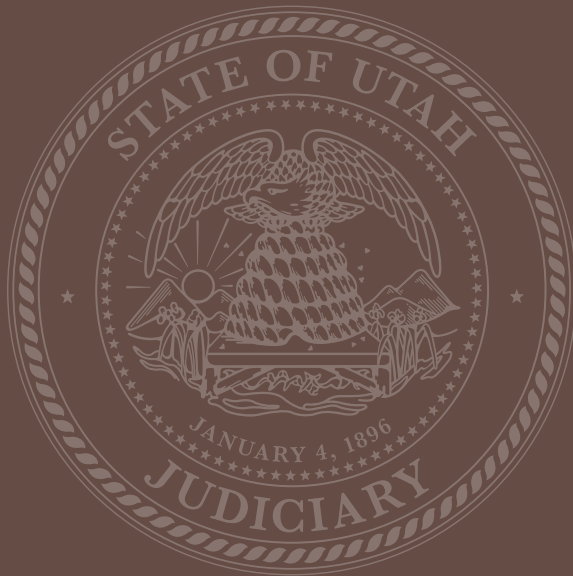


# 2024 UTAH JUDICIAL COUNCIL

Annual Report to the Chief Justice, Governor, and Legislature





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

# CONTENTS

2

MESSAGE FROM THE CHIEF

3

STRUCTURE OF THE UTAH JUDICIARY

5

OVERVIEW OF THE JUDICIARY IN ACTION

6

DISTRICT SUMMARIES

14

STATEWIDE CASELOAD STATISTICS

15

IMPROVING ACCESS TO JUSTICE

16

INTERPRETERS CRITICAL  
TO THE COURTS

17

JUDICIAL BUDGET REQUESTS

20

NEW DAVIS COUNTY  
COURTHOUSE REQUEST

21

UTAH SUPREME COURT'S OFFICE OF  
LEGAL SERVICES INNOVATION UPDATE



## Message from the Chief Justice

*Chief Justice Matthew Durrant*

We broke ground on a new courthouse in Manti on August 21, 2023. As I thought about the building that will stand on that ground, many adjectives seemed appropriate: welcoming, secure, efficient, beautiful. But these descriptors tell only a small part of the story. The word that came most powerfully to my mind was “sanctuary.”

That courthouse will be a sanctuary. Each courthouse is a sanctuary.

What do I mean by this? Perhaps you, like me, are discouraged, even saddened by the deterioration in our national discourse. We see it in the way people treat each other online. We see it in the way they treat each other on television or in the media. And we see it in our national political debate. The sides have become increasingly polarized. Each views the other as not just wrong, but evil. Each views the other, despite being fellow Americans, as the enemy. Compromise has become a dirty word. Insults, name-calling, demeaning invective, and violent rhetoric have replaced reasoned argument. Truth has become relative. Facts are manipulated, even manufactured. Each side blames the other for this state of affairs.

My point is not to assign blame. It would be inappropriate for me to do so. My point is to say that I don't think what we see on our screens both large and small is reflective of the values that govern the vast majority of people in their day-to-day lives. I think that in the real world, the one outside the media and political bubble, the values that still matter to people are those such as character, honesty, integrity, fairness, and basic human decency. And those are the values you will find within the walls of each courthouse.

Within the walls of a courthouse, truth is not a causal thing. Accusations are not causal things. Truth is not relative, but respected for its own inherent value. Facts must be proven in a process governed by rule and law, overseen by a judge dedicated to fairness. Name calling, insults, and demeaning language are not tolerated in our courts. And that is why a courthouse is a sanctuary.

Those who come to court bring with them their most precious and painful problems. For some, their livelihood is at stake. For others, their family relationships are at risk. For some, their very freedom hangs in the balance. For many, those minutes, those hours they spend within the walls of a courthouse will be among the most important of their lives.

So what can people expect to find when they come within the walls of a courthouse? What are they entitled to find? A judge who will listen to them carefully and respectfully and treat them with dignity. A judge who has taken an oath to decide their case based on facts that can be established, reasoned argument, and the law that has been developed. They will find a judge who doesn't care about who they know, how much they earn, who they voted for, or what their gender, religion, or sexual orientation may be. They will find a judge who is committed to deciding their case in a fair and impartial way.

Will that judge always get it right? No. Will the system always function perfectly? Regrettably, no, but it will not be for a lack of trying. For those who come within the walls of a courthouse will find a judge who is committed to protecting their rights. And that is why a courthouse is a sanctuary. Within its walls, the rule of law reigns supreme. Within its walls, no one is above the law, and no one is beneath its protections.

I am proud and grateful to be a part of a court system whose lifeblood is facts, fairness, and justice. A courthouse is a sanctuary, may we all work together to keep it that way.



*The members of the Judicial Council are Chief Justice Matthew B. Durrant, Judge David N. Mortensen, Judge Keith Barnes, Judge Suchada Bazzelle, Judge Brian Brower, Judge Jon Carpenter, Judge Samuel Chiara, Judge Michael DiReda, Judge Ryan Evershed, Judge Paul Farr, Judge James Gardner, Judge Elizabeth Lindsley, Judge Thomas Low, Judge Amber Mettler, Justice Paige Petersen, Margaret Plane (Utah State Bar). Ron Gordon is the State Court Administrator.*

## Structure of the Utah Judiciary

The Utah Judicial Council is the governing body for the Utah Judiciary. It has the constitutional authority to adopt uniform rules for the administration of all court levels. The Council also sets standards for judicial performance, court facilities, information technology, support services, and judicial and non-judicial staff levels. The Council consists of 16 members with representatives from all court levels in the Utah Judiciary and the Utah State Bar. The Chief Justice of the Utah Supreme Court always serves as the presiding officer of the Council.

There are five court levels within the Utah Judiciary: three trial court levels - Justice

Courts, the District Court, and the Juvenile Court; and two appellate courts - the Court of Appeals and the Supreme Court. The jurisdiction of each court level is established in statute.

