

# JUDICIAL COUNCIL MEETING

## Minutes

Monday, January 28, 2013

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. Glen Dawson  
Hon. George Harmond  
Hon. Paul Maughan  
Hon. Brendan McCullagh  
Hon. David Mortensen  
Hon. Gregory Orme  
Hon. Reed Parkin  
Hon. John Sandberg  
Hon. Larry Steele  
John Lund, esq.

### **STAFF PRESENT:**

Daniel J. Becker  
Ray Wahl  
Diane Abegglen  
Lisa-Michele Church  
Jody Gonzales  
Debra Moore  
Rick Schwermer  
Tim Shea  
Kim Allard  
Nancy Volmer  
Craig Bunnell  
Ron Bowmaster

### **GUESTS:**

Marissa Lang, SL Tribune

### **EXCUSED:**

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

Chief Justice Durrant welcomed everyone to the meeting.

**Motion:** Judge Steele moved to approve the minutes from the December 17, 2012 Judicial Council meeting. Judge Dawson seconded the motion, and it passed unanimously.

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

Chief Justice Durrant reported on the following:

The local legislative meetings have been completed. The meetings were very well attended and went well.

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

Mr. Becker reported on the following items:

2013 Legislative Session and the State of the Judiciary Address. Dan mentioned that today was the first day of the 2013 Legislative Session. The State of the Judiciary address will be given this afternoon; first to the Senate and then to the House. Transportation details were provided to Council members who plan to attend.

Legislative Meetings. The legislative meetings were well attended by both legislators and judges. Mr. Becker mentioned the discussions that took place at several legislative meetings.

Courts Budget Discussions. Mr. Becker, Mr. Wahl and Mr. Schwermer met with Senator Daniel Thatcher and Representative Eric Hutchings, co-chairs of the Appropriations Committee to discuss the courts' budget requests.

Domestic and Probate E-Filing. Domestic and probate e-filing went live on January 13, 2013.

Judicial Workspace Application. The judicial workspace application is currently being tested, and it should be available for use in mid February.

Juab County Court Facility. Juab County has received approval of a loan to begin construction of a new county court facility. It is anticipated that construction of the new court facility will begin in March or April 2013.

SJI Grant Funding. The State Justice Institute (SJI) has granted funding for development of a web-based orientation for new judges.

Second District Juvenile Court Executive. Mr. Travis Erickson has been selected to fill the vacancy in the Second Juvenile Court for a court executive. He began working for the courts on January 22. Mr. Becker provided a brief background of Mr. Erickson's experience.

Utah Judicial Council Norms. Mr. Becker distributed a copy of the revised Judicial Council norms.

#### **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:***

Justice Parrish reported on the following:

She mentioned that the Liaison Committee has held two meetings. The meeting minutes accurately reflect the bills discussed.

##### ***Policy and Planning Meeting:***

Judge Orme reported on the following:

He mentioned that the Policy and Planning meeting minutes accurately reflect the issues discussed.

Judge Orme highlighted the following in his update: 1) the consent calendar included CJA 02-0206 – effective date of rules – being recommended to be published for comment; and 2) discussion on credentials for custody evaluators, with the Policy and Planning Committee determining no changes should be made to the current credentials.

##### ***Bar Commission Report:***

Mr. Lund reported on the following: 1) the Bar Commission met on Friday, January 25; 2) the public relations functions of the Bar will be handled in-house with Mr. Shawn Toomey as the Bar's new in-house public relations' representative; 3) Bar Day with the legislators will be held on February 19; 4) breakfast with the legislators will be held on February 22; 5) Mr. Jim

Gilson has been selected as the next president-elect; 6) Ms. Charlotte Miller has been selected to receive the Dorothy Merrill Award at the Mid-Year Bar Conference in March 2013; 6) Ms. Cecilia Romero has been selected to receive the Raymond S. Uno Award at the Mid-Year Bar Conference in March 2013; 7) an update was provided on the pro bono and modest means programs.

**5. ANNUAL REPORT TO THE COMMUNITY UPDATE: (Nancy Volmer)**

Chief Justice Durrant welcomed Ms. Volmer to the meeting.

Ms. Volmer provided an update to the Council on the 2013 Annual Report to the Community.

The objectives of the publication included: 1) highlight recent accomplishments, 2) look at programs and developments for the coming year, 3) help citizens to better understand the judicial system, and 4) information tool for legislators.

The report is prepared for distribution at the beginning of the legislative session. The 2013 annual report to the community highlights the following: 1) growing confidence in Utah's courts, 2) serving the public, providing access, and staying accountable, 3) navigating the court system, 4) awards, honors, recognition, and 5) 2012 court caseload data.

**6. TIME TO DISPOSITION STANDARDS FOLLOW-UP: (Kim Allard)**

Chief Justice Durrant welcomed Ms. Allard to the meeting.

