

## JUDICIAL COUNCIL MEETING

Minutes  
Wednesday, July 16th, 2008  
Sun Valley, ID

Chief Justice Durham, Presiding

### ATTENDEES:

Chief Justice Christine M. Durham, Chair  
Hon. Gary Stott, Vice Chair  
Justice Ron Nehring  
Hon. Judith Atherton  
Hon. William Barrett  
Hon. Hans Chamberlain  
Hon. Michael Kwan  
Hon. Michael Lyon  
Hon. Brendan McCullagh  
Hon. Gregory Orme  
Hon. Jody Petry  
Hon. Michael Westfall  
Scott Sabey, esq

### STAFF PRESENT:

Myron K. March  
Debra Moore  
Rick Schwermer  
Ray Wahl  
Brent Johnson  
Jody Gonzales  
  
Excused:  
Hon. Mark Andrus  
Daniel J. Becker

### **1. WELCOME AND APPROVAL OF MINUTES: (Chief Justice Christine M. Durham)**

Chief Justice Durham welcomed everyone to the meeting and excused Hon. Mark Andrus and Daniel J. Becker. Due to Mr. Becker's absence from the meeting, Chief Justice Durham asked that we hold off on discussing the Reporting Court Proceedings agenda item until Mr. Becker could be present. The minutes of the May meeting were reviewed and the following motion was made.

**Motion:** Judge Lyon motioned to approve the minutes. The motion was seconded by Judge Kwan and passed unanimously.

### **2. CHAIR'S REPORT: (Chief Justice Durham)**

Chief Justice Durham reported that nominations from the Supreme Court regarding the Judicial Evaluations Committee are still being worked on. She mentioned Judge Stott's participation at a Bar Meeting as a member of a panel dealing with this new legislation.

### **3. ADMINISTRATOR'S REPORT: (Daniel J. Becker)**

Mr. March gave an update in Mr. Becker's absence:

-Nomination Committee Update. In filling Judge Billings' vacancy, the nominations committee met last week for the initial meeting and will hold interviews on July 22. The initial meeting in the Sixth District will be held on July 29, and interviews are scheduled for August 11.

The initial meeting in the Fourth District will be held on August 13, and interviews are scheduled for August 20. The committee hopes to have names to the governor by the end of August.

-Budget guidelines as set by the governor. There are to be no new programs initiated. If a group is asking for a building block, they are to look at existing budgets. Items that are mandated should be sent on. All state agencies are to plan for a 1%, 3%, and 5% reduction of base budgets as a contingency.

-Comprehensive Clerical Study. The district and juvenile board of judges will be given a presentation of the Comprehensive Clerical Study on Thursday at 1:00 p.m. The meetings to be held in each district to present the study have been set up. They should be completed by the end of August.

-Executive Branch Four-Day Work Week. Correspondence has been distributed to department heads, division managers and other entities that have contact with the courts on what the courts expect for coverage. All state agencies affected by the four-day work week will start their new schedules at the first part of August.

-Payroll and holiday issues. Mr. March mentioned the article in the newspaper today in respect to Columbus Day and Veterans Day. The state agencies working the four-day work week will not be observing these two holidays this year. There are also issues in respect to holiday pay and the current payroll system. Mr. March noted that the Judicial Branch will still be observing Columbus Day and Veterans Day. He also mentioned that the Judicial Branch will need to work internally in dealing with the payroll issues affected by the four-day work week change in the Executive Branch.

#### **4. COMMITTEE REPORTS:**

##### ***Management Committee Report:***

Chief Justice Durham mentioned that the Management Committee serves as the audit committee. The degree of financial exposure statewide in the court systems makes it vital for the committee to be dedicated to attend regular training in the audit oversight function annually. If any of you are interested in getting more information on any of the audit processes, please contact Chief Justice Durham or Mr. Becker.

***Liaison Committee Report:*** No news to report.

***Policy and Planning Meeting:*** No news to report.

***Bar Committee Report:*** Mr. Sabey reported on the following: The election results are in. Steve Owens has been chosen as President-Elect for the Utah State Bar. The Bar Commission is working on a number of items. The big area of discussion was outlining the new mentoring program. A tremendous amount of work has been put into developing this program. The current lawyer training program will be changed to reflect the new mentoring program.

## **5.LEGISLATIVE INTERIM REPORT: (Rick Schwermer)**

Mr. Schwermer reported that there was not much happening. The monthly summary sheets were included in the packet. He mentioned the PEHP changes as listed on page 1 of the Fiscal Highlights. Mr. Schwermer mentioned that the Health and Youth Services Appropriation Committee is scheduled to meet Tuesday, October 7.

## **6. SB 72 - IMPLEMENTATION PROGRESS REPORT: (Rick Schwermer)**

-Mr. Schwermer reported that the amendments and a letter regarding SB 72 are included in the packet. He mentioned that Ms. Holly Frischknecht will work closely on the implementation efforts. SB 72 will go into effect July 1, 2008. Mr. Schwermer gave a tentative time-line of items to be addressed and when: 1) have the salary recommendations made in September; 2) the salary recommendations to the Council at the September meeting; 3) prepare a manual and nomination form for the nominating commission process for selection of justice court judges—begin this process in October; 4) Salaries go into effect, July 1, 2009, and 5) CORIS Implementation deadline of July 1, 2011. With the CORIS conversion schedule, a court will need to be converted every two weeks to stay on schedule. Some of the Class 4 courts will not convert their data—they will simply begin a “fresh start” program whereas they will be given an empty data base to start from. These smaller courts will then receive help converting their old cases into CORIS.

