

# JUDICIAL COUNCIL MEETING

## AGENDA

Wednesday, July 16, 2014

Alpine Springs 1

Westin Hotel

Snowmass, Colorado

*Chief Justice Matthew B. Durrant, Presiding*

Breakfast to be served from 8:15 a.m. – 9:00 a.m. – Alpine Springs 2

1. 9:00 a.m. Welcome & Approval of Minutes . . . . Chief Justice Matthew B. Durrant  
(Tab 1 - Action)
2. 9:05 a.m. Chair's Report. . . . . Chief Justice Matthew B. Durrant
3. 9:15 a.m. Administrator's Report. . . . . Daniel J. Becker
4. 9:30 a.m. Reports: Management Committee. . . . Chief Justice Matthew B. Durrant  
Liaison Committee. . . . . Justice Jill Parrish  
Policy and Planning . . . . . Judge Paul Maughan  
Bar Commission. . . . . John Lund, esq.  
(Tab 2 - Information)
5. 9:40 a.m. Legislative Update. . . . . Rick Schwermer  
(Information)
6. 9:55 a.m. Jury Instruction Committee Placement. . . . . Tim Shea  
(Action)
7. 10:05 a.m. Board of District Court Judges – Judicial Outreach  
Project Update. . . . . Debra Moore  
(Action)
8. 10:15 a.m. Senior Judge Certifications. . . . . Ray Wahl  
(Tab 3 – Action)
- 10:20 a.m. Break
9. 10:35 a.m. Problem Solving Courts Update. . . . . Rick Schwermer  
(Information) Ray Wahl
10. 11:20 a.m. Judicial Council Planning: Selection of 2014-2015  
Study Item. . . . . Daniel J. Becker  
(Information) Rick Schwermer

- 11. 12:20 p.m. Executive Session .....
- 12. 12:25 p.m. Lunch
- 13. 12:55 p.m. Adjourn

**Consent Calendar**

*The consent items in this section are approved without discussion if no objection has been raised with the Admin. Office (578-3806) or with a Council member by the scheduled Council meeting or with the Chair of the Council during the scheduled Council meeting.*

1. Committee Appointments  
(Tab 4 )

Ron Bowmaster  
Ray Wahl

# TAB 1

# JUDICIAL COUNCIL MEETING

**Minutes**  
**Monday, June 23, 2014**  
**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. Greg Orme for Hon. James Davis  
Hon. Brent West for Hon. Glen Dawson  
Hon. George Harmond  
Hon. Thomas Higbee  
Hon. David Marx  
Hon. Paul Maughan  
Hon. David Mortensen  
Hon. Reed Parkin  
Hon. John Sandberg  
Hon. Randall Skanchy  
John Lund, esq.

**EXCUSED:**

Hon. James Davis  
Hon. Glen Dawson  
Hon. David Marx

**STAFF PRESENT:**

Daniel J. Becker  
Ray Wahl  
Jody Gonzales  
Dawn Marie Rubio  
Debra Moore  
Rick Schwermer  
Tim Shea  
Alison Adams-Perlac  
Tom Langhorne  
John Bowers  
Rob Godfrey  
Kris Prince  
Shirley Trujillo

**GUESTS:**

Judge Paul Lyman  
Justice Christine M. Durham  
Judge Elizabeth Lindsley

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

Chief Justice Durrant welcomed everyone to the meeting. A special welcome was extended to Judge Greg Orme who was sitting in for Judge James Davis, and Judge Brent West who was sitting in for Judge Dawson.

**Motion:** Judge Hornak moved to approve the minutes from the May 19, 2014 Judicial Council meeting. Judge Harmond seconded the motion, and it passed unanimously.

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

Chief Justice Durrant reported on the following items:

Last week, Chief Justice Durrant and Mr. Becker met with Mr. Roger Tew and Mr. David Bird, members of the Judicial Compensation Committee.

A letter will be sent to the Judicial Performance Evaluation Commission (JPEC) today regarding JPEC survey comments. A copy of the letter will be sent, by email, to Council members.

