

JUDICIAL BRANCH (STATE COURTS)

EXECUTIVE OFFICES AND CRIMINAL JUSTICE APPROPRIATIONS SUBCOMMITTEE
STAFF: GARY SYPHUS

BUDGET BRIEF

SUMMARY

The Utah State Constitution establishes governance of the judicial branch and authorizes the Judicial Council to oversee this branch of government.

The Utah Court System consists of the Utah Supreme Court, Utah Court of Appeals, District Courts (trial courts of general jurisdiction), and Juvenile Courts. The Judicial Council also provides oversight for the locally-funded and operated Justice Court System. Justice Courts receive some administrative support from the state and must operate in accordance with state standards and rules.

The Utah Court System is divided into the following line items:

- Administration
- Grand Jury
- Contracts and Leases
- Jury and Witness Fees
- Guardian Ad Litem

Administration - The main Courts line item is Administration. The Utah court system consists of Appellate Courts, Trial Courts, and Justice Courts—funded and operated by local government.

Grand Jury - The Legislature enacted the Grand Jury Reform Act that created a separate budget item for this purpose. The budget exists as a vehicle to pay Grand Jury expenses when one is convened.

Contracts and Leases - Expenses under Contracts and Leases include items such as rent/lease payments for facilities, utility costs, perimeter/building security, and county contract sites.

Juror, Witness, and Interpreter - The state is responsible for the payment of jurors and witnesses who appear in court. The state must also pay for court interpreter expenses. This line item regularly runs a deficit.

Figure 1: Courts - Budget History

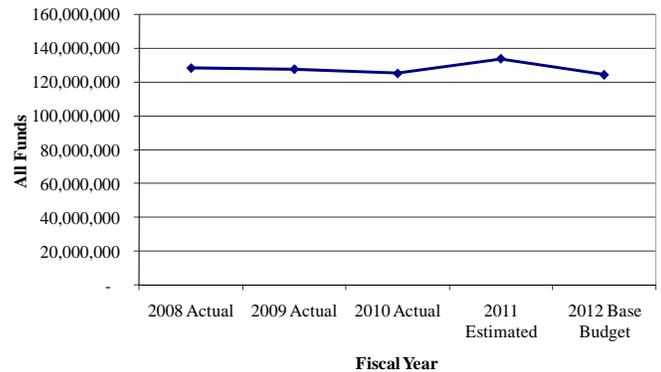


Figure 2: Courts - FTE History

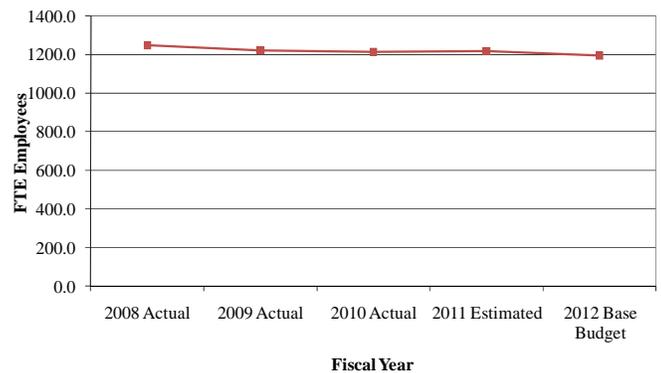
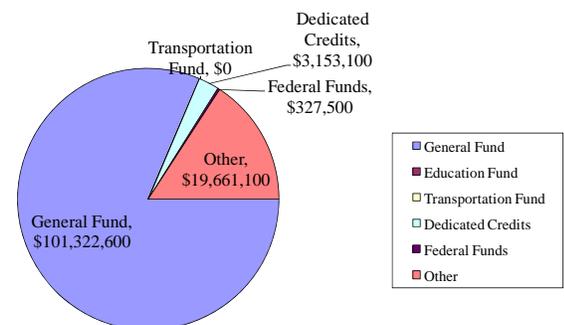


Figure 3: Courts - FY 2012 Funding Mix



Guardian ad Litem - The Office of Guardian ad Litem (GAL) is a separate line item within the court's budget. The program provides state-funded attorneys to represent the interests of minors in Juvenile Court when there is an allegation of abuse, neglect, or dependency.

ISSUES AND RECOMMENDATIONS

Intent Language

The Analyst recommends the following intent language:

Under Section 63J-1-603 of the Utah Code, the Legislature intends that appropriations provided for Administration in Item 19 of Chapter 2 Laws of Utah 2010 not lapse at the close of fiscal year 2011.

Under Section 63J-1-603 of the Utah Code, the Legislature intends that appropriations provided for Grand Jury in Item 20 of Chapter 2 Laws of Utah 2010 not lapse at the close of fiscal year 2011.

