

JUDICIAL COUNCIL MEETING

AGENDA

**Monday, June 22, 2015
Judicial Council Room
Matheson Courthouse
Salt Lake City, Utah**

Chief Justice Matthew B. Durrant, Presiding

1. 9:00 a.m. Welcome & Approval of Minutes Chief Justice Matthew B. Durrant
(Tab 1 - Action)
2. 9:05 a.m. Oath of Office. Chief Justice Matthew B. Durrant
3. 9:10 a.m. Chair's Report. Chief Justice Matthew B. Durrant
4. 9:20 a.m. Administrator's Report. Daniel J. Becker
5. 9:35 a.m. Reports: Management Committee. . . . Chief Justice Matthew B. Durrant
Liaison Committee. Judge David Mortensen
Policy and Planning Judge Reed Parkin
Bar Commission. John Lund, esq.
(Tab 2 - Information)
6. 9:45 a.m. Standing Committee on Children and Family Law
Update. Judge Doug Thomas
(Tab 3 - Information) Ray Wahl
7. 10:05 a.m. Legislative Update. Rick Schwermer
(Tab 4 - Information)
8. 10:20 a.m. Siting of the Provo Courthouse Approval. Alyn Lunceford
(Tab 5 - Action)
- 10:30 a.m. Break
9. 10:40 a.m. Juvenile Restraint Rule. Alison Adams-Perlac
(Action)
10. 11:00 a.m. Indigent Representation Committee Interim Report. . . Judge Stephen Roth
 - A. Proposed Rule Change
(Tab 6 - Action)
 - B. Committee Progress Report
(Information)

TAB 1

JUDICIAL COUNCIL MEETING

Minutes

Monday, May 29, 2015
Judicial Council Room
Matheson Courthouse
Salt Lake City, Utah

Chief Justice Matthew B. Durrant, Presiding

ATTENDEES:

Chief Justice Matthew B. Durrant
Hon. Kimberly K. Hornak, Vice Chair
Justice Thomas Lee
Hon. Marvin Bagley
Hon. Ann Boyden
Hon. Glen Dawson
Hon. Thomas Higbee
Hon. Rick Romney for Hon. David Marx
Hon. David Mortensen
Hon. Reed Parkin
Hon. John Sandberg
Hon. Randall Skanchy
Hon. Kate Toomey
John Lund, esq.

EXCUSED:

Hon. David Marx

STAFF PRESENT:

Daniel J. Becker
Jody Gonzales
Dawn Marie Rubio
Debra Moore
Tim Shea
Alison Adams-Perlac
Nancy Volmer
Rosa Oakes
Alyn Lunceford
Brent Johnson

GUESTS:

Judge Charles Behrens
Jerry Taylor, Escalante City Mayor
Stephanie Steed, Escalante City

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

Chief Justice Matthew B. Durrant welcomed everyone to the meeting. He extended a special welcome to Judge Rick Romney who was sitting in for Judge David Marx and to Justice Thomas Lee who has replaced Justice Parrish on the Council.

Motion: Judge Skanchy moved to approve the minutes from the April 27, 2015 Judicial Council meeting. Judge Parkin seconded the motion, and it passed unanimously.

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

Chief Justice Durrant reported on the following items:

The Supreme Court has created the *Supreme Court Task Force to Examine Limited Legal Licensing*. The task force will review Washington State's limited license legal technician program, as well as, other similar programs.

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

Mr. Becker reported on the following items:

Judicial Council Membership. The Utah State Bar Commission recently approved the reappointment of Mr. John Lund to serve a second term on the Judicial Council.

Treatment Center Dedication. The Atherton Community Treatment Center (formerly the Fremont Community Correctional Center), was dedicated in honor of Judge Judith Atherton on May 14.

Ten-Month Case Filing Update. District court case filings, overall, reflect a 1% decrease. Juvenile court referrals, overall, reflect a 2% decrease. Justice court case filings, overall, reflect a 6% decrease.

District Court Conference. The conference was held May 18-20. A presentation on the evaluation of Rule 26 was provided by Ms. Paula Hannaford-Agor of the National Center for State Courts, and considerable time was set aside for a presentation and discussion on the justice reinvestment initiative and evidence-based practices.

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 May.

Policy and Planning Meeting:

Judge Parkin reported on the following items: 1) the Policy and Planning Committee continues to address rule changes and policies brought before them; 2) a rule for final action is on the agenda, for approval, later in the meeting; and 3) the committee will hold their next meeting on June 5.

Bar Commission Report:

Mr. Lund reported on the following items: 1) the Bar Commission has created the Affordable Attorneys for All Task Force, 2) license renewal for bar members this year will include a question relative to what pro bono work the attorney has participated in, 3) the Bar's fall forum this year will be expanded to a two-day event, and 4) the policy issue of whether segments of a bar conference can be sponsored in exchange for a presentation slot will be discussed further by the Bar Commission.

Justice Thomas Lee, Supreme Court, was sworn in to replace Justice Jill Parrish who resigned due to her confirmation as a federal judge for the Utah district.

Today will be Judge John Sandberg's last day on the Council. Chief Justice Durrant expressed his gratitude to Judge John Sandberg for his many contributions on the Council and for his many years of service to the Utah court system.

5. COUNCIL COMMITTEE APPOINTMENTS: (Chief Justice Matthew B. Durrant)

Chief Justice Durrant recommended the following Council Committee appointments: 1) Judge Kate Toomey to replace Judge Jim Davis on the Management Committee, 2) Judge David Marx to replace Judge John Sandberg on the Management Committee, 3) Judge Paul Farr to replace Judge David Marx on the Liaison Committee, and 4) Justice Thomas Lee to replace Justice Jill Parrish on the Liaison Committee.

Motion: Judge Hornak moved to approve the Council committee appointments as recommended. Judge Boyden seconded the motion, and it passed unanimously.

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

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

The Policy and Planning Committee recommended final action be taken on Rule CJA 04-0401.01 – Electronic media coverage of court proceedings. Ms. Alison Adams-Perlac reviewed the amendments to the rule and comments received during the public comment period with members of the Council.

Rule CJA 04-0401.01 – Electronic media coverage of court proceedings. The rule was amended to address the following: 1) provides a presumption of electronic media coverage in court proceedings where the predominant purpose of the coverage is journalism or dissemination of news to the public, 2) provides that all requests for electronic media coverage must come through the court's public information office, and 3) requires that new reporters providing pool coverage shall promptly share their files with other news reporters and that news reporters must be willing and able to share their files to be approved to provide coverage.

The amendments to the rule were approved by the Council at their February meeting, and they were then sent out for public comment. Ms. Adams-Perlac noted that the majority of the comments were favorable. After consideration of the public comments by the Policy and Planning Committee; they voted to recommend the proposed amendments to the rule, as written, to the Judicial Council.

At the request of Mr. Becker, Ms. Adams-Perlac provided background information on the history of the rule for new members of the Council. Ms. Adams-Perlac responded to questions asked of her.

Discussion took place.

Motion: Judge Higbee moved to approve the recommended changes to Rule CJA 04-0401.01 – Electronic media coverage of court proceedings. Judge Hornak seconded the motion, and it passed unanimously.

7. LANGUAGE ACCESS COMMITTEE UPDATE: (Judge Rick Romney, Alison Adams-Perlac, and Rosa Oakes)

Chief Justice Durrant welcomed Judge Rick Romney, Ms. Alison Adams-Perlac, and Ms. Rosa Oakes to the meeting.

Judge Romney highlighted the following in his update, on behalf of the Language Access Committee: 1) committee membership, 2) program timeline, 3) strategic plan update, 4) continued dedication to committee goals, and 5) the committee's current focus.

The strategic plan goals set by the Language Access Committee include: 1) cultural awareness – provide training for court staff, 2) community outreach – continue to educate the public on the right to interpreters, 3) quality interpretation – establish methods of ensuring the quality of interpretation, and 4) education – improve educational opportunities for court staff, judges, attorneys and others.

Ms. Oakes and Ms. Adams-Perlac responded to questions asked of them.

Chief Justice Durrant thanked Judge Romney, Ms. Adams-Perlac and Ms. Oakes for their update to the Council.

8. FACILITIES STANDING COMMITTEE UPDATE: (Judge Charles Behrens and Alyn Lunceford)

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

Judge Behrens and Mr. Lunceford highlighted the following in their update to the Council relative to the committee's responsibilities: 1) completed a study of Carbon County; 2) a current and ongoing study is being completed in Sanpete County; 3) a future study will be completed in Iron County, 4) the additional courtroom in Summit County has been completed; 5) the Ogden Juvenile Courthouse is nearing completion; 6) the Duchesne County Courthouse expansion project is underway; 7) the design phase for the new Provo Courthouse will start this summer, with anticipated completion by mid 2018; 8) reviewed the 2015 Facilities Master Plan; 9) reviewed the list of leased court facilities; 10) reviewed the list of juvenile probation facilities projects; and 11) reviewed the list of other projects relative to county court facilities.

Chief Justice Durrant thanked Judge Behrens and Mr. Lunceford for their update.

Motion: Judge Boyden moved to reauthorize the Court Facilities Standing Committee and approve the 2015 Facilities Master Plan as prepared. Judge Hornak seconded the motion, and it passed unanimously.

9. JUVENILE COURT E-FILING UPDATE: (Dawn Marie Rubio and Brody Arishita)

Chief Justice Durrant welcomed Ms. Rubio and Mr. Arishita to the meeting.

Ms. Rubio and Mr. Arishita highlighted the following in their update to the Council regarding the juvenile court e-filing efforts: 1) provided an overview of the phases and timelines, 2) reviewed the CARE and e-filing functionality, and 3) provided an overview of the implementation and roll-out activities.

The juvenile court e-filing implementation plan is outlined as follows: 1) Phase I – MyCase Module, 2) Phase II – New Case Creation Module, and 3) Phase III – Self –Represented Litigant Module.