The Administrative Office of the Courts (AOC) implements decisions of the Judicial Council and provides support to all five court levels. The AOC is led by a State Court Administrator who is appointed by the Supreme Court and who serves at the pleasure of the Supreme Court and the Judicial Council. The State Court Administrator appoints other administrators and directors to help accomplish the work of the AOC. *(continued)*



# Structure of the Utah Judiciary

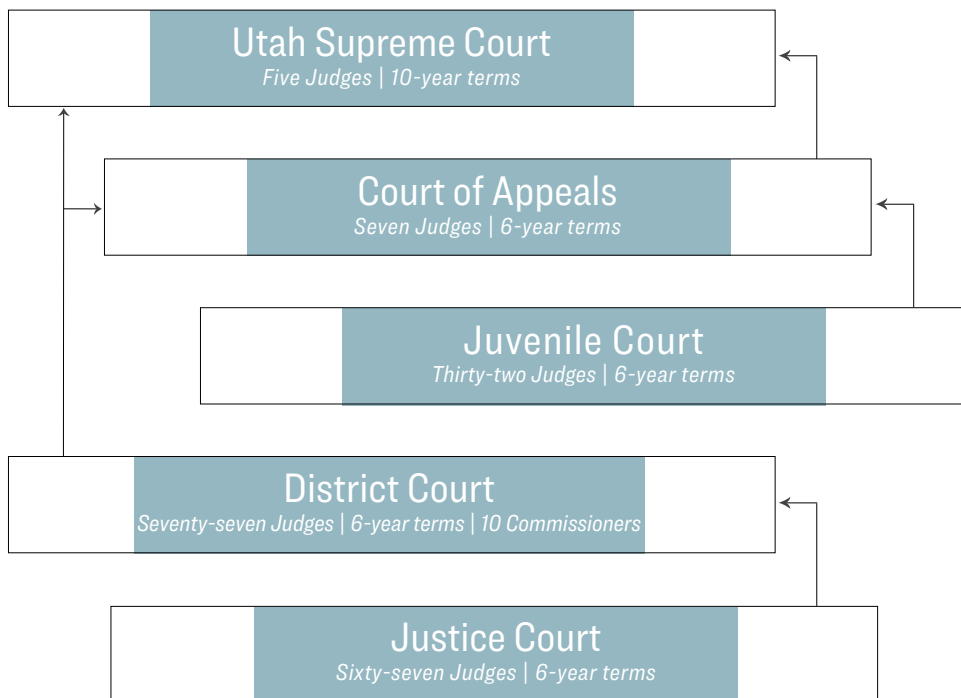
The District Court and Juvenile Court are divided into eight geographical divisions whereas the Court of Appeals and the Supreme Court have statewide jurisdiction. Justice Courts are operated by cities and counties with approval from the Judicial Council and have jurisdiction within the city or county operating the court.

District Court judges and Juvenile Court judges in each judicial district elect a presiding judge and associate presiding judge for their respective court levels. Each of the appellate courts also elects a presiding judge and associate presiding judge. Justice Court judges serving in cities and counties located within the same judicial district elect a presiding judge and associate presiding judge.

A trial court executive serves as the chief administrator in each judicial district for the District Court and the Juvenile Court. Depending

on the volume of filings in the judicial district, a trial court executive may have responsibilities for both the District Court and Juvenile Court or only one of those courts. Trial court executives, presiding judges, and associate presiding judges work together to oversee the work of the Judiciary within judicial districts. Cities and counties with justice courts appoint administrators who work with the local judges as well as the presiding judges and associate presiding judges to oversee the work of the Utah Judiciary within the boundaries of those local governments.

Some issues in the administration of the Judiciary are common throughout the state. Others are unique to particular areas of the state and therefore unique to individual judicial districts.



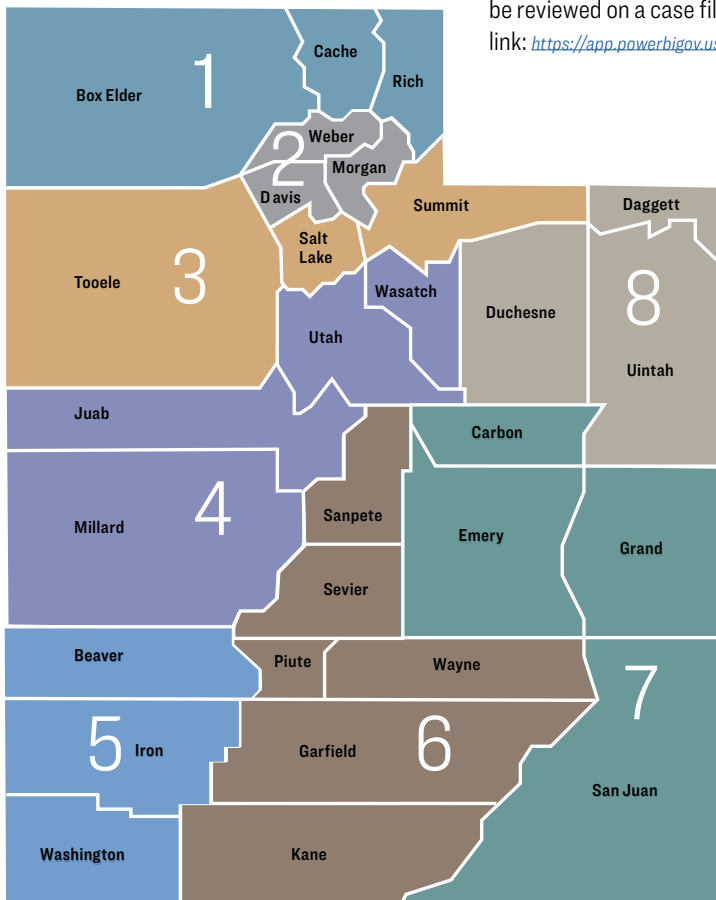


# DISTRICT-BY-DISTRICT

## Overview of the Judiciary in Action

These issues range from the availability of community resources to the number of miles of pavement between court locations to local practices of attorneys filing cases. What is challenging in the most densely populated areas of the state is at times very different from what is

experienced in rural Utah. What follows is a detailed overview of what has most recently distinguished each of Utah's eight judicial districts. The overviews highlight distinguishing case filing statistics for district and juvenile courts in each judicial district.<sup>1</sup> Full district and juvenile court case filing statistics can be reviewed on a case filing dashboard at this link: <https://app.powerbigov.us>