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

Mr. Becker reported on the following items:

Judicial Retirements. Judge Lee Dever has announced his upcoming retirement, effective November 1. Applicants from two separate applicant pools will be taken up at the same time by the Third District Nominating Commission when they meet to fill three vacancies resulting from the upcoming retirements for the following judges: 1) Judge Lee Dever, 2) Judge John Kennedy, 3) Judge Denise Lindberg.

Code Book Purchases. Mr. Becker provided the following results from the survey of judges on their preferred type of code book and rule book to include: 1) Annotated Code – 45 sets requested in 2014, compared to 75 sets requested in 2013; 2) Unannotated Code – 215 sets requested in 2014 compared to 312 sets requested in 2013; 3) Rule Books – 206 requested in 2014 compared to 331 requested in 2013; and 4) the cost for code and rule books at this time is down \$42,000.

Judicial Appointments. Governor Herbert has made the following judicial appointments, subject to Senate confirmation: 1) Mr. Roger Griffin to fill the vacancy in the Fourth District with the upcoming retirement of Judge Steven Hansen, and 2) Mr. Brandon Maynor to fill the vacancy in the First District with the upcoming retirement of Judge Ben Hadfield.

New Judge Orientation. Six new judges will be attending new judge orientation this week.

11-Month Case Filing and Juvenile Court Referral Update. Case filings in district court reflect a 4% decrease statewide. Juvenile court referrals reflect a 5% decrease statewide.

Judicial Weighted Caseload. Judicial weighted caseload numbers in the Fourth Juvenile Court and the Fifth District Court are at or exceeding 130%. Both districts are requesting new judgeships, for consideration, to their respective boards.

State Audit. The state auditor's office will be performing an audit of the drug courts.

**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 June.

***Policy and Planning Meeting:***

Judge Maughan reported that the Policy and Planning Committee meeting minutes accurately reflect the issues discussed. Several rules were considered by the Committee at their June meeting which included discussion of an amendment to CJA 4-403 – Signature stamp use. The Committee is looking at amending the rule to include the use of electronic signatures, in addition, to signature stamps. A draft proposal to include the use of electronic signatures in this rule will be presented at the next Policy and Planning Committee meeting.

The remainder of the items for approval will be discussed later on the agenda or included on the consent calendar for approval.

***Bar Commission Report:***

Mr. Lund reported on the following items: 1) the Bar Commission met on June 13; 2) discussion of possible budget/dues increases took place; 3) appointment of the Utah State Bar's new auditor, Tanner and Company; 4) the Commission has approved revised advertising rules for lawyers for submission to the Supreme Court Advisory Committee on Rules for Professional Conduct; and 5) discussion of nominees for Lawyer of the Year and Judge of the Year took place with final selections to be made June 24; and 6) preparing for the Bar's Summer Conference in Snowmass, Colorado in July.

**5. COMMISSIONER AND SENIOR JUDGE PERFORMANCE EVALUATIONS:**

**(Alison Adams-Perlac)**

Chief Justice Durrant welcomed Ms. Adams-Perlac to the meeting.

Ms. Adams-Perlac reviewed the process undertaken by the Policy and Planning Committee in preparing the senior judge and commissioner evaluation performance plans, which are modeled after the performance evaluations given to court employees. She mentioned that the requirements for evaluating senior judges differ from the requirements for evaluating commissioners. Ms. Adams-Perlac noted that checklists, form emails and other available resources are included with the plans, as an outline, to assist evaluators and court administrators in completing the evaluations, but the use of these resources is not mandatory.

Input and/or approval was received from the following: 1) Board of District Court Judges, 2) Board of Juvenile Court Judges, 3) Board of Senior Judges, 4) human resources, 5) all presiding judges, and 6) all TCEs.

Ms. Adams-Perlac reviewed the proposed evaluation performance plans for senior judges and commissioners, as well as, the proposed rule changes with the Council members. She noted that it will be the responsibility of the court executives to ensure the evaluation cycle for senior judges and commissioners is followed. Discussion took place.