-Nominating Commission Manual. Everything applicable from the state court manual will be transferred to the justice court manual. When going through the nominating commission process, there may be a required minimum number of applications accepted to proceed. To become familiar with the voting process, Ms. Frischknecht will sit in on the initial voting process for the Fourth District.

-Caseload and Salaries. The information from the Judicial Weighted Caseload formula is an important factor. This information will be included with the letter prepared with the salary recommendations to the Council. Mr. Schwermer mentioned some of the changes: 1) Justice Court judges have different administrative responsibilities. They are the employer—they do the hiring, have direct supervision, discipline, attend division meetings, prepare and shepherd their budgets, and an additional two hours per week above and beyond this are allowed to handle administrative matters. If they have a court administrator, that factors into the caseload. 2) Education is another important factor. Continual education hours will need to be factored in. 3) Discussion of the number of minutes per case. This is different in relationship to the type of case.

## **7. PROPOSED INTER-LOCAL AGREEMENT APPROVAL: (Rick Schwermer)**

-Mr. Schwermer mentioned the issue of the two precincts represented in Tooele—Wendover and Tooele. They were represented by two judges. The judge in Wendover has retired. Therefore, they will now have one precinct in Tooele. It was determined that this situation did not fit the definition of a dissolution. We will wait to see if an application is received for a new court.

**8. RACIAL AND ETHNIC FAIRNESS TASK FORCE IMPLEMENTATION UPDATE: (Brent Johnson)**

-Mr. Johnson gave a brief history of the work done by the previous task force which began their efforts in 1996. In 2001, initial recommendations were given.

-On June 26, 2008, the AOC Ad Hoc Racial and Ethnic Fairness Committee met to discuss the recommendations from the 2001 final report. Mr. Johnson reported the committee's findings and recommendations are as follows: 1) the Human Resources Department should hire a minority recruitment manager; 2) require all employees to have cultural competency/diversity training-education; 3) ensure that all educational materials, such as DVDs, convey a message of diversity; 4) continue the second language stipend and remind appropriate staff of the importance of adequate interpretation-interpreter; 5) use of the Judicial Outreach Committee who recently formed a diversity subcommittee which will be a good vehicle for reviewing existing programs; the diversity subcommittee should target schools in areas with more diverse communities to make certain they are aware of the field trips and education programs; 6) ensure the public is aware of how to address concerns about the way they have been treated-complaint process; review how the judiciary can gather data on the race and ethnicity of clientele-data gathering; 7) represent a cross-section of the community on juries; individuals that don't vote or drive are not represented in the current jury pool; 8) ensure certification criteria for Justice Courts regarding diversity is in place.

**9. 2008 CLERICAL WEIGHTED CASELOAD REPORT (Myron K. March)**

Mr. March gave an update of the 2008 Clerical Weight Caseload Report. The district court was looked at a year ago. Next year they will look at the juvenile court. Mr. March reviewed the Clerical Weighted Caseload Summary Results as presented on the updated form that was handed out at the meeting. No action was recommended at this time, but the Council may want to consider any action after the update on the Comprehensive Clerical Study.

**10. JUVENILE COURT REPORT CARD: (Ray Wahl )**

Mr. Wahl presented information on the Juvenile Court Report Card to the community. The research committee was headed by Judge Johansson. Sample report cards from Pittsburgh, PA and Oregon were reviewed when compiling the data. The report card information will be published in the two large newspapers in September. Mr. Wahl reviewed the information as listed on the report card. The report card will also include information by district. This can then provide a management tool by district. The goal for next year is to translate the information into a CourTools format.

**11. MENTAL HEALTH INITIATIVE UPDATE: (Debra Moore)**

Ms. Moore gave an overview of the mission of the committee: "To review and make recommendations to all branches of government concerning the interaction of people who suffer with mental illness and the criminal justice system. The intent of the committee is to:

- identify the issues that arise from the intersections of the criminal justice system and mental illness;
- examine relevant data, models, policies, protocols and resources available for addressing those issues throughout the state in both urban and rural contexts;
- improve the system responses in these cases."

-Members of the committee are listed on page 2 of the Mentally Ill Offender Initiative Progress Report. Meetings were held on a monthly basis. Ms. Moore reviewed areas of discussion which included: 1) Sequential Intercept Model; 2) Crisis Intervention Team; 3) Community Response Team; 4) Right Person In-Right Person Out; 5) Jail Diversion Outreach Team; and 6) Mental Health Court. At the beginning, the meetings were geared to information gathering. The committee heard presentations from experts and from local program leaders. Many of the areas mentioned are listed on the Mental Health Initiative White Papers which will be included in the resource material. The resource material is being developed. Upon completion of the resource material, the information will be presented to various county commissioners.

-Included in the packet is an Executive Summary prepared by the University of Utah. The committee plans to develop a series of recommendations for addressing the issues identified. It is hoped that the ultimate outcome of the process will be a model for improving services and reducing the impact of mentally ill offenders on the criminal justice system across the board. Chief Justice Durham thanked the committee for their hard work.

## **12. EXECUTIVE SESSION.**

No executive session needed at this time.

## **13. ADJOURN**

Chief Justice Durham mentioned the status of the mentoring program as outlined by the Utah State Bar would be given on Friday morning. Rob Parkes will also give a presentation on Generational Differences in the Workplace. The meeting was adjourned.