

JUDICIAL COUNCIL MEETING

Minutes
Monday, July 16, 2012
Council Room
Matheson Courthouse
Salt Lake City, UT

Chief Justice Matthew B. Durrant, Presiding

ATTENDEES:

Chief Justice Matthew B. Durrant
Hon. Kimberly K. Hornak, vice chair
Justice Jill Parrish
Hon. Judith Atherton
Hon. George Harmond
Hon. Paul Maughan
Hon. Brendan McCullagh
Hon. David Mortensen
Hon. Gregory Orme
Hon. John Sandberg
Hon. Larry Steele
Hon. Keith Stoney
Hon. Thomas Willmore
Lori Nelson, esq.

STAFF PRESENT:

Daniel J. Becker (by phone)
Ray Wahl
Diane Abegglen
Jody Gonzales
Debra Moore
Rick Schwermer
Ron Bowmaster
Tom Langhorne
Alyn Lunceford
Nancy Volmer
Nancy Nelson
Kris Prince
Shirley Trujillo
Katie Gregory
Derek Byrne
Carol Price

EXCUSED:

GUESTS:

Aaron Falk, SL Tribune
Tessa Lopez, Intern
Joanne Slotnik, JPEC
Judge David Roth, JPEC
Mary Lucero, GAL
Judge L.A. Dever
Judge Carolyn McHugh
Judge Elizabeth Lindsley
Judge Kate Toomey
Lisa Romney, Fruit Heights

1. **WELCOME AND APPROVAL OF MINUTES: (Chief Justice Matthew B. Durrant)**

Chief Justice Durrant welcomed everyone to the meeting.

Motion: Judge Maughan moved to approve the minutes. Judge Steele seconded the motion, and it passed unanimously.

2. CHAIR'S REPORT: (Chief Justice Matthew B. Durrant)

Chief Justice Durrant reported on the following:

He mentioned that he would be attending the Utah State Bar's Annual Meeting this week and address members of the Bar.

He and Mr. Becker will be attending the Annual CCJ/COSCA meeting next week in St. Louis.

3. ADMINISTRATOR'S REPORT: (Ray Wahl)

He reported on the following items:

The Second Annual Intermountain Mental Health Court Conference will be held on July 18-19 in Logan.

4. COMMITTEE REPORTS:

Management Committee Report:

Chief Justice Durrant reported that the Management Committee meeting minutes accurately reflect the issues discussed. The items needing to be addressed by the Council have been placed on today's agenda.

Liaison Committee Report:

No meeting was held in July.

Policy and Planning Meeting:

No meeting was held in July.

Bar Commission Report:

Ms. Nelson reported on the following:

The Bar Commission is scheduled to meet on Wednesday, July 18 at noon.

5. JUDICIAL PERFORMANCE EVALUATION COMMISSION (JPEC) UPDATE: (Joanne Slotnik)

Chief Justice Durrant welcomed Ms Slotnik to the meeting. Ms. Slotnik introduced Judge David Roth, a Commission member.

Background was provided regarding the Council's JPEC Workgroup and their meeting with the Commission in April. Chief Justice Durrant and Mr. Becker had a follow-up meeting with Mr. Tony Schofield, Commission chair, in May. The following concerns were addressed with the Commission: 1) inclusion of juror surveys in the evaluation process, and 2) the use of narratives prepared from comments received by the Commission. Chief Justice Durrant provided comments, on behalf of the Council, to Ms. Slotnik and the Commission on their most recent communication relative to meetings between the Commission and the judiciary.

Judge Roth and Ms. Slotnik highlighted the following in their update: 1) rotating members of the Commission will attend future updates with Ms. Slotnik, 2) addressed the matter of future communication between the Council and the Commission, 3) the Commission's proposal on how to count juror surveys, 4) the status of the Appellate opinion evaluation project, and 5) the status of the part-time justice court judge project.

Judge David Roth provided his background as a member of the Commission. Judge Roth reviewed the Commission's position relative to future communication with the judiciary as drafted by the Commission. The Commission requested that the Council communicate with them as a group at their monthly meetings.