<sup>1</sup> When identifying case filing data, the numbers always exclude the “judgments” case type, which are high-volume / low-burden actions that are typically resolved in minutes (e.g., issuing judgment abstracts or filing liens). Including numbers for this case type would make it more difficult to clearly understand the work that keeps courts busy and consumes judicial resources. In each instance where a percentage of change is included in the “Filing Statistics” section for each district, the resulting percentage figure is in reference to the 10-year average of case filings (unless otherwise explicitly stated).



# 1ST DISTRICT

BOX ELDER | CACHE | RICH



The First Judicial District comprises Utah's three northernmost counties: Box Elder, Cache, and Rich. **Four district court judges** and **two juvenile court judges** serve these three counties. **Seven justice court judges** also serve in twelve county and city justice court locations.

## Filing Statistics

### *District Court:*

In FY2023, the district court received 10,570 new cases, which is an overall **+21.4%** increase above the 10-year average (8,705 cases filed on average each year from FY2013-FY2022). While some of this increase is attributable to the fact that Cache County does not have a county justice court to handle low-level matters like traffic offenses (which have increased significantly in recent years), there was also a substantial increase in FY2023 of criminal (**+28.5%**) and probate (**+25.5%**) case filings.

### *Juvenile Court:*

Juvenile court filings in First District continued in FY2023 to be lower (**-23.5%**) than the 10-year average, which results from a reduction in: 1) the number of minors being referred to the juvenile court for misdemeanor delinquency (**-15.1%**), felony delinquency (**-19.2%**), and status offenses (**-61.0%**) — actions that are unlawful only based upon being a minor — e.g., tobacco, alcohol, etc.); and 2) the number of child welfare cases (**-21.8%**). The reduction in misdemeanor delinquency and status offense filings correlates with the intended effects of the legislature's passage of juvenile justice reform (HB0239 in 2017).

## First District Successes in 2023

The First District has experienced little to no clerical turnover in nearly a year. This has resulted in well-trained, more experienced court staff that are better situated to effectively serve the public. Additionally, in an effort to achieve timely resolution of pending cases, the district courts have leveraged more frequent judicial settlement conferences in domestic and other civil cases. Senior (retired) judges have assisted in this process. Approximately 80% of cases that utilize a judicial settlement conference end up settling on terms that are crafted by — and are acceptable to — the parties, resulting in fewer cases where parties must endure the financial and emotional stresses of taking their case to trial.

## Ongoing Challenges

First, it has been a challenge to recruit and retain qualified juvenile probation staff to serve in Cache County's juvenile courts. Second, even with judicial settlement conferences in the district court, there are still a substantial number of civil cases that are waiting for trial dates. Finally, there has been difficulty finding reliable interpreters for cases involving individuals whose primary language is not English or Spanish. We remain committed to finding solutions to these challenges.





## 2ND DISTRICT

DAVIS | MORGAN | WEBER



The Second Judicial District comprises Davis, Morgan, and Weber counties. This is the most densely populated (4x more than the next closest) and smallest geographical (5x smaller than the next closest) judicial district in Utah, with 440 citizens per square mile. **Fourteen district court judges**, three district court commissioners, and **six juvenile court judges** serve these three counties. **Nine justice court judges** also serve in twenty-one county and city justice court locations.

### Filing Statistics

#### *District Court:*

In FY2023, the district courts received 32,062 new cases (excluding judgments), which is approximately 20% of case filings statewide. While this was technically down (-7.4%) from the 10-year average, most of that reduction has been in the number of debt collection / hospital lien cases (-16%) and traffic cases (-27%). Outside of those case types, district court cases have collectively increased (+5.7%). Criminal filings have experienced the most significant increase (+13.8%) over historical averages, with over 8,200 new cases filed (compared to the 10-year average of around 7,200 cases).

#### *Juvenile Court:*

Juvenile court filings in the Second District (3,731 in FY023) largely track the same reduction experienced in the First District, with a (-25.5%) decrease compared to the 10-year average.

### Second District Successes in 2023

The Second District has made strides realigning court staff duties to increase job satisfaction. There has also been a focus on a) improving training methods and procedures for onboarding new employees and b) offering continuing education opportunities to existing employees. The juvenile courts have implemented remote technology for review hearings to minimize time parents must spend away from work / home to participate fully in court proceedings. The juvenile courts also commenced operation of the first “Family Support Treatment Court” in Davis County, serving children and families in an effort to safely and proactively address underlying parental substance abuse issues before removing a child from his or her home becomes the only option.

### Ongoing Challenges

Fostering productive relationships with community partners remains a priority. The juvenile courts have been limited by a lack of suitable community placement options for dependent or ungovernable children and for those high risk youth who, due to their conduct, cannot safely remain at home. There is also a continuing need for additional mental health treatment resources, particularly for youth and families in the district. We will continue to work with our community partners to resolve these challenges.



## 3RD DISTRICT

SALT LAKE | SUMMIT | TOOELE



The Third Judicial District comprises Salt Lake, Summit, and Tooele counties, and serves nearly 40% of Utah's citizens. **Thirty-one district court judges**, five district court commissioners, and **nine juvenile court judges** serve these three counties. **Twenty-one justice court judges** also serve in nineteen county and city justice court locations.