**Motion:** Judge Hornak moved to approve the proposed Evaluation Performance Plans for Senior Judges and Commissioners and the proposed rule changes. The motion was seconded, and it passed unanimously.

**6. RULES FOR FINAL ACTION: (Alison Adams-Perlac)**

The Policy and Planning Committee recommended the following rules for final action:  
CJA 4-202.02 – Records classification. This rule has been amended to add a Utah residency requirement for individuals seeking to be credentialed as court-certified interpreters.

CJA 4-405 – Juror and witness fees and expenses. This rule has been amended to increase the rate for jury snacks and breaks from \$3 to \$4 in accordance with the state rate.

CJA 4-906 – Guardian ad litem program. This rule has been amended to allow the Office of Guardian ad Litem to remove a private guardian ad litem who has not met the continuing education requirements from their case assignment roster.

**Motion:** Judge Skanchy moved to approve the rules for final action as proposed by the Policy and Planning Committee. Judge Sandberg seconded the motion, and it passed unanimously.

**7. SENIOR JUDGE CERTIFICATIONS: (Alison Adams-Perlac)**

Judge Steven Hansen has applied to be appointed as an active senior judge. Ms. Adams-Perlac noted that he has met the minimum standards for appointment.

Judge Darwin Poulsen has applied to be appointed as an active senior justice court judge. He has met the minimum standards for appointment.

Judge Elayne Storrs has applied to be appointed as an inactive senior justice court judge. She has met the minimum standards for appointment.

The Board of Justice Court Judges has recommended certification for Judge Darwin Poulsen and Judge Elayne Storrs.

**Motion:** It was moved and seconded to forward the recommendations, on behalf of the Council, to the Supreme Court to certify the following judges: 1) Judge Steven Hansen as an active senior judge – effective July 1, 2) Judge Darwin Poulsen as an active senior justice court judge, and 3) Judge Elayne Storrs as an inactive senior justice court judge. The motion passed unanimously.

**8. STANDING COMMITTEE ON CHILDREN AND FAMILY LAW UPDATE: (Judge Paul Lyman and Ray Wahl)**

Chief Justice Durrant welcomed Judge Lyman to the meeting.

Judge Lyman provided an update to the Council on the activities of the Standing Committee on Children and Family Law. He highlighted the following in his update:

1) noted the membership of the committee, 2) noted the Council's approval, in 2011, of the continuation of the Standing Committee by placing them back on a six-year track for sunset review, 3) noted the work of the Divorce Procedures Subcommittee, and 4) noted the work of the Custody Evaluations Subcommittee.

Chief Justice Durrant thanked Judge Lyman for his update.

**9. LEGISLATIVE UPDATE: (Rick Schwermer)**

Mr. Schwermer highlighted the following in his legislative update: 1) continuing education on Federalism, 2) grand jury reform, 3) expungement of administrative records, 4) Department of Public Safety overview, 5) general policies for serving search warrants, 6) Prison Relocation Committee's efforts, and 7) confirmation of Mr. Michael Leavitt and Mr. Paul Dame as juvenile court judges in the Fifth Juvenile Court.

**10. FIRST DISTRICT – MENTAL HEALTH COURT SPENDING PLAN: (Rick Schwermer)**

In the 2014 Legislative Session, \$75,000 was appropriated to the First District for use with their mental health court needs.

The following is the plan prepared by the First District Court Executive Corrie Keller and Judge Kevin Allen to fund their mental health court: 1) 20% of the funding would be allocated for transitional housing subsidies, 2) 55% of the funding would be allocated for treatment subsidies, 3) 10% of the funding would be allocated for incentives, and 4) 15% of the funding would be allocated for district travel, supplies, training and published materials.

Discussion took place. Concern was expressed regarding funding needs of other mental health courts, in place, statewide. It was suggested to formulate a proposal for future mental health court funding requests.