The following roll-out activities were highlighted: 1) a series of information flyers announcing the juvenile court e-filing rollout have been prepared, 2) an article has been drafted for the Utah Bar Journal, 3) development of OTP modules, and 4) availability of CARE trainers and e-filing specialist to provide in-depth training.

Ms. Rubio expressed her appreciation to Mr. Arishita and all of the IT staff involved with the juvenile court e-filing efforts.

10. ESCALANTE CITY JUSTICE COURT DISSOLUTION REQUEST: (Daniel J. Becker)

Chief Justice Durrant welcomed Mr. Jerry Taylor, Escalante City Mayor and Ms. Stephanie Steed, Escalante City clerk to the meeting.

Mr. Becker provided background information relative to Escalante City's request to waive the two-year waiting period and dissolve their justice court effective June 30, 2015.

Escalante City has contacted the Garfield County Justice Court relative to consolidating their court with Garfield County. Garfield County has expressed interest in the consolidation.

Motion: Judge Hornak moved to waive the two-year waiting period required for dissolution of the Escalante City Justice Court and approve dissolution of their court, effective June 30, 2015. Judge Toomey seconded the motion, and it passed unanimously.

Motion: Judge Hornak moved to enter into an executive session to discuss professional competency and litigation issues. Judge Toomey seconded the motion, and it passed unanimously.



11. **EXECUTIVE SESSION**
An executive session was held at this time.

12. **ADJOURN**
The meeting was adjourned.



TAB 2

**JUDICIAL COUNCIL MANAGEMENT COMMITTEE
MINUTES**

**Tuesday, June 9th, 2015
Matheson Courthouse
450 South State Street
Salt Lake City, Utah**

MEMBERS PRESENT:

Chief Justice Matthew B. Durrant, Chair
Hon. Kimberly Hornak
Hon. David Marx
Hon. Randall Skanchy

EXCUSED:

Hon. Kate Toomey

STAFF PRESENT:

Daniel J. Becker
Ray Wahl
Jody Gonzales
Dawn Marie Rubio
Rick Schwermer
Nancy Sylvester
Nancy Volmer

GUESTS:

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

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

Motion: Judge Hornak moved to approve the May 12, 2015 Management Committee meeting minutes. Judge Skanchy seconded the motion, and it passed unanimously.

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

He reported on the following items:

Legislative Audits. An entrance conference was held on June 8 between AOC staff and legislative audit staff regarding two audits they would like to conduct. The audits deal with the following matters: 1) the warrant process in the Third District, and 2) the use of cash bonds by judges in several districts as an alternative to the use of the bail bonds process.

Mr. Schwermer provided information regarding discussion of the cash bond vs. bail bonds process at a legislative meeting held on the afternoon of May 8.

Judicial Appointment. Ms. Elizabeth Knight, GAL Director, has been appointed by the Governor to the Third District Juvenile Court judicial vacancy, pending confirmation.

JPEC Update. Mr. Schwermer provided an update from the meeting held earlier in the day to include: 1) the commission's decision to report the applicable margin of error for each survey completed for each judge, and 2) JPEC's request of the Criminal Justice Center (CJC) to validate the basic math and data collected on surveys compiled on judges up for retention.

3. COMMITTEE APPOINTMENT: (Nancy Sylvester)

The Committee on Resources for Self-Represented Parties has a vacancy for a representative from the Utah State Bar with the expiration of Mr. Robert Jeff's term.

The following applicants have expressed interest in filling the vacancy: 1) Ms. Teresa Conaway, 2) Mr. Jason Fuller, 3) Ms. Patricia LaTulippe, 4) Ms. Shaunda McNeill, 5) Ms. Padma Veeru-Collings, and 6) Mr. Simon So.

The Committee on Resources for Self-Represented Parties committee chair recommended the appointment of Ms. Shaunda McNeill to fill the vacancy for a representative from the Utah State Bar on the committee.

Motion: Judge Skanchy moved to approve the appointment of Ms. Shaunda McNeill to fill the vacancy for a representative from the Utah State Bar on the Committee on Resources for Self-Represented Parties and place it on the June Judicial Council consent calendar. Judge Marx seconded the motion, and it passed unanimously.

4. DEFENSE OF JUDGES: (Judge Randall Skanchy and Nancy Volmer)

Mr. Becker distributed a copy of a handout of the *Utah State Bar Program for Addressing Criticism of Courts and Judges* to members of the Management Committee.

Judge Skanchy provided background information on the memo distributed to members of the Utah State Bar on *Utah Judge Sued in Federal Court for Civil Rights Violations Alleging Conspiracy, Bias & Using Bench to Help Friends* filed by two self-represented litigants.

Judge Skanchy requested discussion and consideration by the Management Committee on what steps, proactively, can be taken by the judiciary regarding such matters in the future.

Discussion took place.

Ms. Volmer mentioned what has been done, in the past, with similar matters.

The Management Committee agreed to have Ms. Volmer prepare an email to be distributed to all district, juvenile, appellate and justice court judges on the process for addressing criticism of courts and judges. A copy of the Utah State Bar's process will be included with her email. She will include, in future new judge orientation sessions, information on the process for responding to unjust criticism.

5. UTAH RETIREMENT MEMBERSHIP COUNCIL: (Daniel J. Becker)

Mr. Becker provided background information relative to membership selection by the Council to the Utah Retirement Membership Council.

Judge James Davis has resigned as the Council's appointee to the Utah Retirement Membership Council.

Mr. Becker recommended that Judge Kimberly K. Hornak be appointed to serve on the Utah Retirement Membership Council.

Motion: Judge Skanchy moved to approve the appointment of Judge Kimberly K. Hornak to serve on the Utah Retirement Membership Council and place it on the June Judicial Council consent calendar. Judge Marx seconded the motion, and it passed unanimously.

6. PROCEDURAL JUSTICE PROPOSAL: (Rick Schwermer)

Mr. Schwermer distributed a Request for Proposals from the Center for Court Innovation and the U.S. Department of Justice's Bureau of Justice Assistance for the *2015 Procedural Justice Site Solicitation*.

Criminal courts interested in being assessed for their use of procedural justice practices

are invited to submit proposals. Four courts will be selected to receive an on-site assessment.

The selected sites will work with staff from the Center for Court Innovation to document how they are advancing the following four key practice areas: 1) providing information about court procedures to court users (e.g. litigants, victims, and witnesses) and the community at large, 2) fostering a user-friendly courthouse environment, 3) developing mechanisms to solicit and respond to feedback from staff and court users, and 4) improving the communication strategies used by judges and other court staff.

Each site will receive national attention for their participation in the project, and observations of participating court sites will be featured in the project's final report.

Applications are due by Friday, June 12. Discussion took place.

Members of the Management Committee agreed that the AOC staff should prepare and submit a proposal.

7. ONLINE DISPUTE RESOLUTION PROPOSAL: (Daniel J. Becker)

Mr. Becker distributed a copy of the Online Dispute Resolution Proposal.

He highlighted the following relative to the proposal: 1) workgroup membership; 2) court settings using online dispute resolution (ODR) include the United Kingdom, British Columbia, and the Netherlands; 3) court applications in the U.S. have been limited to a few small pilot projects; 4) possible applications in a state court setting discussed by the workgroup included use of online dispute resolution in small claims cases, small amount civil actions, landlord

tenant cases, and certain elements of domestic relations cases; and 4) a demonstration of available technology by a principal commercial vendor was provided to the workgroup.

Discussion took place.

The question was asked relative to possible uses of online dispute resolution (ODR) in juvenile court. Mr. Becker provided a response.

The Management Committee agreed to place the Online Dispute Resolution Proposal on the June Council agenda for further action.

8. JUSTICE COURT TECHNOLOGY, SECURITY TRAINING GRANT: (Rick Schwermer)

Mr. Schwermer reviewed the process undertaken by the Board of Justice Court Judges in approving the requests for funding from the Justice Court Technology, Security and Training Grant. He provided clarification on several requests.

Mr. Schwermer recommended that the Management Committee reconsider the request made by the Salt Lake City Justice Court for funding of a Weapon's Identification Training Course in the amount of \$3,500 for new court security officers. He provided an explanation for reconsidering the request.

Motion: Judge Hornak moved to approve the grant funding as approved and submitted by the Board of Justice Court Judges with the amendment to include funding for the Weapon's Identification Training in the amount of \$3,500 as requested by the Salt Lake City Justice Court. Judge Skanchy seconded the motion, and it passed unanimously.

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

Chief Justice Durrant reviewed the proposed Council agenda for the June 22 Council meeting.

Motion: Judge Skanchy moved to approve the Council agenda for the June 22 Council meeting as amended. Judge Hornak seconded the motion, and it passed unanimously.

10. **ADJOURN**

The meeting was adjourned.

TAB 3



Utah State Courts

Report to the Judicial Council

Standing Committee on Children
and Family Law

June 22, 2015

Membership

- Judge Paul Lyman—
Co-Chair
- Judge Douglas
Thomas— Co-Chair
- Judge Sherene Dillion
- Judge John Walton
- Comm. Michelle
Blomquist
- Anna Trupp
- Sen. Todd Weiler
- Dawn Marie Rubio
- Laura Thompson
- Mark Brasher
- Adam Caldwell
- Sophia Moore
- Nini Rich
- Elizabeth Knight
- Ray Wahl - Staff

Sunset of Committee

- In May of 2011, the Council was presented with a recommendation to not sunset the committee
- The Council approved the continuation of standing committee at that time

Two Subcommittees

- Divorce Procedures (ongoing)
- Custody Evaluations (ongoing)

Divorce Procedures Subcommittee – chaired by Comm. Blomquist

- Rule 101 Passed by the Rules Committee in May and will be scheduled in front of the Supreme Court in July.
- Rule 109, would create automatic temporary injunctions in domestic cases. The proposal is similar to other states automatic temporary orders.

