

**UTAH JUDICIAL COUNCIL
TASK FORCE ON JUSTICE COURT REFORM**

Via Webex

**May 15, 2020
12:00 p.m. – 1:10 p.m.**

MEMBERS PARTICIPATING

Judge Paul Farr, Chair
Ms. Anna Anderson
Judge Brian Brower
Mr. Paul Burke
Senator Kirk Cullimore
Judge Brent Dunlap
Mr. Ron Gordon
Judge Roger Griffin
Representative Craig Hall
Judge Ryan Harris
Ms. Joanna Landau
Mr. Ben Marsden
Ms. Heather Robison
Mr. Jerry Taylor
Mr. Roger Tew

STAFF PARTICIPATING

Mr. Michael Drechsel
Ms. Cathy Dupont
Ms. Nancy Merrill
Mr. Jim Peters

GUESTS PARTICIPATING

Professor Anna Carpenter
Ms. Molly Davis
Mr. Ryan Robinson

MINUTES

1. Welcome and Introductions:

Judge Farr welcomed everyone to the meeting. He thanked them for their participation on the Task Force. Judge Farr informed the Task Force that there will be an opportunity at future meetings for interested stakeholders to give recommendations and input. They will be asked to make a request prior to the meeting so they can be added to the agenda in order to plan the time accordingly. Michael Drechsel, Assistant State Court Administrator and Legislative Liaison for the Utah State Courts, introduced himself to the Task Force members before he had to leave for a presentation he was making.

Judge Farr provided some background information on the justice courts. He reviewed the attached document showing the number of cases filed in justice courts compared to district and juvenile courts. The numbers show that there are significantly more cases filed, including criminal case filings, in justice courts each year than there are in the other court levels. Most filings for justice court cases are in the Third District. The majority of people who interact with the court system will do so in justice courts and many of them will be representing themselves--which shows why the justice courts have a significant impact on how the justice system is viewed in Utah.

Judge Farr started his legal career in private practice and was appointed as a justice court judge 10 years ago. He is currently serving on the Board of Justice Court Judges. In addition, Judge Farr has been serving on the Judicial Council for five years. He was asked by the Judicial Council to chair the Task Force on Justice Court Reform.

Mr. Paul Burke is General Counsel at Ray, Quinney & Nebeker and serves as the Chair of the Supreme Court's Advisory Committee on the Rules of Appellate Procedure.

Judge Roger Griffin is a district court judge in Fourth District. He has been on the bench for 16 years. Since American Fork does not have a justice court, he and another judge handle the cases for which a justice court would otherwise have jurisdiction. As such, he is excited to be serving on the Task Force.

Judge Ryan Harris has served on the Court of Appeals for three years. Before that, he served as a district court judge in Third District for six years. Among other things, he is interested in the role the Court of Appeals might have in hearing appeals from small claims cases.

Judge Brian Brower was admitted to the practice of law 21 years ago. He practiced until he was appointed as a justice court judge in 2015. He sits on the bench in Clearfield, Sunset, and Morgan County Justice Courts. In addition, Judge Brower serves on the Board of the Justice Court Judges. He chairs the Board's Trust and Confidence Committee.

Judge Brent Dunlap has been a justice court judge at the Iron County and Parowan City Justice Courts since 2007. Prior to that he was in law enforcement. Judge Dunlap has served on the Board of Justice Court Judges and on the Education Committee for the Justice Courts.

Ms. Anna Anderson was a prosecutor in Chicago before moving to Utah in 2012. From 2012 to 2016, she worked at the District Attorney's Office in Salt Lake County. In 2016 she was appointed as a justice court judge in South Salt Lake City, where she served for three years. During that time, Ms. Anderson served as the Education Director and on the Board of Justice Court Judges. She has since returned to the District Attorney's Office.

Ms. Joanna Landau is the Director of the Utah Indigent Defense Commission. She has been the director since the Commission was created almost four years ago. The Commission was created to oversee indigent defense in all trial courts, including the justice courts.

Mr. Ron Gordon is General Counsel to Governor Herbert. He is grateful for the opportunity to participate on the Justice Court Reform Task Force.

Representative Craig Hall has served in the Utah House of Representatives since 2013. Representative Hall has been serving as in-house counsel for Intermountain Healthcare for approximately six years. He has been practicing law for over 20 years. Representative Hall

noted that he sponsored the bill requiring justice court judges from first- and second-class counties to have law degrees.

Senator Kirk Cullimore has been with the Utah State Legislature for two years. During the day he is an attorney at a high-volume filing office. Given the nature of his practice, he finds himself in small claims court on a regular basis.

Mr. Roger Tew is on the Task Force as a representative of the Utah League of Cities and Towns. He was involved in 1979-1980 with the implementation of the Circuit Court system. From 1981-1985, he was the Executive Director of the Constitutional Revision Commission and responsible for the development and passage of the Judicial Article of the Utah Constitution. And in 2008, he was involved with the reorganization of the justice. He will be able to provide the Task Force with some historical perspective as to why some of the decisions were made.