**Motion:** Mr. Lund moved to approve the First District Mental Health Court spending plan as proposed, with the following conditions: 1) a reporting mechanism will be developed to track how the funding has been spent, 2) funding of the First District Mental Health Court will serve as a pilot for other districts, 3) a report on the increase in the number of participants covered by the program, and 4) monitoring by the appropriate state agency has been requested. A motion to amend clarifying the need to increase the court's capacity to handle more clients was made. Judge Hornak seconded the motion with the amendment, and it passed unanimously.

**11. STANDING COMMITTEE ON EDUCATION UPDATE: (Justice Christine M. Durham, and Tom Langhorne)**

Chief Justice Durrant welcomed Justice Durham and Mr. Langhorne to the meeting.

Justice Durham reported that the Standing Committee has focused their efforts on long-term continuity in development of programs for court and judicial staff with career-spanning educational programming. She noted that Mr. Langhorne is working to improve and regularize conference planning.

Mr. Langhorne provided the following highlights in his update: 1) he thanked the Council for their support and encouragement to the Standing Committee on Education and to the Education Department; 2) members of the Education staff were introduced; 3) succession planning efforts led to development of a non-supervisory staff court skills academy and a middle manager leadership academy; 4) delivery of a Train the Faculty two-day session and an advanced Train the Faculty two-day session to probation officers; 5) secured one-time funding to create a Train the Faculty session for judges to be offered in late spring of 2015; 6) secured one-time funding to develop Utah's first long-term comprehensive District Court Judges curriculum to be completed in the spring of 2015; 7) created online, new judge orientation resources, materials and videos, as a result of funding from an SJI grant; 8) provided live classes for court interpreters addressing various types of civil cases' procedures and legal terms; 9) delivered three of six live classes of the Judicial Administration Certificate Program for court executives, clerks of court, and chief probation officers 10) working towards "paperless" judicial conferences; 11) created and delivered 15 new "live" classes for court employees and AOC staff; 12) created new courses for justice court judges; 13) education room technology upgrade for use with future educational opportunities; and 14) delivered a high volume of educational and professional development opportunities.

Chief Justice Durrant expressed his gratitude to Justice Durham as chair of the Standing Committee of Education, to the committee and to Mr. Langhorne and the Education Department for all they do by way of providing educational opportunities for court and judicial staff.

**Motion:** Judge Hornak moved to enter into an executive session to discuss personnel matters. Judge Harmond seconded the motion, and it passed unanimously.

**12. EXECUTIVE SESSION:**

An executive session was held at this time.



**13. BOARD OF JUVENILE COURT JUDGES UPDATE: (Judge Elizabeth Lindsley and Ms. Dawn Marie Rubio)**

Chief Justice Durrant welcomed Judge Lindsley to the meeting.

Judge Lindsley provided an update to the Council on the activities of the Board of Juvenile Judges. She highlighted the following in her update: 1) project outlines were developed at the Juvenile Justice Reform Summit attended by Judge Lindsley, Mr. Dan Becker, Mr. Ray Wahl, Ms. Dawn Marie Rubio, and Ms. Susan Burke, to be addressed in the coming year; 2) the Board of Juvenile Court Judges will focus on improving ways to help truant youth, 3) the Board of Juvenile Court Judges will focus on improving youth in state care and state custody, 4) the Board of Juvenile Court Judges will focus on detention alternatives and guidelines, 5) Judge Tupaak Renteria, Judge Michael Leavitt, and Judge Paul Dame, are newly confirmed juvenile court judges, 6) Judge Larry Jones has announced his upcoming retirement, and 7) the advancement of a judgeship in the Fourth Juvenile Court will be recommended by the Board of Juvenile Court Judges to the Council at their August Budget and Planning Session.

The priorities set at the Juvenile Justice Reform Summit and approved by the Board of Juvenile Court Judges at their June meeting include: 1) address the issue of low risk but high needs kids penetrating further into the juvenile justice system, and 2) improve defense standards in the juvenile justice system.

Chief Justice Durrant thanked Judge Lindsley for her update.