Divorce Procedures (cont'd)

- Rule 108 – Discussions are underway to craft language that would receive universal interpretation by attorneys and judges.
- Discovery – the subcommittee is looking at the discovery rules and how they affect domestic cases.

Custody Evaluation Subcommittee – chaired by Adam Caldwell

- Addressing Rule 4-903 – Uniform custody evaluations.
- Rule addressed who can do the evaluations, who shall bear the costs, the timing of the evaluation, and the factors to be considered in the evaluation.
- Two additional issues will be studied – a shortened version of the process and parent time evaluation.

Custody Evaluations (cont'd)

- The draft rule is being reviewed by the Family Law Section of the Bar before it is referred to the Rules of Civil Procedure Committee

Present Discussions

- The committee has discussed the use of special masters and potential changes to Rule 53.
- Discussion resulted in a request for additional research on what other states are doing, referring the matter to the Family Law Section of the Bar, and potential training for special masters on domestic violence.

TAB 4



INTERIM HIGHLIGHTS

Office of Legislative Research and General Counsel
House Building, Suite W210 • Salt Lake City, Utah 84114 • (801) 538-1032

LEGISLATIVE INTERIM MEETINGS
Meetings were held May 20, 2015, or as noted.

IN THIS ISSUE:

*(Click on the committee
you would like to view)*

**Administrative Rules Review
Committee**

Business and Labor

**Economic Development and
Workforce Services**

Education

Federal Funds Commission

Government Operations

Health and Human Services

Judiciary

**Law Enforcement and Criminal
Justice**

**Legislative Management
Committee**

**Legislative Subcommittee on
Oversight**

**Natural Resources, Agriculture,
and Environment**

Political Subdivisions

Public Utilities and Technology

Revenue and Taxation

**Senate Judicial Confirmation
Committee**

Transportation

**Utah International Relations and
Trade Commission**

Utah Tax Review Commission

Administrative Rules Review Committee

April 27, 2015

Law Enforcement Use of Force

Discussed use of force by law enforcement officers, with an emphasis on the training that Utah law enforcement officers receive. The discussion focused on specific training used to help law enforcement officers de-escalate situations.

May 08, 2015

Rules Governing Undivided Fractionalized Long-Term Estates

Discussed whether current Real Estate Division rules governing undivided fractionalized long-term estates exceed the Real Estate Commission's rulemaking authority. The committee suggested that the legislator who brought the issue to the committee submit proposed rule changes to the Real Estate Division, work with the division to resolve the issue, and then contact the committee with an update.

Administrative Rules and Policies Governing How School Districts Address Assaults Involving Secondary Students

Discussed whether the process used by a local school district to investigate cases where a student assaults another student should be governed by a state administrative rule rather than being determined by the individual school district.

The committee also discussed ways to ensure that the victim has the opportunity to participate in the process. The state superintendent of public instruction committed to review the issue and report findings and recommendations to the committee.

Law Enforcement Use of Force

Continued the committee's April 27 discussion of use of force by law enforcement officers, with an emphasis on the training that Utah law enforcement officers receive. The discussion again focused on specific training used to help law enforcement officers de-escalate situations.

*Chairs: Rep. Curtis Oda / Sen. Howard A. Stephenson
Staff: Art L. Hunsaker (Policy Analyst) / Christine R. Gilbert (Attorney) / Tracey Fredman (Secretary)*

Business and Labor

U.S. Supreme Court Case Regarding Licensing

Reviewed the U.S. Supreme Court ruling *North Carolina State Board of Dental Examiners v. FTC*, which addresses antitrust immunity for state boards, committees, and commissions. The committee received a presentation from committee staff and discussed potential implications for Utah. The committee requested that staff work with the executive branch to provide more detailed information relevant to this case regarding certain boards, committees, and commissions.

(Continued next page)

Long-Term Planning

Received a presentation from committee staff regarding population and demographic trends in Utah.

New Motor Vehicle Sales

Discussed issues relating to the automobile dealer franchising process. Current state law prohibits a vehicle manufacturer from selling vehicles in Utah directly to consumers. The committee received comments from various stakeholders regarding changing this restriction and encouraged stakeholders to continue discussions on this issue.

Overview of Study Topics

Reviewed a list of interim study topics, sunset reviews, and reports.

Chairs: Rep. Val L. Peterson / Sen. Curtis S. Bramble

Staff: Joseph T. Wade (Policy Analyst) / Patricia Owen (Attorney) / Samuel C. Johnston (Attorney) / Lucy W. Daynes (Secretary)

Economic Development and Workforce Services

Air Quality and Utah Economic Development

Received presentations from committee staff and from the Division of Air Quality, Envision Utah, Economic Development Corporation of Utah, Utah Clean Air Partnership, and the Salt Lake Chamber of Commerce on the relationship between air quality and economic development. In 2013, the Economic Development Task Force found that "poor air quality is a threat to the state's economic development and continued growth" and that "improving air quality should be a priority." Presentations included new information for improving mitigation efforts, the ongoing impacts of air quality issues on economic development in the state, and strategies to address air quality issues.

Long-Term Planning

Received a briefing from committee staff on Legislative Rule IR2-2-103, which requires each interim committee to devote part of its May meeting to long-term planning for the policy areas over which the committee has jurisdiction.

Received presentations from representatives of the Department of Heritage and Arts, the Department of Workforce Services, and the Governor's Office of Economic Development on emerging long-term issues.

Economic Development and Workforce Services — 2015 Legislation

Received a briefing from committee staff on committee related bills that passed during the 2015 General Session.

Chairs: Rep. Rebecca P. Edwards / Sen. Aaron Osmond

Staff: Benjamin N. Christensen (Policy Analyst) / Peter Asplund (Attorney) / Debra Hale (Secretary)

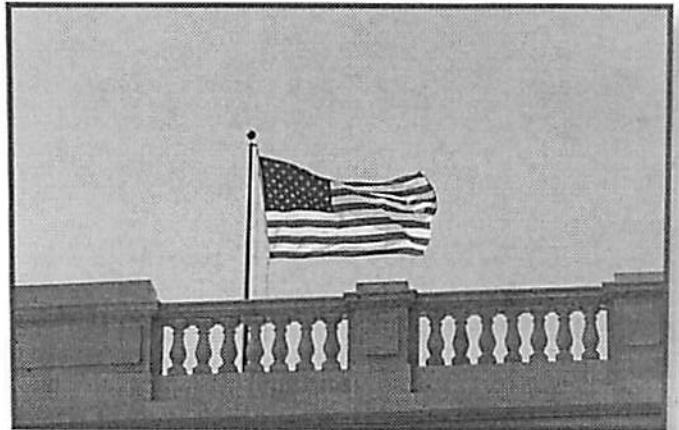
Education

2015 General Session Public Education Summary

Received a briefing from the Utah State Office of Education on the implementation of public education related bills that passed during the 2015 General Session.

Long-Term Planning

Received a presentation on demographics related to the state's education needs and updates from several entities that are engaged in long-term planning for education, including Prosperity 2020, the Governor's Office, the Utah College of Applied Technology, the Utah System of Higher Education, and the Utah State Board of Education.



Statutorily Required Reports

Reviewed a list of reports that state law requires agencies to submit to the committee. Determined that the chairs would prepare a proposal for the committee's consideration to streamline the reporting process and eliminate any statutorily required reports that the chairs no longer find necessary.

Steps to Improve College Graduation Rates

Received a briefing on a recent report published by the Office of the Utah State Auditor on steps for improving college preparation, college graduation rates, and student success.

Chairs: Rep. Bradley G. Last / Sen. Ann Millner

Staff: Allyson R. Goldstein (Policy Analyst) / Tiffany A. Stanley (Policy Analyst) / Victoria Ashby (Attorney) / Debra Hale (Secretary)

Federal Funds Commission

May 21, 2015

Federal Funds Risk Model Update

Received a presentation from a vendor on the federal funds risk model that the vendor contracted with the commission to design. The model is being designed to:

- Evaluate internal and external risks of a reduction in federal funds (risks might include a cyber-attack, natural disaster, inflation spike, reserve currency change, and failure to meet federal grant requirements);

- Evaluate varied risk scenarios to determine how federal funding impacts the state (scenarios may include changes in state revenue, state gross domestic product, and unemployment);
- Provide strategies for mitigating and managing risks before an event happens;
- Provide strategies for mitigating and managing impacts if an event does happen; and
- Include a dynamic dashboard that the public can use to run risk scenarios or determine what the state is doing to manage a crisis.

Chairs: Rep. Ken Ivory / Sen. Deidre M. Henderson

Staff: Leif G. Elder (Policy Analyst) / Shannon C. Halverson (Attorney) / Timothy J. Barber (Secretary)

Government Operations

Long-Term Planning

Received a presentation from committee staff on the state's demographics and projected population growth.

Report from the Department of Public Safety

Received a statutorily required report from the Department of Public Safety on law enforcement agencies' use of unmanned aircraft systems in 2014.

Report from the Government Records Ombudsman

Received a statutorily required report from the state records ombudsman on the work the ombudsman performed during 2014.

Report from the Office of the Lieutenant Governor

Received statutorily required reports from the Office of the Lieutenant Governor on election day voting centers and the implementation of the election day voter registration pilot project. Discussed whether the pilot project should sunset.

(Continued next column)



Sunset Review — Risk Management Fund Coverage

Action: Directed staff to open a committee bill file to remove the sunset provision of Section 63a-4-204 – School district participation in Risk Management Fund.

Sunset Review — State Facilities Energy Efficiency Fund

Conducted a sunset review of the State Facilities Energy Efficiency Fund, which included a report from the Division of Facilities Construction and Management.

Action: Directed staff to open a committee bill file to:

- extend the sunset date for the State Facilities Energy Efficiency Fund to 2023; and
- create a metering requirement to measure the energy efficiency achieved by projects that are funded through the State Facilities Energy Efficiency Fund.