### Filing Statistics

#### *District Court:*

Third district court handles 41% of case filings statewide, which is 2% higher than its proportion of the population. FY2023 case filings equaled 63,398, which is lower (-8.5%) than the 10-year historical average of approximately 69,300 annual cases. The district experienced greater than average filings in probate (+10.8%), property rights (+12.5%), and tort filings (+14.8%), while seeing reductions in debt collection / hospital lien (-17.1%), criminal (-7.2%), which included a -14.1% of felony filings), and domestic (-9.3%) filings.

#### *Juvenile Court:*

Juvenile case filings are generally down (-30.8%) from the 10-year average, mostly as a result of a reduction in the number of misdemeanor delinquency filings (-38.2%), which have trended steadily downward for a decade. Juvenile felony filings — including high-profile violent offenses — have increased significantly in the Third District (+15.2% increase in FY2023 over the 10-year average and +31.1% year-over-year). Child protective order requests have also increased (+8.2%).

### Third District Successes in 2023

In an effort to address case backlogs, the district courts have conducted nearly 600 jury trials — which are extremely time consuming — in the last two fiscal years, which is estimated to be nearly double the historical rate. To alleviate some of the burden of jury service, the district courts have utilized virtual jury selection, which allows members of the jury pool to appear remotely during the jury selection process. This has significantly increased the appearance rate for jury service. The juvenile courts engaged with — and received support from — a number of community partners to provide additional support resources for children and families (service dogs, blankets, teddy bears, and hygiene items).

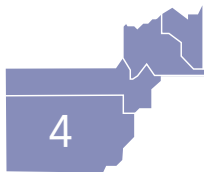
### Ongoing Challenges

According to the latest judicial weighted caseload studies, the Third District needs five additional judicial and quasi-judicial officers (four in district court and one in juvenile court). In addition, the Third District continued to experience significant rates of staff turnover; over 70 new employees were hired and commenced training in FY2023 in Third District. In juvenile court, the increased number of felony filings has required a great deal of time and attention from the juvenile court judges.



## 4TH DISTRICT

JUAB | MILLARD | UTAH | WASATCH



The Fourth Judicial District comprises Juab, Millard, Utah, and Wasatch counties, and contains two of Utah's three counties with the highest population growth rates — Utah and Wasatch. **Thirteen district court judges**, one district court commissioner, and **six juvenile court judges** serve these four counties. **Ten justice court judges** also serve in seventeen county and city justice court locations.

### Filing Statistics

#### *District Court:*

In FY2023, the 38,153 district court case filings constituted an increase (+7.2%) over the 10-year average (a +20.0% increase year-over-year). The most dramatic areas of increase are debt-collection (+26.6%), probate (+16.7%), and criminal (+12.2%) case filings.

#### *Juvenile Court:*

Unlike some of the other districts in the state, the Fourth District has experienced a smaller reduction in juvenile case filings (-7.8%) over the 10-year average, with 4,598 filings in FY2023. Child welfare case filings are up (+12.3%) over the 10-year average, and juvenile felony filings are up (+8.2%) over the 10-year average (+16.5% year-over-year). In Fourth District, the 2,429 misdemeanor delinquency referrals are nearly consistent with the 10-year average (only down -2.3%).

### Fourth District Successes in 2023

Like the other judicial districts, the Fourth District has focused on reducing pending cases that comprised the backlogs recently experienced by all courts around the country. The Fourth District has combed through its records to accurately identify, and then resolve, these cases. This required a combined effort between judges, staff, and administrative leadership, and has resulted in improved case management processes. In addition, the juvenile courts have continued the long-standing practice of meeting regularly with agency attorneys and community partners to work through issues, collaborating on processes and procedures through open dialogue to resolve concerns.

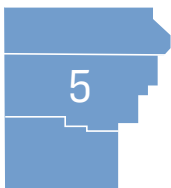
### Ongoing Challenges

The Fourth District continues to carefully monitor population growth to ensure sufficient resources are available to process the work. Workload burdens have prompted the Judicial Council to prioritize requesting an appropriation from the legislature to fund a) a new district court judge AND b) a new juvenile court judge to serve in Fourth District. The juvenile courts have faced difficulty keeping juvenile probation and clerical positions filled due to higher-than-normal turnover. The district has also been engaged in logistical planning to relocate to Provo the court operations that have historically taken place in leased courtroom space in American Fork (necessitated by American Fork's facility utilization decisions).



## 5TH DISTRICT

BEAVER | IRON | WASHINGTON



The Fifth Judicial District comprises Beaver, Iron, and Washington counties, and is one of the fastest growing districts in the state. [Seven district court judges](#) and [three juvenile court judges](#) serve these three counties. [Nine justice court judges](#) also serve in ten county and city justice court locations.

### Filing Statistics

#### *District Court:*

The district court received 10,370 case filings in FY2023, which is a [+3.4%](#) increase over the 10-year average. There have been steady increases in criminal ([+9.7%](#)), domestic ([+6.1%](#)), and probate ([+19.6%](#)) case filings across the district

#### *Juvenile Court:*

Juvenile court case filings in Fifth District in FY2023 (2,150) were consistent with the 10-year average. The 265 child welfare case filings were lower ([-40.4%](#)) than the 10-year average, but delinquency matters increased ([+8.4%](#)), particularly for felony filings ([+21.2%](#)) which experienced the highest level in more than a decade (240 case filings).

### Fifth District Successes in 2023

During 2023, the Fifth District seamlessly navigated the retirement of two district court judges and the onboarding of two new district court judges with minimal downtime between judges, which avoided transition stresses for the already large caseloads of the other judges on the bench. The district also hired a new trial court executive, a new clerk of court, a new team manager for the clerical team, and expanded the juvenile probation department without disruption to court efficiency.

