

Policy and Planning Committee

Executive Dining Room
Matheson Courthouse
450 S. State St.
Salt Lake City, Utah 84111

June 2, 2017

Members Present

Hon. Derek Pullan - Chair
Hon. Marvin Bagley
Hon. Ann Boyden
Hon. Reed S. Parkin

Members Excused

John Lund
Hon. Mary Noonan

Staff

Keisa L. Williams
Nancy J. Sylvester

Guests

(1) Approval of minutes.

Judge Derek Pullan welcomed the members to the meeting. Judge Pullan addressed the May 5, 2017 minutes. There being no changes to the minutes, Judge Marvin Bagley moved to approve the May 5, 2017 minutes. Judge Reed Parkin seconded the motion and it passed unanimously.

(2) CJA Rule 2-212. Communication with the Office of Legislative Research and General Counsel.

Nancy Sylvester addressed the committee and reviewed her memo on the amendments to CJA Rule 2-212. Ms. Sylvester noted that on May 16, 2017 she and Rick Schwermer discussed with the Supreme Court the rule drafts and comments received. The Supreme Court will determine whether or not to create their own rule to address the submission of court rules to the legislature. The statute (Utah Code § 36-20-3) addresses submission of both Judicial Council and Supreme Court rules, but Rule 2-212 only addresses Council rules. Ms. Sylvester reviewed both the June 1, 2017 and the October 4, 2016 drafts of CJA Rule 2-212, along with the comments received on this rule. Ms. Sylvester explained that, if approved, the draft will go to the Judicial Council for approval for public comment. After brief discussion the committee did not make changes to the June 1 version, which reflected the commenters' proposed edits.

Judge Ann Boyden moved to approve the June 1, 2017 version of CJA Rule 2-212 to go to the Judicial Council for final approval. Judge Parkin seconded the motion and it passed unanimously.

(3) CJA 1-201. Judicial Council Membership - Election.

Ms. Williams stated Rick Schwermer addressed this rule change at the May 9, 2017, Management Committee meeting. The Management Committee recommended the proposed amendments, which would change the start of a new term of office for Judicial Council members from the October Council meeting to the Council meeting immediately following the Annual Judicial Conference. The committee asked if this applied to justice courts. Ms. Williams noted that it does. While justice court appointees are elected at a different conference, the term start date will be the same for all members. After discussion and clarification as to when elections occur, the committee did not make any changes to the proposed rule amendment.

Judge Bagley moved to approve CJA Rule 1-201, with no changes, to go to the Judicial Council for approval to send out for public comment. Judge Parkin seconded the motion and it passed unanimously.

(4) CJA 3-201. Court commissioners.

CJA 3-111. Performance evaluations of senior judges and court commissioners.

Ms. Sylvester next discussed CJA Rules 3-201 and 3-111. Ms. Sylvester noted that the committee began their review of these rules in October of 2016. The committee had previously approved edits made to CJA Rule 3-201 from the beginning of the rule through paragraph (3)(G) and to CJA Rule 3-111 from the beginning of the rule through paragraph (3)(F). The committee determined that those changes did not need to be readdressed and began their discussion with paragraph (3)(H) in 3-201 and (3)(G) in 3-111. The committee discussed each proposed change in detail. In 3-201, the discussion focused primarily on each instance where the term “district or court level” was used and whether or not it was more appropriate to say “district and court level.” In 3-111, the discussion focused primarily on when commissioner certifications should be presented to the Judicial Council. The committee ultimately changed the rule from the council’s August meeting, to its July meeting, because the council’s August meeting is already extremely long due to budget presentations.

Ms. Sylvester will circulate clean, edited copies of the proposed rules. Judge Boyden moved to approve both CJA Rule 3-201 and 3-111 with the edits the committee made. Judge Bagley seconded the motion and it passed unanimously.

(5) Other Business.

Judge Pullan created bylaws for the committee in order to ensure that rules presented to the committee are properly vetted before they make it onto the committee’s queue. Judge Pullan reviewed the draft bylaws. After discussion, the committee asked Ms. Williams to get feedback from Brent Johnson on which AOC employees would be required to get supervisory approval before submitting a draft rule. Ms. Williams will make amendments to the bylaws based on Mr. Johnson’s feedback and bring it back to the committee for final approval at the next meeting.

In addition to the bylaws, Judge Pullan asked Ms. Williams to create a Request Form that would need to be submitted along with proposed rule drafts. Ms. Williams reviewed the draft request form she created with the committee. After a brief discussion, the committee made several edits to the form. Ms. Williams will make the changes and bring it back to the committee for final approval at the next meeting.

After the last committee meeting, Judge Noonan had suggested that the committee either extend the length of its monthly meetings or add meetings to the schedule in order to increase the committee's productivity and make the travel time for members more worthwhile. After reviewing several options presented by Ms. Williams, the committee decided to extend the length of two meetings each year. The May and November committee meetings will each be changed from 12:00 – 2:00 to 9:00 – 5:00. Ms. Williams will make the changes to these meeting times.

The committee asked Ms. Williams to change the calendar invites for the committee meetings during the annual legislative session now, rather than wait until the last minute, so that the members could reserve the appropriate time on their calendar. The times will change from the normal time of 12:00 – 2:00 to 9:30 – 11:30. This would affect the following dates: February 2, 2018 and March 2, 2018. The legislative session begins January 12 and ends March 9, therefore the January Policy & Planning meeting scheduled for January 5, 2018 will not be affected.

The committee decided to cancel the July 7, 2017 meeting due to the holiday. Ms. Williams will send out notice. The next meeting is scheduled for August 4, 2017 in the council room at 12:00. There being no other business and the meeting was adjourned at 2:19 pm.