Chairs: Rep. Jack R. Draxler / Sen. Margaret Dayton

Staff: Brian J. Bean (Policy Analyst) / Thomas R. Vaughn (Attorney) / Katie LeFevre (Secretary)

Health and Human Services

2015 Health and Human Services Legislation

Received reports from committee staff on health legislation and human services legislation introduced during the 2015 General Session of the Legislature.

2015 Interim Studies

Discussed the committee's approach to interim study items as directed this year by the Legislative Management Committee. Regarding each study, the committee discussed what questions should be addressed and what information should be considered. The studies include:

- Whether to expand Medicaid's preferred drug list to include all psychotropic drugs;
- How to support care for the elderly;
- How to respond to a recent Utah Supreme Court case, Jeff v. West, affecting medical liability; and
- Whether to legalize the use of cannabis for medical purposes; committee staff provided an outline of potential issues, a list of potential information sources, and a list of states that have legalized cannabis use.

Implications of Utah's Changing Demographics

Received a report from committee staff on how Utah's growing and increasingly older, urbanized, and ethnically diverse population may affect the delivery of health and social services in the future.

Policy Development

Received an outline from committee staff highlighting questions to consider when evaluating and developing public policy.

Chairs: Rep. Kay L. McIlff / Sen. Evan J. Vickers

Staff: Gregg A. Girvan (Policy Analyst) / Mark D. Andrews (Policy Analyst) / Cathy J. Dupont (Attorney) / Lee A. Killian (Attorney) / Lori Rammell (Secretarial Supervisor)

Judiciary

2015 Judiciary Legislation

Received a briefing from committee staff on all judiciary related bills that were introduced during the 2015 General Session. Specifically discussed bills recommended by the Judiciary Interim Committee during the 2014 Interim Session.

2015 Interim Studies

Identified issues and objectives for in-depth study during the interim. Received a briefing from the Family Law Section of the Utah Bar Association related to potential family law issues.

Received briefings from the American Civil Liberties Union of Utah, Libertas Institute, and the Utah Association of Criminal Defense Lawyers on potential civil rights issues related to law enforcement use of force, surveillance, subpoenas, and warrants.

Expungement Update

Received an update on H.B. 40, "Expungement Amendments," which was introduced in the 2015 General Session, but did not pass. Discussed potential legislation that could be introduced for the 2016 General Session.

*Chairs: Rep. LaVar Christensen / Sen. Mark B. Madsen
Staff: Gregg A. Girvan (Policy Analyst) / Esther Chelsea-McCarty (Attorney) / Lucy W. Daynes (Secretary)*

Law Enforcement and Criminal Justice

2015 Interim Studies

Discussed the three priority study items assigned to the committee by the Legislative Management Committee. The committee has been directed to study the implementation of 2015 General Session H.B. 348, "Criminal Justice Programs and Amendments," the use of force by law enforcement in Utah, and the use of body cameras by law enforcement.

Long-Term Planning

Received presentations from the Commission on Criminal and Juvenile Justice and the Department of Corrections regarding long-term planning issues that will require study during the next three to five years.

New Felonies and Felony Enhancements

Received a report from the Sentencing Commission regarding new felonies and enhancements on existing punishments that have been enacted over the past five years. This year, the legislature enacted 2015 General Session H.B. 348, "Criminal Justice Programs and Amendments," which reduced the penalties for many felonies by one degree.

Statutorily Required Reports

Action: Voted to open a committee bill that would eliminate four annual reports that are currently required by statute.

(Continued next column)

Use of Body Cameras by Law Enforcement

Discussed the use of body cameras by law enforcement.

Issues include:

- Video file storage, including storage costs;
- Privacy concerns, such as whether the Government Records Access Management Act needs to be amended to address privacy concerns;
- When officers should use body cameras; and
- Security of recordings, including procedures in the case where an officer tampers with the recording.

*Chairs: Rep. Dan L. Ipson / Sen. Todd Weiler
Staff: Nathan W. Brady (Policy Analyst) / Susan Creager Allred (Attorney) / Lori Rammell (Secretarial Supervisor)*

Legislative Management Committee

April 22, 2015

Authorized Legislative Meetings

Action: Approved the legislative meetings as listed.

Interim Committee Schedule

Action: Made two changes to the interim committee schedule.

- Added an August interim meeting day. The Legislative Management Committee and the Executive Appropriations Committee will meet on Tuesday, August 18 and there will be a full interim schedule on August 19.
- There will be no interim meetings in September, but there will be a site visit to the Moab area.
- Passed a motion that no meetings will be scheduled September 14, 15 (until evening), 22, or 23 for Rosh Hashanah and Yom Kippur.

Joint Education Meeting

Action: Approved the requests of the legislative education committees and the State Board of Education, the State Board of Regents, and the Utah College of Applied Technology Board of Trustees to hold a joint meeting.

Legislative Management Committee Policies

Action: Voted to approve:

- Changing the parking policy of the Legislative Management Committee by reducing the stalls reserved for the legislature back to the interim number on the Monday after the end of the session sine die; and
- Deleting the section of the policies that sets the salary range for the Chief Clerk of the House and the Secretary of the Senate.

Proposed Study Items

Action: Approved the study item list as submitted with four additions:

- Business and Labor – 2015 General Session S.B. 127, "Transport of Railroad Employees";

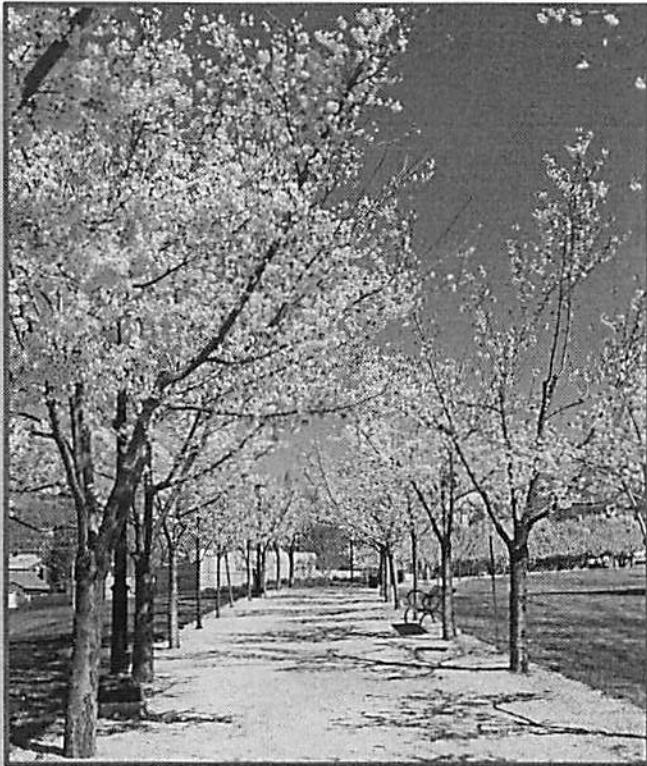
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- *Economic Development* – evaluate land use data compiled by governmental agencies to determine if it is consistent across the state;
- *Education* – review alternatives to funding higher education buildings and review effects of higher education performance funding; and
- *Water Issues* – give water issues such as development and costs the highest priority.

Reports of Ethics Commissions

Received reports from the three ethics commissions:

- Independent Legislative Ethics Commission;
- Utah Executive Branch Ethics Commission; and
- Utah Political Ethics Review Commission.



Risk Management

Action: Approved the Risk Management settlement as proposed.

Utah State Fair Park

Action: Authorized the creation of a working group of Legislative Management Committee members to study state fair park issues.

Site Visit

Action: Scheduled a site visit to the Moab area for September 16-17. A tentative itinerary was approved.

State Water Development Commission

Action: Approved the request of the State Water Development Commission to meet four times.

Sunset Reviews

Action: Approved the assignment of sunset reviews to specified interim committees as suggested by committee staff.

*Chairs: President Wayne L. Niederhauser / Speaker Gregory H. Hughes
Staff: Michael E. Christensen (Director) / John L. Fellows (General Counsel) / Phalin L. Flowers (Administrative Assistant)*

Legislative Subcommittee on Oversight

May 19, 2015

Annual Performance Review

Received presentations from the director of the Office of Legislative Research and General Counsel, the Legislative Auditor General, the Legislative Fiscal Analyst, and the Legislative General Counsel regarding their activities and accomplishments during the past year.

Action: Voted to establish the compensation for the three staff directors and for the legislative general counsel for the coming fiscal year.

Staff: Bryant R. Howe (Assistant Director) / Eric N. Weeks (Deputy General Counsel) / Phalin L. Flowers (Administrative Assistant)

Natural Resources, Agriculture, and Environment

Long-Term Planning

Received reports from the Department of Natural Resources, the Department of Environmental Quality (reports one and two), the Department of Agriculture and Food, and the Public Lands Policy Coordination Office on the following areas as they relate to each agency's area of responsibility:

- Economic and demographic trends;
- Current, emerging, and future issues and challenges; and
- Action plans to address the issues and challenges, including additional research needed, options, and potential legislation.

Performance Audit — Projections of Utah's Water Needs

Received a presentation from the Office of the Legislative Auditor on a performance audit concerning projections of Utah's water needs. The committee discussed water use data, water conservation and demand, and water supply projections.

Sunset Review — Title 19, Chapter 6, Part 6, Lead Acid Battery Disposal

Reviewed Title 19, Chapter 6, Part 6, Lead Acid Battery Disposal, which is scheduled to be repealed July 1, 2016.

Action: Recommended that Title 19, Chapter 6, Part 6, Lead Acid Battery Disposal be reauthorized for a period of 10 years.

*Chairs: Rep. Lee B. Perry / Sen. Scott K. Jenkins
Staff: J Brian Allred (Policy Analyst) / RuthAnne Frost (Attorney) / Katie LeFevre (Secretary)*

Political Subdivisions

Assessment Area Bonding

Received a presentation from a legislator on Utah's assessment lien foreclosure procedures and how they compare to other states.