### Ongoing Challenges

Like many other places in the state, judicial assistants and juvenile probation officers regularly departed from the courts for higher paying jobs, requiring nearly constant recruitment and training efforts. In addition, the Fifth District courthouse in Cedar City continues to be the #2 priority for facility replacement in the state (just behind the courthouse in Farmington, Davis County) due to security concerns, technology limitations, weather issues, and capacity. The capacity issues with this building sometimes result in scheduling conflicts for judges. Finally, the district is working with the judges, court staff, attorneys, and the public to determine the best way to balance virtual and in-person court proceedings



## 6TH DISTRICT

GARFIELD | KANE | SANPETE  
SEVIER | WAYNE | PIUTE



The Sixth Judicial District comprises Garfield, Kane, Piute, Sanpete, Sevier, and Wayne counties, and — along with Seventh District — is one of Utah’s largest geographical districts, requiring a relatively small group of judges and court staff to serve citizens across a massive land area. [Two district court judges](#) and [two juvenile court judges](#) serve these six counties. [Five justice court judges](#) also serve in eighteen county and city justice court locations.

### Filing Statistics

#### *District Court:*

The district court in Sixth District received 2,698 new case filings in FY2023, which was a 2.5% increase over the 10-year average. While civil filings continued to experience a decline (-15.5%) due entirely to a reduction in debt collection and hospital lien filings, all other case types increased or were consistent with the 10-year averages: criminal (+13.9%), domestic (+5.2%), probate (+12.5%), property rights (+16.0%), and torts (0%).

#### *Juvenile Court:*

While the juvenile court’s raw filing counts (833 case filings) were consistent with the 10-year average, there has been a continued and significant increase in the most time-consuming case type: child welfare cases (+36.1%).

### Sixth District Successes in 2023

Dedication and commitment from both the judiciary and the legislature improved the Sixth District in 2023. A new juvenile court judge position was authorized, funded, and filled creating critical judicial capacity to serve the children and families in six of Utah’s 29 counties. This is the first new judge position in the Sixth District since 1991. The legislature also funded the construction of a new state-owned courthouse in Manti, Utah, which will begin operations in 2025. Although the Sixth District has used technology to conduct judicial work across its expansive boundaries for many years, the district has benefited from robust technology upgrades, leading to better in-court interaction with court patrons, attorneys, and court staff, as well as improving the recordings of court hearings.

### Ongoing Challenges

Squarely rural in the entirety of its geographical composition, it has always been difficult to find sufficient community resources (e.g., mental health treatment services) to serve the needs of the court-involved individuals in Sixth District. Additionally, even though there will be a new courthouse in Manti in 2025, having one of its two courtrooms shelled in (due to lack of available funding) and not available for judicial work will create real limits to the efficiency of court operations from that new facility, bottleneaking the district and juvenile courts’ ability to timely process pending cases.



## 7TH DISTRICT

CARBON | EMERY | GRAND | SAN JUAN

The Seventh Judicial District comprises Carbon, Emery, Grand, and San Juan counties, and — along with Sixth District — is one of Utah's largest geographical districts, requiring a relatively small group of judges and court staff to serve citizens across a massive land area. [Three district court judges](#) and [two juvenile court judges](#) serve these four counties. [Three justice court judges](#) also serve in seven county and city justice court locations.

### Filing Statistics

#### *District Court:*

In FY2023, the district court received 2,854 case filings, which is a decrease (-3.5%) from the 10-year average. This reduction is mostly the result of fewer debt collection (-20.8%) and domestic (-15.0%) case filings. Criminal case filings remained up (+7.7%) over the 10-year average, as did property rights (+19.2%).

#### *Juvenile Court:*

Total case filings of 604 were down (-26.3%) from the 10-year averages. Felony filings increased (+22.2%) to reach the same number of filings as the decade high of 55.

### Seventh District Successes in 2023

Remote court techniques used in the Seventh District have increased out-of-area attorney involvement in cases, expanding the limited pool of attorneys that would otherwise be available within the geographic confines of the Seventh District. The district has also utilized technology booths in outlying areas of the district to allow court patrons to participate in court hearings and access clerical resources elsewhere in the district — and around the state — allowing court patrons to recapture the historically unavoidable hours of travel that would have otherwise been required.

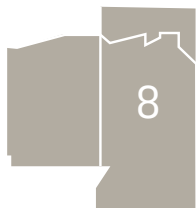
### Ongoing Challenges

High turnover among court staff positions, coupled with difficulty recruiting candidates, has resulted in nearly half of court staff being in a training phase at any given time. This increases the burdens placed on management and other experienced staff members, who are required to travel between multiple court locations throughout the year to support small court sites that lack fully trained staff onsite. The Seventh District also continues working to maintain and resolve facilities issues, including utilities challenges and dated electrical and technology infrastructure in aging buildings. These challenges regularly lead to brief, but frequent, building shutdowns in certain locations that interrupt normal court processes to the frustration of parties, attorneys, and staff.



## 8TH DISTRICT

DAGGETT | DUCHESNE | UINTAH



Nestled in the northeastern corner of Utah, the Eighth Judicial District comprises Daggett, Duchesne, and Uintah counties. **Three district court judges** and **two juvenile court judges** serve these three counties. **Three justice court judges** also serve in four county and city justice court locations.

### Filing Statistics

#### *District Court:*

The 4,229 district court case filings were down (-7.7%) from the 10-year average, mostly due to a reduction in criminal case filings (-7.5% generally, and -11.7% in felony filings specifically) and traffic filings in Roosevelt (-38.6%). Domestic filings were up (+10.9%), with protective orders contributing significantly to that increase (+51.6%). Civil stalking injunction requests were also higher (+48.1%) than the 10-year average. Probate filings (+17.1%) also remained higher than average.

#### *Juvenile Court:*

The 893 juvenile court case filings were down (-26.7%) from the 10-year average, which resulted from a continued reduction in child welfare (-36.8%) and delinquency (-26.9%) case filings. Requests for a child protective order remained higher (+14.9%) than the 10-year average at 108 case filings.

### Eighth District Successes in 2023

Over the last several years, the district has been able to maintain one of the lowest number of days that unresolved cases remain pending compared to elsewhere around the state. In Duchesne County, the district court has benefitted from the sheriff's office dedicating resources to conduct both pretrial release supervision and probation supervision services, resulting in more options to serve the needs of charged and convicted individuals and the community. Uintah County has recently commenced a new pretrial supervision program to assist the court and defendants through criminal case processes.

