

**UTAH JUDICIAL COUNCIL
POLICY AND PLANNING COMMITTEE
MEETING MINUTES**

Webex video conferencing
August 6, 2021: 12 pm -2 pm

MEMBERS:	PRESENT	EXCUSED	GUESTS:
Judge Derek Pullan, <i>Chair</i>	•		Chris Palmer
Judge Brian Cannell	•		Ron Gordon
Judge Samuel Chiara	•		Paul Barron
Judge David Connors	•		Meredith Mannebach
Judge Michelle Heward	•		STAFF:
Mr. Rob Rice		•	Keisa Williams
			Minhvan Brimhall

(1) WELCOME AND APPROVAL OF MINUTES:

Judge Connors welcomed the committee to the meeting. The committee considered the minutes from the June 6, 2021 meeting.

Judge Chiara moved to approve the minutes as drafted, Judge Heward seconded and the motion passed unanimously.

(2) Rules back from public comment:

- CJA 1-205. Standing and ad hoc committees.
- CJA 3-419. Office of Fairness and Accountability.
- CJA 4-202.02. Records classification.
- CJA 4-206. Exhibits.
- CJA 4-401.02. Possession and use of electronic portable devices.

CJA 4-206:

Ms. Williams met with Mr. Rincon prior to the meeting and confirmed that his concerns were adequately resolved in the rule as written. Ms. Williams proposed one amendment in response to the public comment regarding the statutory reference. The specific reference to Title 24, Chapter 3 was removed and replaced with a general reference to the Utah Code.

Judge Chiara moved to recommend that the Judicial Council approve rule 4-206 as final. Judge Cannell seconded and the motion passed unanimously.

CJA 1-205:

No public comments were received. Ms. Williams recommended a minor amendment to rule 1-205 based on a request from the Board of Juvenile Court Judges. Judge Eddington was a member of the Standing Committee on Pretrial Release and Supervision when he retired. The Board recommends that the juvenile court judge member position on the Pretrial Committee be eliminated because the issues they address do not affect juvenile court matters. The committee chair, Judge Harmond, supports the request.

Judge Heward agreed. If the committee has an issue with a juvenile matter, they can reach out to the Board or a juvenile court judge for assistance.

Judge Heward moved to recommend that the Judicial Council approve rule 1-205 as final. Judge Cannell seconded and the motion passed unanimously.

CJA 3-419:

Following a discussion, the Committee determined that many of the comments challenged the policy decision to establish the Office of Fairness and Accountability. That decision was made by the Judicial Council some time ago and the Office is now operational. Policy and Planning's task was to draft a rule outlining the scope of the Office. The Committee made the following additional amendments:

- Ensured the terms "judiciary," "judicial branch," and "judicial system" were consistent throughout;
- Deleted (3)(A)(i)(d) in lines 56-57;
- Amended (3)(A)(v) in lines 90-93 to read as follows: "Collaborating with the Utah State Bar, schools, and other organizations to encourage individuals from marginalized communities to qualify and apply for judicial position;" and
- Amended (3)(E) in lines 108-110 to read as follows: "Review and report on the efficient allocation and fair application of available resources to address issues of unequal treatment within the judicial system."

Judge Connors moved to recommend that the Judicial Council approve rule 3-419 as final. Judge Heward seconded and the motion passed unanimously.

CJA 4-202.02 and CJA 4-401.02:

No comments were received and no amendments were recommended.

Judge Heward moved to recommend that the Judicial Council approve rules 4-202.02 and 4-401.02 as final. Judge Chiara seconded and the motion passed unanimously.

(3) CJA 3-117. Committee on Court Forms

CJA 3-401. Office of General Counsel

Ms. Williams: The proposed amendment to 3-117 would provide the State Court Administrator with the flexibility to determine how AOC staffing resources should be allocated and to assign work with various committees accordingly. The amendment would also bring the rule in line with CJA 1-205(3)(D) and 1-204(8). The amendment to rule 3-401 would apply to both the State Court Administrator and the Judicial Council.

Following a brief discussion, Judge Chiara moved to recommend the proposed amendments to rules 3-117 and 3-401 to the Judicial Council for approval for public comment. Judge Cannell seconded and the motion passed unanimously.

(4) CJA 2-101. Rules for the conduct of Council meetings.

CJA 6-101. The Board of District Court Judges.

CJA 7-101. Juvenile Court Boards, Executive Committee and Council Representatives.

CJA 9-101. The Board of Justice Court Judges.

CJA 5-101. The Board of Appellate Court Judges.

Ms. Williams: The proposed amendments remove the requirement that the Council and Boards follow Robert's Rules of Order in meetings. The court is not required to follow those procedures under the Open and Public Meetings Act or any other section of the Code. Robert's Rules are extremely onerous and, to my knowledge, are not followed on a regular basis.

Judge Pullan: I agree. The Judicial Council could replace Robert's Rules with general principles set forth in a separate document. The principles would not need to be incorporated in a rule.

The Committee discussed several principles:

- a quorum must be present to make substantive decisions
- decisions must be made by motion
- there must be a second and an opportunity for a discussion on the motion
- a motion may be amended
- a motion must be passed by a majority of the members present

After further discussion, Judge Heward moved to send the proposed amendments to rules 2-101, 6-101, 7-101, 9-101, and 5-101 to the Judicial Council for approval for public comment. Judge Chiara seconded and the motion passed unanimously.

(5) Old Business/New Business.

Judge Pullan: Mr. Murray and Mr. Sweeney will present the revised grant guidelines in September and will be reaching out to individual members of Policy and Planning for feedback prior to the meeting. I would encourage each of you to make time for those individual meetings so that we have a good idea of the real policy issues when the Committee reconvenes in September. This is a high priority of the Council.

Adjourn:

With no further items for discussion, Judge Chiara moved to adjourn the meeting. With no second or opposition, the meeting adjourned at 1:30 pm. The next meeting will be on September 3, 2021 at 12 PM via Webex video conferencing.