**14. ADJOURN**

The meeting was adjourned.

# TAB 2

**JUDICIAL COUNCIL MANAGEMENT COMMITTEE  
MINUTES**

**Tuesday, July 8th, 2014  
Matheson Courthouse  
450 South State Street  
Salt Lake City, Utah**

**MEMBERS PRESENT:**

Chief Justice Matthew B. Durrant, Chair  
Hon. Kimberly Hornak  
Hon. George Harmond  
Hon. James Davis  
Hon. John Sandberg  
Hon. Randall Skanchy

**STAFF PRESENT:**

Daniel J. Becker  
Ray Wahl  
Jody Gonzales  
Debra Moore  
Dawn Marie Rubio  
Rick Schwermer  
Tim Shea  
Carol Price  
Tom Langhorne  
Kim Allard  
Pattie Opheikens  
Jymn Edwards  
Nancy Sylvester

**EXCUSED:**

**GUESTS:**

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

Chief Justice Durrant welcomed everyone to the meeting. He welcomed Judge Davis back. After reviewing the minutes, the following motion was made:

**Motion:** Judge Hornak moved to approve the minutes. Judge Skanchy seconded the motion, and it passed unanimously.

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

**Judicial Nominations.** The Appellate Nominating Commission has submitted their selection of nominees to the Governor in filling the vacancy resulting from the resignation of Judge Carolyn McHugh, due to her confirmation as a judge of the US 10<sup>th</sup> Circuit Court of Appeals.

**Judicial Retirements.** Currently, there are five judges in the Third District who have announced their upcoming retirements. They include: 1) Judge Terry Christiansen, 2) Judge Lee Dever, 3) Judge John Kennedy, 4) Judge Denise Lindberg, and 5) Judge Robin Reese.

Mr. Becker mentioned that the Third District Nominating Commission will consider nominees to fill these five vacancies with three different application pools. He noted that there will probably be a 3-4 week timeframe at the beginning of January when the Third District may be short two judges.

Mr. Becker provided statistics regarding the makeup of the judges serving on the bench for the Utah State Courts to include: 1) average age of judges, 2) experience prior to

appointment, 3) background of legal service prior to appointment, and 4) years of legal experience.

Judicial Council Planning. Mr. Becker reviewed potential 2014-2015 study item topics with the Management Committee as a preview of the discussion to take place at the July Council meeting in Snowmass, Colorado.

**3. COMMITTEE APPOINTMENTS: (Ray Wahl and Kim Allard)**

The Standing Committee on Children and Family Law recommended the reappointment of the following members for a second term: 1) Ms. Anna Trupp, custody evaluator; and 2) Ms. Laura Thompson, Attorney General's office representative. Both committee members have agreed to serve a second term.

**Motion:** Judge Skanchy moved to approve the reappointment of Ms. Anna Trupp and Ms. Laura Thompson to serve a second term on the Standing Committee on Children and Family Law and place it on the July Judicial Council consent calendar. Judge Davis seconded the motion, and it passed unanimously.

The Standing Committee on Court Technology recommended the appointment of Mr. Blake Miller to fill a vacancy on the committee for a Utah State Bar representative.

**Motion:** Judge Davis moved to approve the appointment of Mr. Blake Miller to serve as the Utah State Bar representative on the Standing Committee on Court Technology and place it on the July Council consent calendar. Judge Hornak seconded the motion, and it passed unanimously.

**4. SECURITY REVIEWS: (Carol Price)**

Chief Justice Durrant welcomed Ms. Price to the Meeting.

Ms. Price provided a summary of the most recent security reviews to include the following locations: 1) Beaver, 2) Fillmore, 3) Manti, 4) Spanish Fork, and 5) American Fork.

She highlighted areas in need of improvement to include: 1) inadequate weapon screening process, 2) improperly placed administrative search signs, 3) duress alarms not routinely tested, 4) evacuation drills not routinely held, 5) outdated local security plans, and 6) not routinely auditing security access cards.