Commissioner Jerry Taylor serves in Garfield County. He is on the Task Force as a representative of the Utah Association of Counties. He is also President and CEO of a company in West Jordan.

Mr. Jim Peters is the Justice Court Administrator for the Administrative Office of the Courts. He has been with the Utah Courts for 13 years. For the first nine years, he served as a Trial Court Executive for the Fourth District Juvenile Court. He has served as the Justice Court Administrator for almost four years. During that time, he has visited every justice court in the state at least once.

Ms. Cathy Dupont serves as the Deputy State Court Administrator. She came to the Administrative Office of the Courts three years ago to serve as the Appellate Court Administrator. She transitioned to her current position a year ago. Before coming to the Courts, Ms. Dupont worked for 20 years at the Utah Office of Legislative Research and General Counsel.

Mr. Ben Marsden is a third-year law student at Brigham Young University. He is working for several professors over the summer and is currently working at a law firm in Provo. He is serving on the Justice Court Reform Task Force as an extern to assist with any research the Task Force may need.

Ms. Heather Robison is a second-year law student at the University of Utah. She is also serving on the Justice Court Reform Task Force as an extern to assist with any research the Task Force may need.

Judge Farr noted that both Ms. Robison and Mr. Marsden have started working on research projects for the Task Force and thanked them for their willingness to participate. In addition, Judge Farr noted that Professor Anna Carpenter, a professor at the University of Utah Law School, Mr. Ryan Robinson, president-elect of the Utah Statewide Association of Prosecutors & Public Attorneys, and Ms. Molly Davis, a Policy Analyst at Libertas, are all on the call today as guests.

2. Membership:

Having heard those introductions, Judge Farr asked for input with regard to membership of the Task Force. He asked whether any constituency is unrepresented by those who have been appointed thus far. Suggestions included adding a representative from the Utah

Association of Criminal Defense Lawyers, a representative from the Utah Statewide Association of Prosecutors & Public Attorneys and a representative from Salt Lake County.

Motion: Judge Griffin made a motion to add a representative from the Utah Statewide Association of Prosecutors & Public Attorneys and a representative from the Utah Association of Criminal Defense Lawyers to serve on the Justice Court Reform Task Force. Judge Brower seconded the motion. The motion passed without objection.

Judge Farr noted that the Judicial Council has to approve these new positions. He will request that Mr. Ryan Robinson be the designated representative from the Utah Statewide Association of Prosecutors & Public Attorneys and contact the Utah Association of Criminal Defense Lawyers to see whom they would like to appoint to serve on the Task Force.

3. Scope of Work:

The Judicial Council has asked the Task Force to define its own scope of the work. Judge Farr explained that the genesis of the Task Force was the Supreme Court's interest in the de novo appeal process; it can stay as narrow as that but the Supreme Court has also invited the Task Force to look at the justice courts as broadly as it wants to. Ultimately, the Judicial Council will be looking for a written report that contains recommendations for justice court reform. Judge Farr would like to spend the next 12 to 18 months exploring reform in three phases. The first would define what justice courts should look like. The second would explore the rules, statutes and even constitutional changes that need to be made in order to realize that ideal. And the third phase will consider the cost of various options. Judge Farr explained that Cathy Dupont, Michael Drechsel and Jim Peters are the AOC staff that will be putting the final report together. Nancy Merrill from the AOC will be taking minutes for each meeting.

4. Task Force Documents and Materials:

Judge Farr explained that everyone should have received an invitation from justicecourtaskforce@utcourts.gov for a shared folder in Google drive. Mr. Robinson does not yet have access, but Mr. Peters will see that he gets it. The folder currently includes introductory materials, the Sixth Amendment Report, the Ferguson Report and other materials that the Board of Justice Court Judges has reviewed. It will also include any work product that the Task Force is working on. Judge Farr invited members to upload any other materials that they think the Task Force should review.

5. Future Meeting Schedule:

Judge Farr indicated that the Task Force will meet once a month. Meetings will generally be the second or third Friday at noon. He would like to keep the meetings to two hours. Due to COVID-19, and the budget constraints that go with it, it is unlikely that the Task Force will be able to travel the state to reach out as he had envisioned. Instead, meetings will be held via Webex so that people can listen to the meeting live or view the recording afterward.

6. Preparation for Next Meeting:

The next meeting will be held on June 19 at noon via Webex. At the next meeting, Judge Farr would like to start discussing the specific reforms that the Task Force wants to address. He recommends that members review the COSCA recommendations for the next meeting. The recommendations include judicial qualifications and education level, professional administration and management of the court, judicial selection and abandoning the de novo appeal process.

The Board of Justice Court Judges has been discussing these issues for years and has recommendations for the Task Force to consider. Judge Farr will forward these once they are final. He encouraged members to review them. He also invited any members with recommendations to put them in writing and upload them to the Google drive for the Task Force. The externs are available to help with research as the Task Force may require it.

7. Adjourn:

There being no further business, the meeting adjourned at 1:10 p.m.

NEXT MEETING:

**June 19, 2020
Via Webex
12:00 p.m. – 2:00 p.m.**