Community Development and Renewal Agencies

Received a presentation from a legislator on issues related to community development and renewal agencies. Topics included the three project area types, measuring return on investment, approval and procedural processes, and improving transparency.

Good Landlord Program

Received a presentation from a legislator on the Good Landlord Program. Issues include the method by which cities determine fees, the program's application form, the role of property management companies, and restrictions on renting to persons with criminal convictions.

Historic Districts

Received a presentation from a legislator on historic districts. Issues include the process to create a local historic district, affected property owners' involvement and consent in the designation process, the type of property restrictions within a designated district, and a process to dissolve a previously designated historic district.

Insurance for Lateral Sewer Lines

Received a presentation from a legislator on lateral sewer lines and potential solutions to address costs associated with repairing lateral sewer lines that run from a private residence to sewer main lines in the street.

Local Government Transfer of Development Rights

Received a presentation from a legislator regarding whether to allow a municipality and a county to enter into an agreement to authorize the transfer of development rights between their respective jurisdictions.

Long-Term Planning

Received a presentation from committee staff on Utah's population and demographic trends.

Municipal and County Code Enforcement

Received a presentation from a legislator on municipal and county enforcement of abatement ordinances related to weeds, garbage, refuse, unsightly objects, and other conditions considered to be a public nuisance.

Subdivision Base Parcels

Received a presentation from a legislator regarding the inability of an owner of a subdivided parcel to pay proportionate delinquent taxes in the event the developer of the subdivision fails to pay taxes on the original base parcel.

(Continued next column)

Subdivision Bonding

Received a presentation from a legislator on construction performance or surety bonds required of developers by local entities. This item examines how local entities determine that a project is complete and ensure that the improvement costs and contractors have been paid in full.

Chairs: Rep. R. Curt Webb / Sen. Daniel W. Thatcher
Staff: Megan L. Bolin (Policy Analyst) / Christine R. Gilbert (Attorney) / Timothy J. Barber (Secretary)

Public Utilities and Technology

Environmental Protection Agency's Proposed Rule 111(d)

Received a presentation from the Governor's Office of Energy Development and representatives of utility companies and environmental groups on issues facing the state, energy providers, and consumers in addressing the carbon-reduction provisions of the federal Environmental Protection Agency's proposed Rule 111(d) regarding the federal Clean Air Act. Issues include costs, benefits, and challenges of reducing carbon dioxide production.

Telehealth and Telemedicine

Received a presentation from a medical service provider regarding the provision of medical services to members of the military, populations in remote geographic locations, and financially limited recipients of medical services. The key challenge for the growth of cost-effective and patient located medicine is reimbursement for telemedicine services. Other challenges include interstate barriers to the provision of telemedicine and statutory recognition of these services by the Legislature and medical boards.

Chairs: Rep. Ken Ivory / Sen. David P. Hinkins
Staff: Richard C. North (Policy Analyst) / Samuel C. Johnston (Attorney) / Tracey Fredman (Secretary)

Revenue and Taxation

Corporate Franchise and Income Taxes — Single Sales Factor Apportionment

Received a committee staff presentation on the apportionment of business income in Utah.

Action: Approved a motion to open a committee bill file to address apportionment of corporate franchise and income taxes, including removing obsolete language.

Historic Preservation Tax Credit

Action: Approved a motion to open a committee bill file to address issues related to claiming or carrying forward a tax credit.

Interim Study Items

Action: Approved a motion to open several committee bill files to address the study items assigned to the committee by the Legislative Management Committee.

(Continued next page)

Long-Term Planning

Received a presentation from committee staff and the Utah State Tax Commission regarding current, emerging, and future issues and challenges in the revenue and taxation area.

Action: Approved a motion to open committee bill files to address long-term planning issues, including issues related to Federal Aviation Administration regulations, existing sales and use tax exemptions for charitable organizations, community development agencies, and the privilege tax.

New Growth and Centrally Assessed Property

Action: Approved a motion to open a committee bill file to address issues related to new growth, which affects the calculation of certain property tax rates.

Rate Reduction for Utah Variable Life Insurance Premiums

Action: Approved a motion to continue the tax rate reduction for certain Utah variable life insurance premiums and to open a bill file to repeal the requirement to study the tax rate reduction every third year.

S.B. 94, "Corporate Franchise and Income Tax Amendments"

Received an update from a committee member regarding 2015 General Session S.B. 94, "Corporate Franchise and Income Tax Amendments," which was vetoed by the governor.

Action: Approved a motion to open a committee bill file to draft a bill similar to S.B. 94.

*Chairs: Rep. Daniel McCoy / Sen. Deidre M. Henderson
Staff: Bryant R. Howe (Assistant Director) / Leif G. Elder (Policy Analyst) / Rebecca L. Rockwell (Attorney) / Bree Frehner (Secretary)*

Senate Judicial Confirmation Committee

January 14, 2015

Confirmation of Mr. James Gardner

Recommended to the Senate the confirmation of Mr. James Gardner as a judge to the Third District Court.

The Senate met on January 27, 2015, and confirmed the appointment of Mr. Gardner.

Confirmation of Mr. William Kendall

Recommended to the Senate the confirmation of Mr. William Kendall as a judge to the Third District Court.

The Senate met on January 27, 2015, and confirmed the appointment of Mr. Kendall.

February 10, 2015

Confirmation of Judge Constandinos Himonas

Recommended to the Senate the confirmation of Judge Constandinos Himonas as a judge to the Utah Supreme Court.

The Senate met on February 13, 2015, and confirmed the appointment of Judge Himonas.

April 17, 2015

Confirmation of Ms. Paige Petersen

Recommended to the Senate the confirmation of Ms. Paige Petersen as a judge to the Third District Court.

The Senate met in extraordinary session on April 22, 2015, and confirmed the appointment of Ms. Petersen.

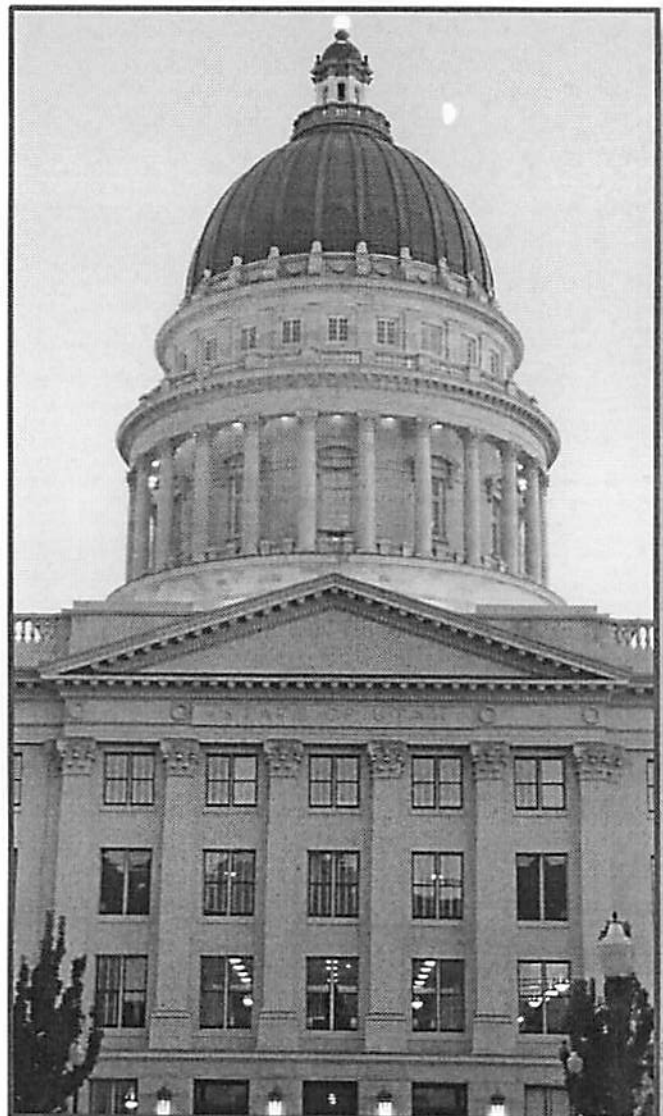
*Chairs: Sen. Scott K. Jenkins
Staff: Michael E. Christensen (Director) / Susan Creager Allred (Attorney) / Lucy W. Daynes (Secretary)*

Transportation

2015 General Session Transportation Funding Revisions

Received a report from the Department of Transportation regarding the implementation and impacts of the transportation funding revisions passed by the legislature in the 2015 General Session. The presentation addressed the department's intended uses for revenue increases, including maintenance funding and bridge rehabilitation projects.

(Continued next page)



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Long-Term Planning

Discussed, as required by legislative rule, long-term planning issues related to the Driver License Division, the Utah Transit Authority, and the Utah Department of Transportation. The committee also received long-term planning presentations from each of these groups:

- Driver License Division Planning Presentation;
- Utah Transit Authority Planning Presentation; and
- Utah Department of Transportation Planning Presentation.

Action: Approved further study of unconventional vehicles, including how to define, test, and register them, to determine whether related legislation should be prepared for the 2016 General Session.

Transportation Project Prioritization

Received a presentation from the Department of Transportation and the Transportation Commission and discussed the prioritization process.

Chairs: Rep. Johnny Anderson / Sen. Alvin B. Jackson

Staff: Art L. Hunsaker (Policy Analyst) / Shannon C. Halverson (Attorney) / Timothy J. Barber (Secretary)

Utah International Relations and Trade Commission

May 19, 2015

2015 Legislative Trade Missions — Peru, Chile, and Colombia

Received a presentation from a legislator about the May-June 2015 trade missions to Peru, Chile, and Colombia. The nine day mission is designed to build diplomatic relationships and develop international trade opportunities. As part of the mission, discussions will also be held regarding the honorary consul nominees to Chile and Colombia.