Ms. Price made particular note of the weapon screening process. Discussion took place on what steps should be taken to address this matter.

**5. RULE 3-403 – AMENDING LANGUAGE: (Tom Langhorne)**

Chief Justice Durrant welcomed Mr. Langhorne to the meeting.

Mr. Langhorne reported that new judge orientation has recently been revised. New judge orientation will be offered twice a year instead of once a year to allow for new judges to attend within the first six months of their appointment and confirmation.

An amendment to the rule has been proposed which would require new judges and court commissioners to participate in the first designated new judge orientation offered closest to the judge's final Senate confirmation, unless attendance is excused for good cause by the Management Committee.

The proposed amendment will be reviewed by the Policy and Planning Committee at their August meeting.

**6. BOARD OF DISTRICT COURT JUDGES – JUDICIAL OUTREACH PROJECT: (Debra Moore)**

Ms. Moore provided an update to the Management Committee on the Board of District Court Judges Judicial Outreach Project. The Board of District Court Judges has set a goal to increase the level of participation for district court judges with judicial outreach opportunities.

They are focusing their efforts on participation in judicial outreach opportunities with the upcoming September 17 Constitution Day. Currently, teachers throughout the state who are interested in a civic presentation or outreach opportunity, post their requests on the Utah State Bar's website. Judges and attorneys interested in participating can then select available dates.

District court judges interested in participating in the upcoming Constitution Day outreach opportunities would block out two to three half days the week before, during and after Constitution Day, in advance, to allow for it. After the outreach opportunity has been completed, the district court judge would provide a report to their respective presiding judge. The outreach report would then be placed on their respective district court bench meeting agenda as an item for discussion. The Board of District Court Judges would also discuss these outreach efforts with the presiding judges in each district when they have their scheduled meetings.

The Board of District Court Judges has requested formal support from the Chief Justice to encourage district court judges to become involved in judicial outreach efforts.

**7. SALT LAKE COUNTY JUSTICE COURT – WAIVER REQUEST: (Rick Schwermer)**

The Salt Lake County Justice Court is requesting a waiver per Rule 9-105 – Justice court hours, to allow them to follow the County's calendar instead of the State's calendar. With this request, they are asking for approval to allow the court to be open on Columbus Day and closed the Friday after Thanksgiving.

Mr. Schwermer reviewed Rule 9-105 with the members of the Management Committee. Discussion took place.

**Motion:** Judge Sandberg moved that the waiver request not be considered on its merits because the rule does not allow for the requested deviation from the State calendar. Judge Skanchy seconded the motion, and it passed unanimously.

**8. LEGAL REPRESENTATION IN JUSTICE COURTS: (Rick Schwermer)**

Mr. Schwermer provided background on the study of indigent defendants in the Appellate, District and Justice Court by a Council study committee. He noted that funding through a federal grant has been provided for study of indigent representation in justice courts.

Deficiencies in the justice courts relative to indigent representation was brought to the attention of the courts by the Six Amendment Center. Recently, Mr. Brent Johnson, Mr. Rick Schwermer, Judge Stephen Roth, and Judge Fred Voros participated in a conversation with the Sixth Amendment center on this matter.

Discussion took place on the best course of action to take.

**9. JURY INSTRUCTION COMMITTEE PLACEMENT: (Tim Shea)**

Mr. Shea provided background information on the current placement of the Jury Instruction Committee, which is under the direction of the Supreme Court.

Recent discussion has taken place regarding the best placement of the committee, whether to place the committee under the direction of the Bar Commission. As an alternative, the Management Committee was asked to consider placement under the Judicial Council.

Discussion took place.

The Management Committee agreed to place this matter on the July Council agenda for further discussion and action.

**10. VIDEO INSTALLATION PROPOSAL: (Pattie Opheikens and Jynn Edwards)**

Mr. Becker reminded the Management Committee of the recommendation made by the Remove Services Subcommittee, at the February Council meeting, to install appropriate equipment in 16 remote courtrooms. During the 2014 Legislative Session, \$300,000 was appropriated to assist with these efforts. It was noted that the appropriated funds must be used in FY 2015.