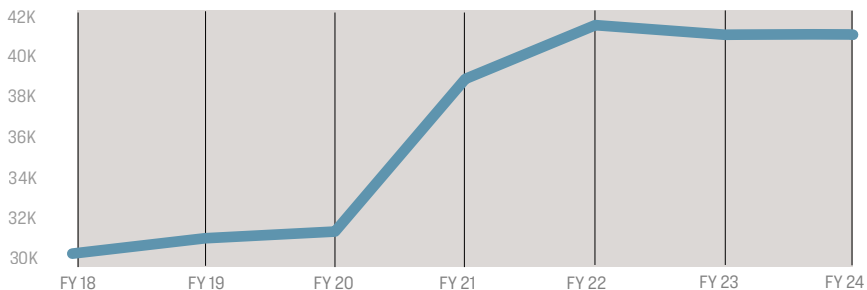
### Ongoing Challenges

The availability of treatment resources in the district is inadequate. There are few, if any, private treatment options for those individuals needing treatment, resulting in greater expense and delay in completing necessary counseling to address underlying conditions and satisfy court-ordered obligations. In criminal cases, private probation providers are also not a reliable option for judges, leaving probationers — and the communities in which they reside — more vulnerable to recidivism through a lack of accountability.

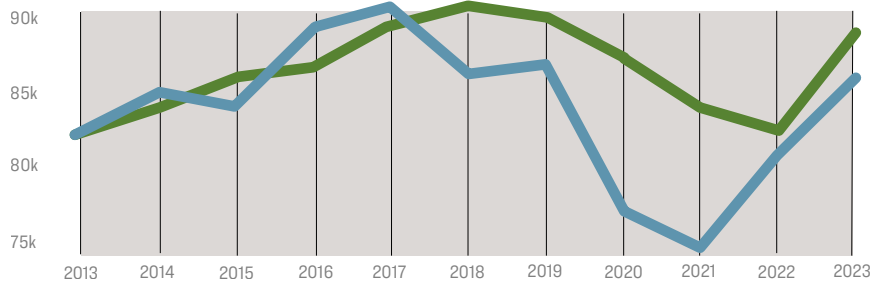


# Statewide Caseload Statistics

## Total Pending Cases at Beginning of Fiscal Year



## Filings and Dispositions by Year



DISPOSITIONS  
FILINGS





## Improving Access to Justice and Leveraging Resources

This year the Self-Help Center (SHC) won two competitive awards that will benefit court patrons by improving access to justice and bringing national resources to Utah.

First, the SHC won a competitive Judicial Innovation Fellowship (JIF), run through Georgetown Law School. The JIF program facilitates collaboration between seasoned technologists and designers with state and local courts. After a rigorous selection process, the SHC was chosen as one of only three court locations. The SHC will work with a designer with expertise in user research and user-centered design. Through this partnership, the SHC will be able to improve self-help resources such as court forms, webpages, and MyCase so that they are more accessible to self-represented litigants. More significantly, the SHC will develop a framework for user design going forward to ensure that in the future, self-represented litigants will be able to find legal resources to help them understand their legal issues, take appropriate next steps, and use our forms and resources effectively.

The SHC was also awarded a competitive grant from the National Center for State Courts (NCSC) to expand an eviction diversion program. In partnership with the Utah State Bar's Access to Justice Office, the grant will expand a clinic in Salt Lake County (where over 50% of evictions are filed) that provides needed resources such as legal advice, rental assistance, mediation, and social services in one centralized location. Working to solve problems upstream, the services are provided one week in advance of eviction hearings. We expect that litigants will be better prepared for their hearings, making the court process less stressful and more expedient for all those involved.

Through both JIF and the NCSC, the courts will also benefit from consultations with national experts in project management, court processes, and legal design to improve court services and expand access to the legal system.





## Interpreters are Critical to the Courts

The pandemic impacted many things, including the Utah Judiciary's court interpreter model. When the Judiciary moved to virtual and hybrid hearings, it meant that interpreters were no longer geographically bound to their state of residence, as local interpreters could interpret remotely in other jurisdictions. This change in the court interpretation model caused a nationwide competition for interpreters. Increased competition, along with a stagnant interpreter roster, the case backlog created by the pandemic, and demographic changes in the state, created a significant interpreter shortage.

The scarcity of qualified interpreters has affected judicial officers, litigants, staff, and the public as some court proceedings have had to be rescheduled due to lack of certified interpreters. The interpreter shortage has been an impediment to the Utah Judiciary's mission to be an open, fair, efficient, and independent system.

In an effort to mitigate these issues, the Judiciary increased interpreter pay rates to be competitive regionally. While this has alleviated some of the issues, there's still more to do. To comprehensively address the interpreter shortage, the Judiciary's Language Access Program requested funding to build an interpreter recruitment pipeline through outreach to the state's Spanish speaking communities, hire six additional full-time staff interpreters and a certification specialist, and purchase software to ease interpreter scheduling and eliminate double booking.

We believe that tackling the issue of the interpreter shortage will help us meet our constitutional requirement to the people of Utah and ultimately help the Utah Judiciary fulfill its mission.