Ms. Slotnik provided information on how JPEC proposes to count juror surveys highlighting the following assumptions: 1) juror scores reflect part of the district court judge's work and so should be a component of a comprehensive evaluation program, and 2) a "halo effect" should not be a driver in calculating the minimum performance standard, which includes other respondent groups not subject to the distortion introduced by a halo effect. The Commission would like to count and present juror scores separately. She provided an explanation as to why this would be beneficial. Discussion took place.

Chief Justice Durrant stated that he, as Chief Justice, represents the judiciary; and he clarified the Council's role as the representative body of the judiciary, and the JPEC Workgroup's role speaking on behalf of the Council and the judiciary as the Council's representatives.

Chief Justice Durrant requested that the JPEC Workgroup be included on the agenda for the JPEC's August meeting. Ms. Slotnik requested that the Commission be contacted prior to the meeting with their proposed agenda content.

Ms. Slotnik noted that Appellate opinion evaluation project has moved through the first round of opinions and will be reviewed by the subcommittee on July 17.

The part-time justice court judge project funded with a State Justice Institute grant is progressing. The scope was reworked and clarification was given on what information the National Center for State Courts could provide.

Ms. Slotnik and Judge Roth were thanked for their update.

6. EDUCATION ADVOCACY PROGRAM UPDATE: (Mary Lucero)

Chief Justice Durrant welcomed Ms. Lucero to the meeting.

Ms. Lucero provided an update to the Council on the CASA Education Advocacy Program.

Information was distributed to include: 1) a list of primary responsibilities of a CASA volunteer, and 2) CASA education questionnaire.

7. BUDGET PLAN REVISION: (Ray Wahl)

Mr. Wahl reported that additional carry forward funding in the amount of \$234,900 is available.

A request for additional funding in the amount of \$160,000 for contract programmer assistance relative to the electronic record project has been received, with the remainder to be placed in reserve.

Motion: Judge Steele moved to approve the request for additional funding in the amount of \$160,000 for contract programmer assistance relative to the electronic record project. Ms. Nelson seconded the motion, and it passed unanimously.

An update on what is taking place relative to the move to mandatory e-filing in 2013 was provided. It was noted that court staff will be attending the Bar's Annual meeting to provide

information to members of the Bar on e-filing. The court executives are preparing information to discuss with local members of the Bar.

8. COURT FACILITIES PLANNING COMMITTEE UPDATE: (Judge L. A. Dever and Alyn Lunceford)

Chief Justice Durrant welcomed Judge Dever and Mr. Lunceford to the meeting.

An update of the Court Facilities Planning Standing Committee was provided to the Council.

The following items were highlighted in their report: 1) court facilities building list review, 2) report of the subcommittee on security and emergency preparedness, 3) review of the Committee's responsibilities, 4) a review of the prioritization of building projects relative to the 10-year plan, 5) updated design and space guidelines, and 6) other projects relative to county court locations.

Mr. Lunceford noted that the Ogden Juvenile Court Facility continues to be the court's number one priority, which received \$1.6 million in funding during the 2012 Legislative Session for design purposes.

Judge Dever provided background information on the Provo District expansion as it relates to the 10-year building plan.

Juab County is expected to sign an agreement, this week, with DFCM to construct their new court facility.

Judge Dever and Mr. Lunceford were thanked for their update.

9. STANDING COMMITTEE ON TECHNOLOGY UPDATE: (Judge Carolyn McHugh and Ron Bowmaster)

Chief Justice Durrant welcomed Judge McHugh and Mr. Bowmaster to the meeting.

Judge McHugh thanked the Council for reauthorization of the Committee for an additional six years.

She provided an update to the Council on the Standing Committee on Technology's activities. She highlighted the following in her update: 1) Google Apps Conversion: 2) implemented a change to CORIS and the document management system to comply with the Council's recommendation to restrict access to private documents on the Xchange System, 3) implemented a change to CORIS to comply with the civil discovery rule change, 4) approved recommendations to remove any barriers to electronic filing adopting "auto-approval" where all filings were received and docketed when filed, 5) addressing issues to support the move to a completely electronic records system, 6) creation of a new Guardian ad Litem case management system that integrated records from both the juvenile and the district courts, 7) expansion of the e-warrant system to include juvenile pick up orders, 8) the implementation of a new protective order system that integrated CARE and CORIS orders under a single system, and 9) the implementation of the criminal e-filing pilot project in Weber County.