The proposed installation schedule was reviewed. Discussion took place.

Ms. Opheikens and Mr. Edwards responded to questions asked.

The Management Committee was in agreement to move forward with the scheduled installations, allowing the IT Department to adjust the schedule as necessary.

**11. PROCESS FOR CONSIDERING RULE 4-401.01: (Brent Johnson and Daniel J. Becker)**

Mr. Becker reminded the Management Committee of the Council's decision to amend Rule 4-401.01 – Electronic media coverage of court proceedings at the April 28 meeting on an expedited basis.

Upon approval on an expedited basis, the rule was published for comment. Many comments have been received. The majority of the comments received are from the media relative to the proposed change dealing with reversing the presumption in favor of coverage for domestic-related cases.

The question before the Management Committee deals with where the comments should be sent. The Judicial Outreach Committee was the group instrumental in developing the rule. Discussion took place.

Mr. Becker and Mr. Johnson suggested that the comments be sent to the Policy and Planning Committee for their review.

The Management Committee was in agreement to sending the comments, dealing with the amendments to Rule 4-401.01, to the Policy and Planning Committee for further review.

**12. APPROVAL OF JUDICIAL COUNCIL AGENDA: (Chief Justice Matthew B. Durrant)**

Chief Justice Durrant reviewed the proposed Council agenda for the July 16 Council meeting.

**Motion:** Judge Hornak moved to approve the agenda for the July 16 Council meeting as amended. Judge Harmond seconded the motion, and it passed unanimously.



**13. ADJOURN**  
The meeting was adjourned.



**TAB 4**



# Utah Court of Appeals



John A. Pearce  
Judge

450 South State Street, Fifth Floor  
P.O. Box 140230  
Salt Lake City, Utah 84114-0230  
(801)-578-3950  
FAX (801)-238-7981

June 18, 2014

Chief Justice Matthew B. Durrant  
450 South State Street  
Salt Lake City, Utah 84111

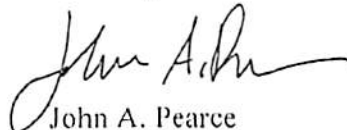
Re: Utah State Bar Association Representative on the Standing Committee on  
Court Technology

Dear Chief Justice Durrant:

I serve as the chair of the Standing Committee on Court Technology. The Committee develops and then recommends to the Judicial Council, plans, priorities, and strategies that guide and govern technology as applied to Utah's courts and management structure. At present, there is a vacancy on the Committee due to the departure of the member representing the Utah State Bar Association.

The Bar Association has recommended Mr. Blake Miller for consideration for this appointment. I ask that the Council approve the nomination of Mr. Miller to serve the remainder of the unexpired term on the Technology Committee.

Sincerely,

  
John A. Pearce  
Utah Court of Appeals

cc: Ron Bowmaster

MEMORANDUM

**TO:** Management Committee

**FROM:** Ray Wahl, Staff  
Standing Committee on Children and Family Law

**RE:** Standing Committee on Children and Family Law Appointments

**DATE:** July 1, 2014

On behalf and with the concurrence of the chairs of the committee, Judges Thomas and Lyman, we are requesting the reappointment of two members of the Standing Committee on Children and Family Law.

**Anna Trupp**, is a custody evaluator who has served on the committee for one term. She is a regular attender at the meetings, and provides the perspective to the committee of a person who actually completes custody evaluations. This topic comes up on a consistent basis. She has agreed to serve an additional term.

**Laura Thompson**, who represents the Attorney General's office, has also served on the committee for one term. While she has recently changed assignments, she has a substantial background in family and child welfare matters. She is a regular attender at the meetings, and her expertise is helpful when discussing family law issues. She has agreed to serve an additional term.

The chairs would recommend that these two individuals be appointed to a second term for a period of three years. I will be available to answer questions should the Management Committee have any.

**cc:** Judge Paul Lyman  
Judge Douglas Thomas.