# FY2025 Judicial Council Budget Priorities

The Judicial Council seeks funding for the following building block and budget priorities (in priority order):

		ONGOING	ONE-TIME FY25	ONE-TIME FY24
1	Court Interpreters: Meeting a Constitutional Mandate	\$ 1,901,000	\$ 1,000,000	\$ 800,000
2	New Judges (x6) and Commissioners (x4)	5,154,300	2,149,800	—
3	Judicial Compensation Increase	4,023,000	—	—
4	Essential Software Funding	1,366,000	—	—
5	Senior Judges & Case Backlog Processing	—	2,000,000	850,000
6	Pay for Performance	2,144,000	—	—
7	At-Will Conversion	1,315,000	—	—
8	Virtual Jury Selection Staff ( <i>Utah/Wasatch/Millard/Juab</i> )	215,700	—	—
9	American Fork Courthouse Rent Increase	—	447,000	389,000
10	Law Library Assistant	81,600	—	—
11	Training Coordinator ( <i>Carbon/Emery/Grand/San Juan</i> )	94,600	—	—
<b>TOTAL</b>		<b>\$16,295,200</b>	<b>\$5,596,800</b>	<b>\$2,039,000</b>

## 1 – Court Interpreters: Meeting a Constitutional Mandate

The market for court interpreters has changed dramatically in recent years. Previously, Utah routinely paid certified interpreter contractors \$39/hour, but that rate is no longer competitive. Courts are regularly unable to arrange for constitutionally-required interpretation services as the limited number of interpreters accept work from higher-paying states. Meanwhile, the Utah workload exceeds our interpretation capacity as we work to process case backlogs, find qualified interpreters, and motivate interpreters to accept rural assignments. This request seeks funding to:

- increase interpreter compensation to competitive levels [*\$224,500 ongoing + \$275,000 one-time*];
- expand the number of court-employed interpreters [*\$360,000 ongoing*];
- recruit and schedule interpreters, particularly for rural areas [*\$356,500 ongoing + \$146,500 one-time*];
- address deficits in the interpreter fund [*\$440,000 ongoing*]; and
- provide funding to flexibly pivot these services into the future [*\$520,000 ongoing + \$1,378,500 one-time*].

## 2 – New Judges (6) and Commissioners (4)

For many years the judiciary's practice has been to wait until part of the state is at a crisis point before requesting a new judge. This has been a disservice to the legislature, causing a failure to understand the judiciary's true needs. Based upon the most comprehensive judicial caseload studies ever conducted in Utah, our true ongoing need is for six new judges (four district court judges and two juvenile court judges) and four new commissioners, as follows:



## FY2025 JUDICIAL COUNCIL BUDGET PRIORITIES *(continued)*

<b>District Court Judges (4)</b>	3rd District (2) – Salt Lake, Tooele, Summit, 4th District – Utah, Wasatch, Juab, Millard, 5th District – Washington, Iron, Beaver	\$ 2,395,200
<b>Juvenile Court Judges (2)</b>	3rd District – Salt Lake, Tooele, Summit, 4th District – Utah, Wasatch, Juab, Millard	\$ 1,056,500
<b>Commissioners (4)</b>	1st/2nd Districts – Cache, Box Elder, Rich, Davis, Weber, Morgan 3rd District (2) – Salt Lake, Tooele, Summit, 4th/6th Districts – Beaver, Iron, Washington, Sanpete, Sevier, Piute, Wayne, Garfield, Kane	\$ 1,702,600

This request also involves one-time funding to: (a) build out a shelled district courtroom in Tooele County [*\$1,695,800 one-time*]; and (b) build a specialized juvenile AV courtroom in American Fork [*\$453,950 one-time*].

### **3— Judicial Compensation Increase**

The Judicial Council joins with the legislature’s Elected Official and Judicial Compensation Commissioner (EJCC) in recommending that funding be allocated to increase judicial salaries by 10% [*\$3,791,000 ongoing*]. This increase would be inclusive of any COLA the legislature funds for state employees generally. In addition, the Judicial Council is seeking an appropriation to allow commissioner salaries to remain at 90% of the trial court judge salary [*\$232,000 ongoing*], bringing the total funding request to \$4,023,000.

### **4— Essential Software Funding**

Operating a modern court system requires ongoing software funding:

- to conduct court business [*Microsoft = \$295,000; Google = \$148,000; Adobe eSignature = \$300,000; Adobe Acrobat Pro = \$128,000; Adobe Experience (court website) = \$150,000; PolicyPak (device management) = \$60,000*]
- to accurately make and preserve the record of court proceedings, ensure robust backups, and make documents and recordings available for review [*“For the Record” recording software = \$220,000; appellate efilings = \$40,000*]
- to accomplish statutory obligations [*Automatic Expungement = \$25,000*]

### **5— Senior Judges & Case Backlog Processing**

Senior judges and time-limited judicial assistants have made a significant difference in processing COVID-related case backlogs. To date, these efforts have been funded with ARPA money, which will be exhausted by February 2024. This request is for one-time funding [*FY2024 = \$850,000; FY2025 = \$2,000,000*] to continue these efforts.

### **6— Pay for Performance**

During the 2023 session, the legislature appropriated funding to state agencies for “pay for performance.” In what we believe was a possible inadvertent oversight, the judiciary was not included in this funding. As a result, the judicial branch is no longer on equal footing with the executive branch in our ability to effectively compensate high-performing state employees. The judiciary is requesting funding [*\$2,144,000 ongoing*] — commensurate with the amount previously appropriated to the executive branch — to facilitate performance-based pay to attract and retain talented individuals, and promote employee engagement and motivation. The judiciary should also be included in any future expansion of funding for this type of compensation.



## FY2025 JUDICIAL COUNCIL BUDGET PRIORITIES *(continued)*

### **7— At-Will Conversion**

During the 2022 session, the legislature appropriated funding for Utah’s executive branch agencies to incentivize conversion away from “career service” to “at-will” status for existing career service employees with an ongoing salary increase for choosing to convert. Those who chose to convert received the accompanying salary incentive. Career service employees in the judicial branch are not currently eligible for this incentive. This creates an unintended — but real — flight risk, whereby judicial branch employees are incentivized to move to executive branch employment to receive higher pay. The requested funding [*\$2,000,000 ongoing*] will allow the judicial branch to incentivize current career service court employees to convert to at-will status, minimizing cross-branch retention disparities. Ultimately, this will better enable judicial branch management to focus personnel decisions on business needs and employee performance, while increasing compensation for employees that elect to convert their employment status.