Under Section 63J-1-603 of the Utah Code, the Legislature intends that appropriations provided for Contracts and Leases in Item 21 of Chapter 2 Laws of Utah 2010 not lapse at the close of fiscal year 2011.

Under Section 63J-1-603 of the Utah Code, the Legislature intends that appropriations provided for Jury and Witness Fees in Item 22 of Chapter 2 Laws of Utah 2010 not lapse at the close of fiscal year 2011.

Under Section 63J-1-603 of the Utah Code, the Legislature intends that appropriations provided for Guardian ad Litem in Item 23 of Chapter 2 Laws of Utah 2010 not lapse at the close of fiscal year 2011.

It is the intent of the Legislature that the salary of district court judges be increased by the same percentage as state employees generally, and if state employees' salaries are not adjusted, that the salary of a district court judge remain at \$132,150.

It is the intent of the Legislature that the Bar Admissions Certification Dedicated Credits carry forward into FY 2012.

The Courts report the following:

Significant delay problems in select judicial districts

The Courts are monitoring case management performance to identify areas of the state where dispositions are not keeping pace with increased filings and backlogs are growing. Where such delay is identified, a plan for adding temporary resources is prepared and senior judges are assigned to address the backlog.

Transition Electronic Records

The Courts report that they continue to transition to electronic records. No additional appropriation was provided for the electronic record and are working on an accelerated time table. Judges and staff are transitioning to learn and adjust to this new way of doing business.

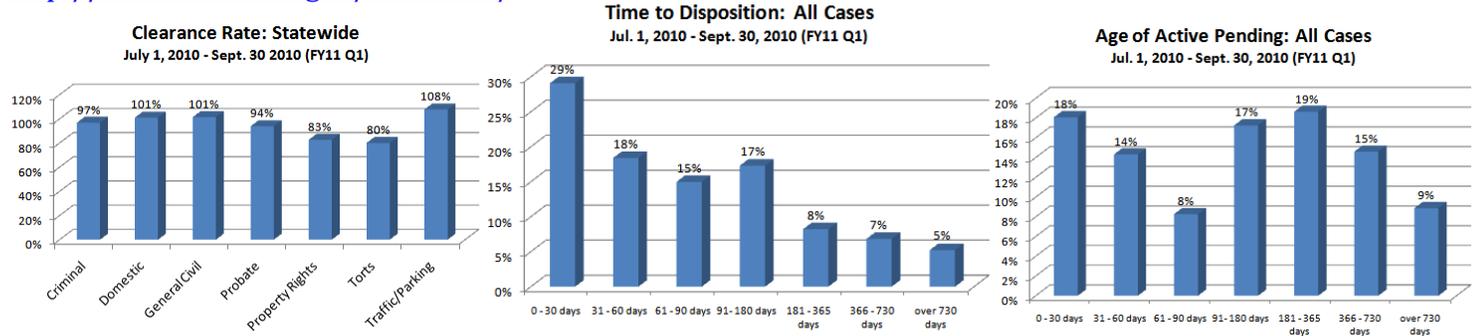
Increase in Self-represented Litigants

Many new filing are by parties who either can't afford or elect not to have representation. Unrepresented parties take a disproportionate amount of staff and judge time. A Self- Help Center has been established in the State Law Library, using funds diverted from administration and grant funding.

ACCOUNTABILITY DETAIL

The following are performance measures for State Courts found at:

<http://www.utcourts.gov/courtools/>

**BUDGET REQUESTS**

Courts budget requests as submitted to the Governor.

FY 2012 Rquests	Amount
GAL Contract and Lease Increases	\$ 27,000
3 Law Clerks	\$ 264,000
Restoration of GF/Tobacco Settlement Funds for Drug Courts	\$ 150,000
Juror/Witness/Interpreter Funding Increase	\$ 600,000
Online Court Assistance Program (restricted fund)	\$ 100,000
GAL Office Manager (dedicated credits)	\$ 55,000
FY 2012 (one-time)	
Case Management System (one-time, restricted account)	\$ 150,000
Juror/Witness/Interpreter Fund Reimbursement (one-time)	\$ 1,195,800
Law Library Bar Admission Account Restoration of Fund Balance (one-time)	\$ 62,600
Tobacco Settlement Fund Loss/General Fund Replacement (one-time)	\$ 150,000

FEES

See document entitled "Court Fees".

LEGISLATIVE ACTION

The Legislature, on recommendation of this Subcommittee passed *Executive Offices and Criminal Justice Base Budget* (House Bill 6, 2011 General Session). The budget table outlines the fiscal information for the Courts appropriated budget as outlined in House Bill 6. The Analyst recommends that the Subcommittee approve this information. The Legislature may make additional adjustments to the Courts budget during the remainder of the 2011 General Session.