Questions were asked relative to the use of electronic record. Clarification was provided.

Judge McHugh commended Mr. Bowmaster for the efforts and continued service provided by the court's IT department.

Chief Justice Durrant thanked Judge McHugh and Mr. Bowmaster for their update.

10. EXECUTIVE SESSION:

An executive session was held at this time.

11. JUDICIAL BRANCH EDUCATION COMMITTEE UPDATE: (Judge Elizabeth Lindsley and Mr. Tom Langhorne)

Chief Justice Durrant welcomed Judge Lindsley and Mr. Langhorne to the meeting. Judge Lindsley provided an update to the Council on the Judicial Branch Education Committee's activities over the past year.

She highlighted several of the accomplishments in her update to include: 1) redesigned the new judges orientation structure, content and delivery; 2) redesigned the new law clerk orientation; 3) instituted improved classroom outcome evaluation methods; 4) reconstituted the discontinued court clerks' education committee; and 5) collaborated with national and state judicial education and distance learning experts to begin developing a distance learning strategy and delivery capacity.

Judge Lindsley reviewed the Committee's strategic planning priorities for 2012-2013. Mr. Langhorne introduced the current staff members of the Education Department. Chief Justice Durrant thanked Judge Lindsley and Mr. Langhorne for their update.

12. JUSTICE COURT DISSOLUTION - SPRINGDALE: (Rick Schwermer)

The towns of Springdale, Rockville, and Virgin have given notice of intent to terminate their inter-local agreement with Hurricane City effective August 5, 2012. Based on the size of their court, they are required to give a one-year notice to dissolve their court. Additional information pertaining to their request for dissolution was distributed.

Mr. Schwermer has discussed the matter with the city manager of Springdale and with Hurricane City. Hurricane City is opposed to the waiver. Discussion took place.

Motion: Judge McCullagh moved to deny the request to waive the one-year waiting period required for dissolution. Judge Stoney seconded the motion, and it passed unanimously.

Motion: Judge Hornak moved to enter into an executive session to discuss a personnel matter. Judge McCullagh seconded the motion, and it passed unanimously.

13. JUSTICE COURT DISSOLUTION – CLARKSTON TOWN: (Rick Schwermer)

Clarkston Town has given notice of intent to dissolve their justice court effective June 30, 2013. Mr. Schwermer provided background information on their justice court. They are a small town located in Cache County. Based on the size of their court, they are required to give a one-year notice to dissolve their court. It was noted that the judge will be paid through his term of office.

The dissolution of the Clarkston Town Justice Court would require legislation as the cases would be managed in the First District Court. No Council action is required.

14. JUSTICE COURT DISSOLUTION – SALT LAKE COUNTY: (Rick Schwermer)

Salt Lake County has given notice of intent to dissolve their justice court either by entering into inter-local agreements with municipalities in Salt Lake County or by seeking legislative approval to transfer their caseload to the Third District Court effective July 1, 2015.

Further discussion with the Salt Lake County mayor will take place regarding their intent to dissolve their justice court.

15. JUSTICE COURT DISSOLUTION – DAVIS COUNTY: (Rick Schwermer)

Davis County has given notice of intent to dissolve their justice court effective July 1, 2013. They are requesting a waiver of one year of the required two-year waiting period.

Mr. Schwermer provided information relative to their request for dissolution. The dissolution would impact the following municipalities who have an inter-local agreement with Davis County: 1) Fruit Heights, 2) West Bountiful, and 3) Farmington. Ms. Lisa Romney, Fruit Heights representative, spoke in opposition to the expedited request for dissolution of the Davis County Justice Court. Discussion took place.

Motion: A motion was made to deny Davis County's request to waive one year of the required two-year waiting period to dissolve their justice court. Judge Atherton seconded the motion, and it passed unanimously.

16. ADJOURN

The meeting was adjourned.