(Continued next column)

International Trade / Diplomacy Missions

Received a presentation from Utah's Honorary Consul to Peru. He discussed Peru-Utah bilateral relations, including commerce, education, humanitarian efforts, government relations, and consular services. Utah's Peruvian population exceeds 40,000 and Utah is Peru's largest trading partner in the United States.

Switzerland Trade Report

Received a presentation from a legislator about the developing international trade relationship between Utah and Switzerland. The presentation highlighted discussions with several Swiss manufacturers, including manufacturers of rail cars and high altitude helicopters.

Utah Uranium Mines and International Exports

Received presentations from the Utah Division of Oil, Gas, and Mining and the Utah Geologic Survey about the mining of uranium, mining claims, and land ownership. Utah's two active uranium mills are Shootaring Canyon and White Mesa.

Chairs: Rep. Eric K. Hutchings / Sen. Mark B. Madsen

Staff: Richard C. North (Policy Analyst) / Robert H. Rees (Attorney) / Debra Hale (Secretary)

Utah Tax Review Commission

April 30, 2015

Earmarking of the State Sales and Use Tax

Received a commission staff presentation on the current earmarks to the state sales and use tax. These earmarks designate a portion of the revenue from the state sales and use tax for specific purposes, including building new highways, loans for clean water and waste water development projects, grants for the development of new water sources, and grants for certain agriculture related enterprises.

Chairs: Mr. Curtis Trader

Staff: Bryant R. Howe (Assistant Director) / Leif G. Elder (Policy Analyst) / Rebecca L. Rockwell (Attorney) / Bree Frehner (Secretary)

Next Interim Day — June 17, 2015



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AND GENERAL COUNSEL
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For more information about legislative activities, visit
the Utah State Legislature's website at: le.utah.gov

*Staff: Susan Creager Allred, Nathan W. Brady,
Leif G. Elder, Tracey Fredman, and Bree A. Frehner*

Photo Credits: Susan Creager Allred, Nathan W. Brady, and Bree A. Frehner

TAB 5

Memo

To: Judicial Council

From: Courts Facility Planning Committee

Date: 6/17/2015

Re: Proposed property trade for the new Fourth District Courthouse Provo

Provo City is proposing a property swap involving the property we are planning to construct the new Fourth District Courthouse on in Provo. They are requesting trading $\frac{3}{4}$ of the block that is owned by the state for $\frac{1}{4}$ of the block directly to the west. The property swap and Provo City building the parking structure simplifies several issues related to the construction and placement of the new courthouse.

The major up-sides are:

- 1- The City will construct a parking structure that will accommodate parking for the MATC, Utah County Convention Center and a new hotel.
- 2- The city parking structure will also provide public parking; therefore, parking needs for our building will be reduced.
- 3- This property swap will allow the new courthouse to be constructed so the judicial chambers will overlook a residential property rather than a high-rise commercial development.

This property swap needs approval from the Judicial Council, the State Building Board, and the Chairs of the Infrastructure and General Government Appropriations Subcommittee.

I have included the email from Provo City and the renderings that represent their planned development including a possible location for the new Courthouse on the new property.

Thank you for your consideration.



Alyn Lunceford <alynl@utcourts.gov>

FW: Updated Layout

1 message

Wayne Parker <WParker@provo.org>

Wed, Jun 10, 2015 at 1:03 PM

To: "Alyn Lunceford (alynl@utcourts.gov)" <alynl@utcourts.gov>

Cc: John Curtis <john@provo.org>, David Walter <dwalter@provo.org>, Dixon Holmes <DHolmes@provo.org>

Alyn – we have been working with Peg Development and Brent Tippetts at VCBO on a site plan for the area involving the new district courthouse in Provo. The attached plan is the latest version from Brent. We would propose to trade $\frac{3}{4}$ of the existing courts block for $\frac{3}{4}$ of the block immediately west of the current courts block. This would allow development of the new courts facility on the east half of the block facing Freedom Boulevard with surface or two level parking immediately west.

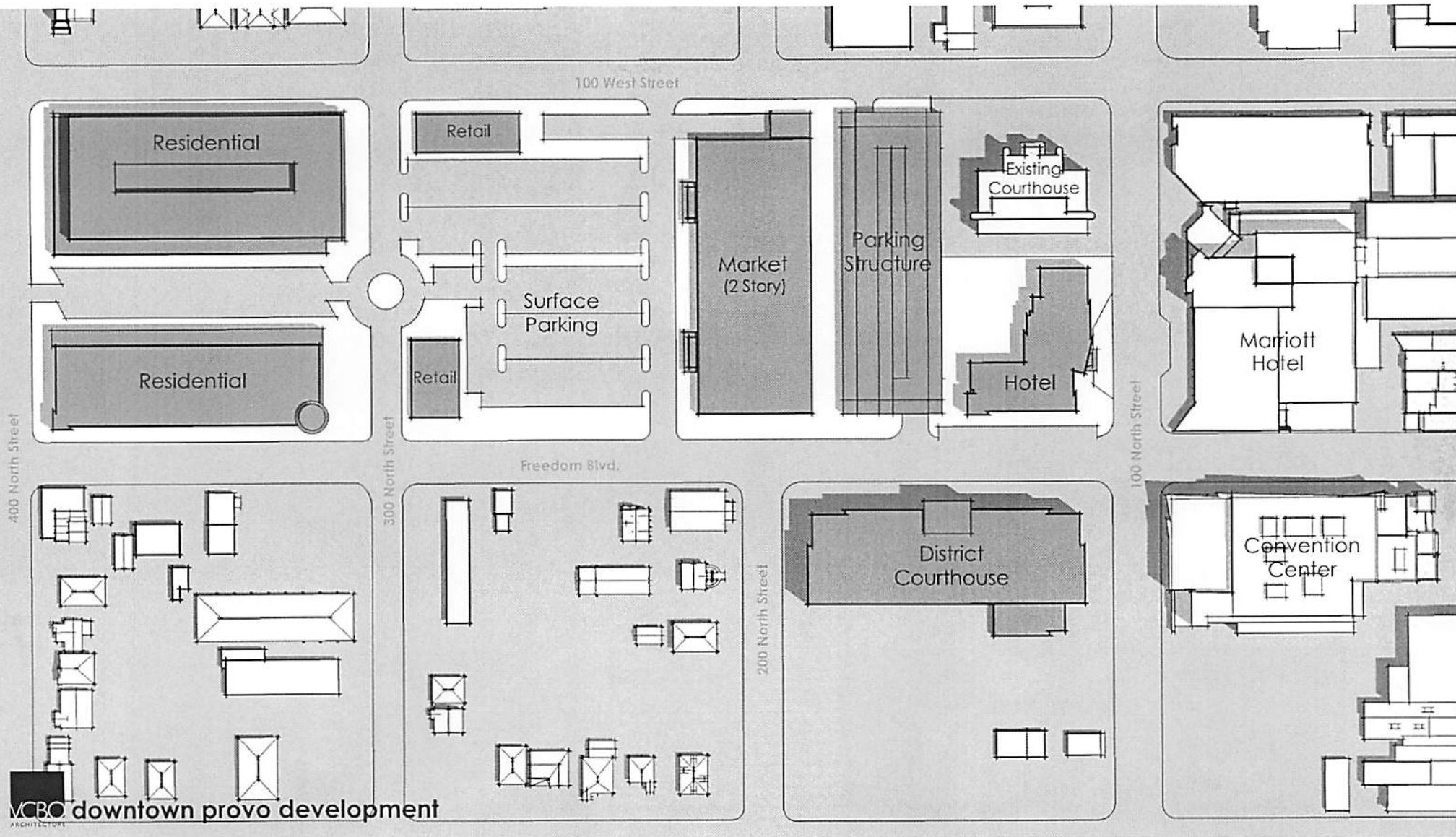
We would then place the new convention hotel across the street from the Marriott, build a parking structure to accommodate the convention center, the hotel and the MATC immediately north of the hotel and the old courthouse. The parking structure would screen the back of the new Smith's Marketplace (2 story) from the hotel and the old courthouse (MATC). North of the new market, we would have surface parking (or potentially two level parking) and then build new market-rate, for-sale housing on the current Smith's store footprint with a couple of small mixed retail/office pads as shown on the diagram.