RECOMMENDATIONS

The Analyst recommends the Legislature:

1. Adopt the base budget as shown in the budget detail table.
2. Approve the intent language on page 2.
3. Approve Court fees on the separate document titled "Court Fees".
4. Consider budget requests and take action if desired.

BUDGET DETAIL TABLE

Courts						
Sources of Finance	FY 2010 Actual	FY 2011 Appropriated	Changes	FY 2011 Revised	Changes	FY 2012* Base Budget
General Fund	107,723,700	107,594,100	0	107,594,100	(6,271,500)	101,322,600
General Fund, One-time	(1,964,400)	42,500	0	42,500	(42,500)	0
Federal Funds	490,200	227,900	(400)	227,500	100,000	327,500
Dedicated Credits Revenue	4,040,500	2,834,400	387,100	3,221,500	(68,400)	3,153,100
GFR - Dispute Resolution	590,000	415,300	0	415,300	0	415,300
GFR - Children's Legal Defense	1,010,800	812,800	0	812,800	0	812,800
GFR - Court Reporter Technology	250,000	250,000	0	250,000	0	250,000
GFR - Court Security Account	7,556,400	7,556,400	700	7,557,100	(700)	7,556,400
GFR - Court Trust Interest	775,000	795,000	0	795,000	0	795,000
GFR - DNA Specimen	252,800	250,300	0	250,300	0	250,300
GFR - Guardian Ad Litem Services	355,700	365,300	0	365,300	0	365,300
GFR - Justice Court Tech, Sec.& Trai	1,299,300	1,105,700	(700)	1,105,000	0	1,105,000
GFR - Non-Judicial Assessment	1,154,100	936,200	0	936,200	0	936,200
GFR - Online Court Assistance	251,000	201,000	0	201,000	(50,000)	151,000
GFR - State Court Complex	4,700,000	4,700,000	0	4,700,000	0	4,700,000
GFR - Substance Abuse Prevention	502,400	513,500	0	513,500	0	513,500
GFR - Tobacco Settlement	352,800	352,800	0	352,800	0	352,800
Transfers	1,325,300	0	0	0	0	0
Transfers - Commission on Criminal :	903,500	578,500	225,000	803,500	(225,000)	578,500
Transfers - Other Agencies	(2,046,200)	279,000	0	279,000	0	279,000
Beginning Nonlapsing	1,088,600	(600,000)	2,824,200	2,224,200	(2,224,200)	0
Closing Nonlapsing	(2,224,200)	1,200,000	(4,200)	1,195,800	(595,800)	600,000
Lapsing Balance	(3,167,500)	0	0	0	0	0
Total	\$125,219,800	\$130,410,700	\$3,431,700	\$133,842,400	(\$9,378,100)	\$124,464,300
Line Items						
Administration	97,691,900	102,571,100	2,619,800	105,190,900	(8,366,200)	96,824,700
Grand Jury	800	800	0	800	0	800
Contracts and Leases	19,357,500	19,829,100	349,100	20,178,200	(349,100)	19,829,100
Jury and Witness Fees	2,131,300	2,140,000	0	2,140,000	0	2,140,000
Guardian ad Litem	6,038,300	5,869,700	462,800	6,332,500	(662,800)	5,669,700
Total	\$125,219,800	\$130,410,700	\$3,431,700	\$133,842,400	(\$9,378,100)	\$124,464,300
Categories of Expenditure						
Personnel Services	88,802,100	89,888,000	1,253,800	91,141,800	(7,493,100)	83,648,700
In-state Travel	285,000	406,000	16,300	422,300	(600)	421,700
Out-of-state Travel	109,400	162,400	37,900	200,300	(100)	200,200
Current Expense	31,246,600	36,642,800	1,288,900	37,931,700	(1,780,500)	36,151,200
DP Current Expense	2,107,200	848,400	353,500	1,201,900	(104,000)	1,097,900
DP Capital Outlay	431,400	299,200	(10,800)	288,400	0	288,400
Capital Outlay	12,600	0	6,900	6,900	100	7,000
Other Charges/Pass Thru	2,225,500	2,163,900	485,200	2,649,100	100	2,649,200
Total	\$125,219,800	\$130,410,700	\$3,431,700	\$133,842,400	(\$9,378,100)	\$124,464,300
Other Data						
Budgeted FTE	1214.0	1093.9	122.9	1216.8	(27.9)	1188.9
Vehicles	147	154	(7)	147	0	147