### **8— Virtual Jury Selection Staff in Fourth District (Utah/Wasatch/Millard/Juab)**

Members of the public who are summoned to jury duty have historically been required to travel to the local courthouse to fulfill their civic responsibility. During the last several years, the judiciary has created and refined virtual jury selection processes that minimize government disruptions for Utah’s citizens by obviating the need to travel to the courthouse. It is now clear that Utah’s citizens prefer that this process continue to be conducted virtually. To best serve the public, the judiciary is seeking funding [*\$215,700 ongoing*] for dedicated virtual jury selection staff in the Fourth District (Utah, Wasatch, Millard, and Juab counties).

### **9— American Fork Courthouse Lease Increase**

The state courts in Utah County lease courtroom space from American Fork. Protracted lease renegotiation prevented submission of a request for necessary funding increases during the 2023 session. Because the cost to use American Fork’s facility has increased, the judiciary needs FY2024 [*\$389,000 one-time*] and FY2025 [*\$447,000 one-time*] funding. The judiciary is actively working to reduce the square footage used in this facility and plans to submit a revised request for the balance of the lease increase during the 2025 session.

### **10— Law Library Assistant**

The Utah State Law Library — housed at the Matheson Courthouse in Salt Lake — provides in-person, phone, email, and text message support to the public. The demands on the law library staff have increased significantly to support the public’s use of the courts’ new case management tool: MyCase. MyCase is a portal that court patrons can use to access case documents, resolve traffic citations (see HB0139-2022/HB0192-2023), and participate in Online Dispute Resolution. This requires support personnel beyond what is currently available to continue assisting the public.

### **11— Training Coordinator (Carbon/Emery/Grand/San Juan)**

The five judges and 17 support staff in the 7th District serve a large and dispersed geographic region of the state. Achieving consistent and efficient court service delivery requires continual training to ensure knowledge of all court processes for each court type. This coordinator is anticipated to increase performance and reduce errors.



# Capital Development Funding Request

## New Second Judicial District Davis County Courthouse

The Utah Judiciary currently operates three different courthouses in Davis County — one in Farmington, one in Layton, and another in Bountiful. The judiciary is working to combine all three aging facilities into a single new courthouse on state-owned land where the Farmington courthouse is currently situated (co-located with the Davis County Sheriff's office and jail). Although the existing courthouses meet some of our current needs, there is limited ability to expand for the future judgeships that will be required as the Davis County population continues to increase.

The three existing facilities also do not meet current security standards for in-custody transportation, gender-specific / juvenile-specific secure holding, and ADA access to the courtrooms. The new proposed courthouse would provide unfinished courtrooms for future growth, eliminate existing security deficiencies in all three courthouses, reduce the overall occupied square footage required to be maintained by 20%, and provide a centralized location for public access to justice.

The new proposed five-story courthouse would include 13 courtrooms (nine courtrooms for district court, three courtrooms for juvenile court, and one courtroom for justice court matters). The design also includes two shelled courtrooms (interior space without the finishes) for future expansion. The new building would accommodate the combined 116 employees from the three existing courthouses, including juvenile probation, mediation, and guardian ad litem personnel. Approximately 2/3 of the existing Farmington courthouse would need to be demolished after the new courthouse is completed to provide sufficient parking — likely in the form of a multi-level parking structure — to accommodate 430 parking stalls within the confines of the available state-owned land.

The Utah Division of Facilities Construction and Management has estimated that an FY2025 capital development funding request would require \$139,371,853 to complete the project — \$112,402,221 for the courthouse and \$26,969,632 for the parking structure.





# Utah Supreme Court's Office of Legal Services Innovation Update

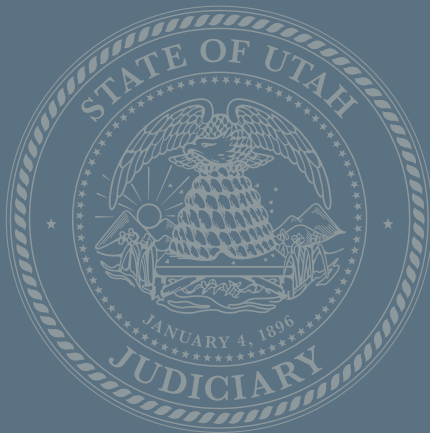
In the Summer of 2023, the Utah Supreme Court relocated the Office of Legal Services Innovation to the Utah State Bar. This transition more closely aligns the Innovation Office with the Supreme Court's existing regulatory model. As many know, the Supreme Court has delegated some of its regulatory authority to the Utah State Bar, which is overseen by the Utah State Bar Commission. The Supreme Court has also delegated some of its regulatory authority over continuing legal education to the Board of Mandatory Continuing Legal Education, and has delegated some of its authority over the attorney discipline process—both adjudicative and prosecutorial—to the Ethics and Discipline Committee, the Office of Professional Conduct, and the Office of Professional Conduct Oversight Committee.

Likewise, this move more closely aligns the regulation of the Innovation Office with the Supreme Court's existing administrative and oversight structures. The Innovation Office will be able to take advantage of the support of the Utah State Bar while still being governed by the Legal Services Innovation Committee and the Supreme Court.

In addition to the Innovation Office now being supported by the Utah State Bar, the Supreme Court has made some changes to the program based on feedback from attorneys, legislators, and community members. The Innovation Office now requires that all financing and controlling persons in Sandbox entities adhere to the same core fiduciary duties that lawyers owe to their clients: loyalty, confidentiality, diligence, and candor. In addition, all licensing or controlling persons in entities must also agree not to interfere with the lawyer's professional judgment as a condition of authorization. The Innovation Office now also requires that any proposed alternative legal business structures prove that the suggested new model will provide a benefit that will be realized by the consumers of legal services.

The Supreme Court's Legal Services Innovation Committee meetings are public, and the Supreme Court invites anyone interested in the project to attend the meetings. Information about the program and the meeting schedule can be found at [utahinnovationoffice.org](http://utahinnovationoffice.org).





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