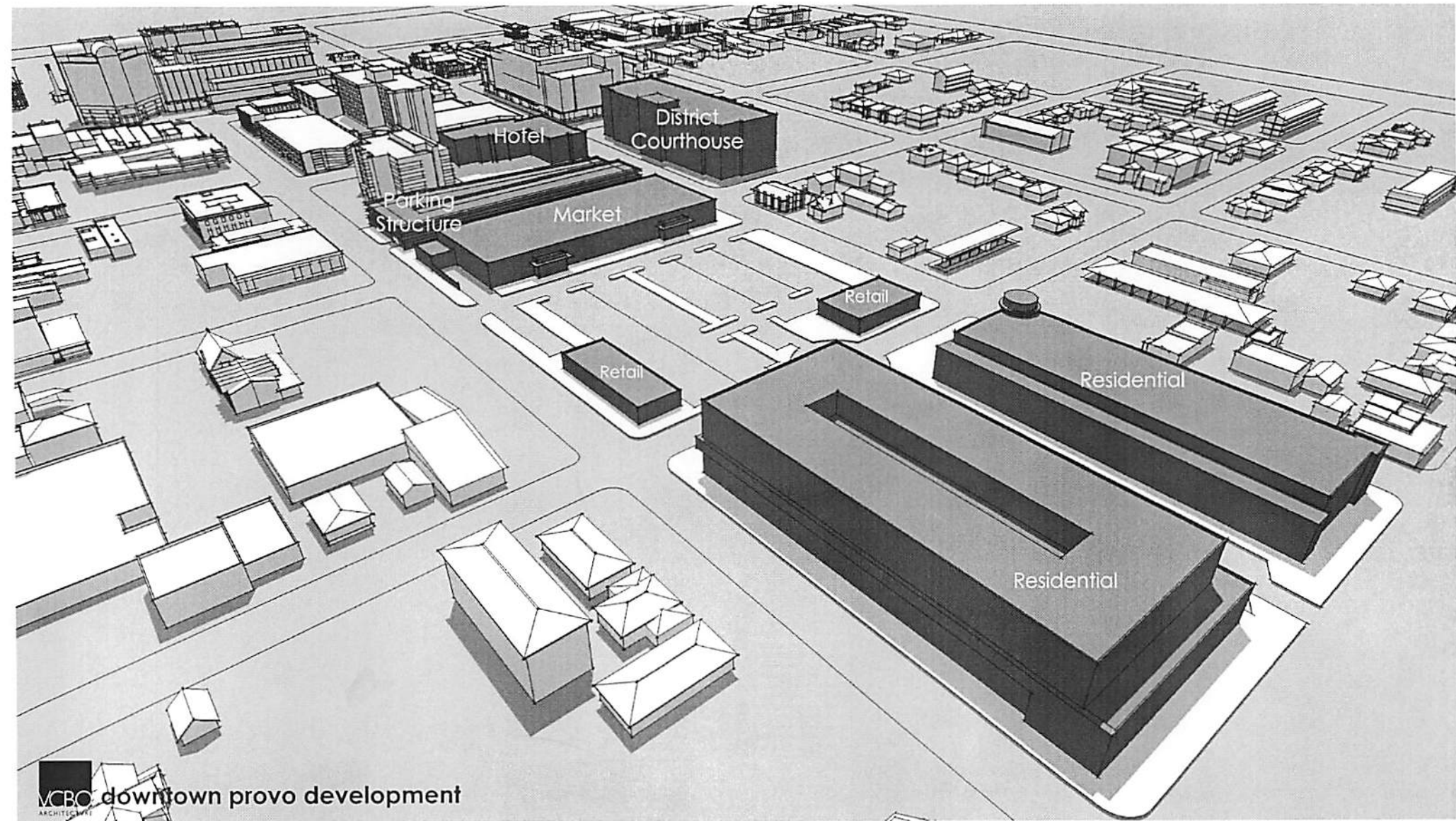
Some of the good elements include letting the courts have total control of the parking (and we would love to be able to have the public access at least the ground level parking nights and weekends), and having expansion room for a new future court tower. We would replace the lost convention center parking and the small surface lot north of the old courthouse in the new parking structure.

We would appreciate your initial take on the concept and any concerns you have. We are moving forward with developing the pro-forma for the entire project and calculating tax increment available for the structured parking, as well as with negotiations with Smith's. We will keep you posted. But do respond or call and let me know what questions we can answer for you.



WAYNE PARKER
CHIEF ADMINISTRATIVE OFFICER
CITY OF PROVO
351 W CENTER ST, PROVO UT
TEL 801 852 6102





downtown provo development

TAB 6

This is to bring you up to date on the work of the study committee on representation of indigent criminal defendants. There are two issues in play at this point:

1) The appellate representation committee finished its initial work in 2011 with a report that was presented to the Judicial Council. We recommended several things that could be implemented by the counties themselves, and some individual counties and county-attorney organizations have taken steps which we recommended, such as separating appellate from trial-level contracts, reducing the use of flat-fee contracts, and consideration of interlock arrangements. But one of the committee's central recommendations to the Judicial Council was adoption of a rule establishing a standing committee that would certify attorneys as qualified to appear before our appellate courts as appointed counsel of indigent defendants. Another was the repeal of rule 23B, which was thought to be unnecessarily increasing the complexity and burden of criminal appeals by making trial counsel ineffectiveness too much of a focus, with commensurate increases in appeal costs due to additional motions and trial court hearings.

The Judicial Council asked us to refer these two proposals to the Appellate Rules Committee, which we did. Both recommendations were debated in the rules committee at length, which resulted in a proposed rule with some significant differences from the committee's recommendation. In response, the indigent defense committee and the rules committee formed a "conference" subcommittee to see if a reconciliation could be worked out. That process was very productive, but was prolonged considerably by debate over the rule 23B issue. Eventually, both committees decided to separate the two concerns, and the conference committee passed on to me a draft rule covering the counsel-

○ qualifications issue, leaving the 23B question for further attention. My impression at this point is that there is no consensus for repeal of 23B and no ongoing consideration of the question.

Both committees (the rules committee and the indigent defense committee) have approved a proposed rule, but I held back on passing it on to the Judicial Council, at least in part because we were by then deeply involved in the on-the-ground 10-county survey of trial level indigent defense issues by the Sixth Amendment Center, and I had some concern about that process's eventual impact on the appellate recommendations. At this point, however, I see my concerns as less significant than I thought-- more a distraction, as it turns out-- and I believe that the appellate rule has languished too long.

○ I am attaching a copy of the proposed rule for the Council's consideration.

2) Trial Level Indigent Representation. At the end of March, the Sixth Amendment Center provided the committee with a preliminary draft of their proposed report on trial level indigent defense. This is the result of work on the ground in 10 representative Utah counties that took more than a year. We had the draft report initially reviewed by a subcommittee and have now sent hard copies out confidentially to the ten counties to review for accuracy and tone and to the members of the committee itself. We arranged for the two principals of the Sixth Amendment Center to come to Utah during the first week of June to meet first with county representatives and the next day with the committee to receive and respond to feedback before finalizing the report. The meetings were very well attended and lively. A further two-week comment period is coming to an end this week. The Sixth

Amendment Center will then address the concerns raised and provide us with a further draft. Our goal is to have our own committee report, which will attach the final Sixth Amendment Center report as an appendix, in the hands of the Judicial Council by early fall.

The draft report is about 150 pages without the planned executive summary and seems comprehensive. The draft raises some significant issues, and, in response, the committee is exploring specific recommendations for reform. The issues raised are important and may call for the attention by all three branches of government.

Supreme Court Rules of Professional Practice

Chapter 11: General Provisions

Article 4: Standing Committee on Appellate Representation

Rule 11-401. Standing Committee on Appellate Representation

Intent:

To establish a standing committee to assist the Board of Appellate Court Judges to determine a roster of attorneys eligible for appointment to represent indigent criminal defendants on appeal.

To establish uniform terms and a uniform method for appointing committee members.

To establish a schedule for recommending the appointment of attorneys to, or the removal of attorneys from, the appellate roster.

Applicability:

This rule shall apply to the internal operation of the Board of Appellate Court Judges and the Committee on Appellate Representation and to district and appellate courts in criminal cases.

Statement of the Rule:

(1) *Establishment.* The Standing Committee on Appellate Representation is hereby established as a committee of the Board of Appellate Court Judges.

(1)(A) *Composition.* The Committee shall consist of one member of the Office of General Counsel of the Administrative Office of the Courts; one member of the Criminal Appeals Division of the Utah Attorney General's Office; one active or retired trial court judge; one active or retired appellate court judge; one private civil appellate attorney; two criminal defense appellate attorneys; one county attorney or deputy county attorney from a county of the first or second class; and one county attorney or deputy county attorney from a county of the third, fourth, fifth, or sixth class. The county attorneys shall be chosen for their experience in contracting with public defenders and not as prosecutors.

(1)(B) *Appointment.* Committee members shall be appointed by the Supreme Court and shall serve staggered four-year terms. The Supreme Court shall select a chair from among the Committee's members. Judges who serve as members of the Committee generally shall not be selected as chair. Committee members shall serve as officers of the court and not as representatives of any client, employer, or other organization or interest group. At the first meeting of the Committee in any calendar year, and at every meeting at which a new member of the Committee first attends, each Committee member shall briefly disclose the general nature of his or her legal practice.

(1)(C) *Vacancies.* In the event of a vacancy on the Committee due to death, incapacity, resignation or removal, the Supreme Court, after consultation with the Committee chair, shall appoint a new Committee member to serve for the remainder of the unexpired term.

(1)(D) *Absences.* In the event that a Committee member fails to attend two consecutive Committee meetings, the chair may notify the Supreme Court of those absences and may request that the Supreme Court replace that Committee member.

(1)(E) *Administrative assistance.* The Administrative Office of the Courts shall coordinate staff support to the Committee, including the assistance of the Office of General Counsel in research and drafting and the coordination of secretarial support.

(2) *Appellate Roster.* The Board of Appellate Judges shall create and maintain an appellate roster of attorneys skilled in handling criminal appeals. Except as specified in rule paragraphs (2)(E) and (2)(G) of this rule, only attorneys on the roster shall be eligible for appointment to represent indigent criminal defendants on appeal.

(2)(A) *Purpose of the Committee.* The purpose of the Committee shall be to recommend to the Board of Appellate Court Judges attorneys for inclusion on an appellate roster of attorneys eligible for appointment to represent indigent criminal defendants on appeal pursuant to rule 38B of the Utah Rules of Civil Procedure.

(2)(B) *Committee recommendations.* The Committee shall recommend attorneys for inclusion on the appellate roster based on the eligibility criteria listed in subsection (2)(C) together with any other factor bearing on an applicant's ethics, diligence, competency, and willingness to fairly, efficiently, and effectively provide appellate representation to indigent criminal defendants. The Committee may also recommend the removal of an attorney from the roster.

(2)(C) *Eligibility criteria.* To be considered for inclusion on the roster, an applicant must complete an application in a form provided by the Committee and must:

- (i) be a member of the Utah Bar in good standing;
- (ii) certify that the applicant has not, within the preceding three years, been the subject of an order issued by either appellate court imposing sanctions against counsel, discharging counsel, or taking other equivalent action against counsel because of counsel's substandard performance before either appellate court;
- (iii) submit at least two appellate briefs with a certification that the applicant was primarily responsible for drafting the briefs;
- (iv) demonstrate knowledge of appellate practice as shown by experience, training, or legal education;
- (v) provide citations for all appellate decisions in which the applicant was counsel of record; and
- (vi) certify that the applicant has sufficient time and administrative support to adequately represent indigent criminal defendants and a willingness to commit those resources to the representation of indigent criminal defendants.