Ms. Allard reminded the Council that at their December meeting, she was asked to provide a purpose statement to accompany the proposed time standards.

It was noted that the requested amendment to the small claims time standard has been made.

Ms. Allard reviewed the Time to Disposition Guidelines in Utah Courts with the Council. She provided examples as to how the time to disposition guidelines are used as they relate to CourTools. Discussion took place.

**Motion:** Mr. Lund moved to approve the proposed Time to Disposition Guidelines. Judge McCullagh seconded the motion. The motion was amended adjusting the time period for the divorce case type from 15 months to 18 months. The amendment was accepted. The motion passed with Judge Hornak and Judge Steele voting no.

**7. SIX-MONTH CASE FILING UPDATE: (Kim Allard)**

Ms. Allard provided a six-month review of district court case filings and juvenile court referrals.

The following district court case filing data was highlighted: 1) criminal case filings, 5% increase; 2) felony, misdemeanor and DUI case filings, 4% increase; 3) domestic case filings, 0% change; 4) UCCJEA case filings, 128% increase; 5) general civil, 7% decrease; 6) debt collection case filings, 8% decrease; 7) contract case filings, 19% decrease; 8) judgment case filings, 3% increase; 9) probate case filings, 6% increase; 10) adoption case filings, 9% increase; 11) conservatorship case filings, 34% decrease; 12) property right case filings 12% decrease; 13) tort case filings, 1% decrease, and 14) traffic case filings, 1% decrease.

The following juvenile court referral data was highlighted: 1) overall juvenile court referrals, 10% decrease; 2) felony referrals, 0% change; 3) misdemeanor referrals, 16% decrease; 4) infraction referrals, 7% decrease; 5) contempt referrals, 8% decrease; 6) status referrals, 7%

decrease; 7) adult violation referrals, 8% increase; 8) child welfare proceeding referrals, 0% change; 9) termination of parental right referrals, 17% increase; 10) voluntary relinquishment referrals, 6% increase, and 11) domestic/probate referrals, 17% decrease.

**8. GUARDIAN AD LITEM SERVICES TO DISTRICT COURT: (Debra Moore and Craig Bunnell)**

Chief Justice Durrant welcomed Ms. Moore and Mr. Bunnell to the meeting.

Background was provided relative to HB 357 – Guardian ad Litem Amendments passed during the 2012 Legislative Session which repeals provisions relating to the appointment of a guardian ad litem from the office of Guardian ad Litem in a district court case, effective July 2013. The impact of HB 357 on district court cases has been discussed with various state agency and court officials.

A workgroup was formed to explore possible solutions. Discussion has taken place with the GAL Oversight Committee and the Board of District Court judges. Proposed options to provide GAL services in district court were reviewed with the Council. Discussion took place.

**9. JUSTICE COURT JUDGES CERTIFICATION: (Rick Schwermer)**

Mr. Schwermer presented the recommendations for justice court judge certification for: 1) Mr. Clintepious Gilmore, West Valley City Justice Court ; 2) Ms. Carolyn Howard, Saratoga Springs City Justice Court; 3) Mr. Douglas Nielsen, Lehi Justice Court; and 4) Mr. William Walker, Blanding Justice Court.

**Motion:** Judge McCullagh moved to approve the certification of Mr. Clintepious Gilmore, Ms. Carolyn Howard, Mr. Douglass Nielsen, and Mr. William Walker as justice court judges. Judge Hornak seconded the motion, and it passed unanimously.

**10. LEGISLATIVE UPDATE/INTERIM HIGHLIGHTS: (Rick Schwermer)**

Mr. Schwermer provided a legislative update to the Council.

He highlighted the following in his update to include: 1) noted the bills reviewed by the Liaison Committee on Friday, January 25, 2) the local legislative meeting attendance totaled 53 legislators and 76 judges, 3) the 2013 Legislative Session begins today, 4) Executive Appropriations will meet this afternoon, 5) the legislative committees begin meeting tomorrow, and 6) the Liaison Committee will meet weekly during the session.

**11. SENIOR JUDGE CERTIFICATION: (Tim Shea)**

Judge Frederic Oddone has applied to be appointed as an active senior judge. Mr. Shea reported that Judge Oddone meets the minimum performance standards.

**Motion:** Judge Maughan moved to forward the recommendations, on behalf of the Council, to the Supreme Court to certify Judge Oddone for appointment as an active senior judge. Mr. Lund seconded the motion, and it passed unanimously.

**Motion:** Judge Hormak moved to enter into an executive session to discuss issues of professional competence. Judge McCullagh seconded the motion, and it passed unanimously.

**12. EXECUTIVE SESSION**

An executive session was entered into at this time.

**13. ADJOURN**

The meeting was adjourned.