(2)(D) *Roster Selection.* The Board of Appellate Court Judges shall approve or disapprove the recommendations of the Committee with respect to attorneys to be included on the appellate roster. The Board may also at any time remove an attorney from the appellate roster based on an attorney's qualifications, skills, experience, and prior performance in the Utah appellate courts. The Board may not add to the roster an attorney who was not recommended by the Committee.

(2)(E) *Reconsideration.* An attorney who submitted an application to the Committee but was not chosen by the Board for inclusion on the appellate roster, or who was removed from the roster, may file a petition for reconsideration in the form of a letter submitted to the Board of Appellate Court Judges. The petitioner shall submit an original letter and twelve copies.

(2)(F) *Retention.* To maintain eligibility, an attorney must be recommended by the Committee and reappointed by the Board of Appellate Court Judges every two years. An attorney desiring to maintain eligibility shall submit a renewal request to the Committee by July 1 of the year in which the attorney reports his or her MCLE compliance to the Utah State Bar; provided, however, that the first such request shall not be due earlier than the first July 1 at least two years after the date on which the attorney originally qualified to be on the roster. The renewal request shall include the following:

- (i) a certification that the attorney is a member of the Utah Bar in good standing;
- (ii) a certification that the attorney has not, within the preceding three years, been

~~is not~~ the subject of an order issued by either appellate court imposing sanctions against counsel, discharging counsel, or taking other equivalent action against counsel because of counsel's substandard performance before either appellate court;

(iii) a showing that the attorney has maintained competence in appellate practice, which showing may be achieved by:

(a) submitting two appellate briefs filed with appellate courts during the previous two years, together with a certification that the attorney was primarily responsible for drafting the briefs;

(b) certification that the attorney has attended at least six hours of CLE dealing with criminal appellate practice in the previous two years; or

(c) an equivalent demonstration of continued competence.

(2)(G) *Exemption.* Notwithstanding any other provision of this rule, members of a legal aid association contracting with a county of the first class to provide representation and defense resources to indigent criminal defendants shall be eligible for appointment to represent indigent criminal defendants on appeal.

(2)(H) *Disqualification.* Nothing in this rule is intended to supplant or create an exception to the disqualification provisions of Rule 38B of the Utah Rules of Appellate Procedure.

(2)(I) *Provisional Eligibility.* Any attorney not previously removed from the roster or disqualified under rule 38B of the Utah Rules of Appellate Procedure who has submitted a completed application pursuant to this rule is provisionally eligible for appointment to represent indigent criminal defendants on appeal. This provisional eligibility expires at the next meeting of the Board of Appellate Court Judges after the date the attorney's completed application was submitted.

(3) *Annual Schedule.* The Committee shall meet at least annually and shall submit its recommendations to the Board of Appellate Court Judges by August 1 of each year. The Board of Appellate Court Judges shall at its annual meeting approve or disapprove the recommendations of the Committee with respect to attorneys to be included on the appellate roster.

TAB 7

On Line Dispute Resolution Proposal

Goal and Objectives

The term "on line dispute resolution (ODR)", as used here, refers to resolving a case through mediation or judicial order entirely or largely across the internet, without an appearance in a traditional courtroom. This emerging application of technology is used principally in private sector dispute resolution (e.g., ebay consumer complaint resolution) and, most recently, in court settings in the United Kingdom, British Columbia, and the Netherlands. Court applications in this county have been limited to a few small pilot projects.

A workgroup (Justice Deno Himonas, Dan Becker, Rick Schwermer, Ron Bowmaster, Tim Shea, Brent Johnson, Kim Allard, Ray Wahl, and Tom Clarke, National Center for State Courts) has discussed possible applications in a state court setting and have seen a demonstration of the technology by one of the principal commercial vendors. Our view is that the potential of ODR warrants a more detailed examination and we offer this proposal for the purpose of generating discussion regarding whether there is broader interest in such an examination and, if that examination determines ODR to be feasible, the preparation of an implementation plan for consideration by the Judicial Council.

Target Population

The use of ODR would appear to be potentially applicable to proceedings in which the issues are relatively straight-forward, such as when discovery principally involves disclosure by two parties. Small claims and debt collection cases, possibly Tier 1 civil cases, are examples. It would also appear to be suited to proceedings in which a timely resolution is needed and the issues are few, such as landlord and tenant and resolution of parent time disputes. Parties would elect ODR as an option, probably at the time of filing. Or, in matters such as the resolution of parent time disputes, it may be adopted as the preferred method.

Potential Benefits

The potential benefits of ODR are: increased court access, reduced litigant time and expense, increased litigant convenience, a leveling of the playing field, and reduced court expense (freed up courtrooms, reduced staff time, and increased flexibility for judge). Looking to the not too distant future, the litigants will likely expect more timely resolution, more convenience, and will be quite adept at conducting business on line. Courts need to anticipate and adapt to these changing demands where possible.

Assessment of Methods of Delivery

Our early consideration of ODR suggests that there are two approaches to implementation: 1) purchase of a commercial service, or 2) in house enhancement to existing systems. The commercial route involves the customization of existing software services developed principally for commercial applications to a court environment. There would be upfront costs for such customizing, as well as ongoing per case costs. Because we would anticipate a relatively low volume, at least initially, the per-case rate would be relatively high.

In the alternative, we could build on existing applications in OCAP and CORIS and develop a scaled-down, in house version of what is being commercially marketed. Because of existing demands on programming staff, this additional work could not be absorbed, so this project would need to be advanced for standalone funding, either through the legislative appropriations process or through the prioritization of one time funds.

For discussion purposes, if a decision was made to move forward after the proposed examination, the requirements would likely be funding for enhanced technology (either purchased or developed), funding for project staffing (one time funds), and a more formalized project planning and implementation committee.

Time Table

The initial feasibility examination should be completed in time to be considered at the Judicial Council's August Budget Planning Meeting. If the Council decides to proceed, either as a building block or as a onetime spending measure in the FY 2017 spending plan, the actual project would move forward in July of 2016.

TAB 9



Administrative Office of the Courts

Chief Justice Matthew B. Durrant
Utah Supreme Court
Chair, Utah Judicial Council

MEMORANDUM

Daniel J. Becker
State Court Administrator
Raymond H. Wahl
Deputy Court Administrator

To: Judicial Council
From: Nancy Sylvester
Date: June 8, 2015
Re: Bar Representative for the Committee on Resources for Self-represented Parties

We have one vacancy to fill on the Committee on Resources for Self-represented Parties: a representative from the Utah State Bar. This vacancy was created by the expiration of Robert Jeff's term. Judge Marsha Thomas, our chair, and I asked Bar leadership to submit potential names to us for consideration. The Bar sent out an announcement in the Bar President's monthly email requesting interested attorneys to submit their materials to the Bar's administrative office. Judge Thomas and I received six applicants from that effort. The applicants' resumes are attached.

On June 8, 2015, the Management Committee recommended that Shaunda McNeill be appointed as the Bar representative. A summary of her qualifications is below.

Shaunda McNeill

- Former law clerk to Justice Durham
- Private practice attorney with Hatch, James, Dodge
- Chair of the YLD Wednesday Night Bar legal clinic; serves on YLD Board
- Member of Executive Committee, Emerging Legal Leaders, And Justice For All
- J.D., Magna Cum Laude, Order of the Coif: Duke Law School
- Spanish fluency

The mission of the Utah judiciary is to provide the people an open, fair,
efficient, and independent system for the advancement of justice under the law.

450 South State Street / P.O. Box 140241 / Salt Lake City, Utah 84114-0241 / Tel: 801-578-3808 / Fax: 801-578-3843 / email: nancyjs@utcourts.gov

Christy Abad

From: Teresa Conaway [TConaway@uvu.edu]
Sent: Friday, May 22, 2015 9:45 AM
To: Christy Abad
Subject: Committee on Resources for Self-Represented Parties
Attachments: reume013.pdf

I'm very interested in serving on the Judicial Council's Standing Committee on Resources for Self-Represented Parties. My resume is attached.

As you'll see, I'm currently an Assistant Professor of Legal Studies at Utah Valley University. Before coming here I was an academic law librarian. Law librarians have to work with self-represented parties all the time and I've always been interested in finding ways to serve them better.

Please let me know if you need anything else.

Teresa Conaway

Teresa L. Conaway
Assistant Professor of Legal Studies
Program Director, Paralegal Studies
Department of Finance & Economics
Woodbury School of Business
Utah Valley University MS-205
800 West University Parkway, Orem, UT 84058

Office: 801-863-5401
Cell: 951-750-0823
Email: tconaway@uvu.edu
Skype: Hokiephille

6/3/2015

Teresa L. Conaway

2091 W. Park Ave., Apt. 309
Riverton, UT 84065

Cell phone: 951-750-0823
Office phone: 801-863-5401
Email: tconaway@uvu.edu

Experience

Assistant Professor of Legal Studies

August 2013 to present

Paralegal Studies Program Director

January 1, 2015 to present

Utah Valley University

Woodbury School of Business

Orem, Utah

- ◆ Teach undergraduate classes in the legal studies curriculum.
- ◆ Member of School of Business committee on assessment.
- ◆ Administrative responsibility for paralegal studies program (ABA reporting, scheduling classes, retaining adjuncts, etc.)

Assistant Director of the Law Library for Instruction & Research Services

Head of Instruction & Research Services

Head of Public Services

June 2007 to present (Title changes)

University of La Verne College of Law Library

Ontario, California

(Change in title and responsibilities resulted from reorganization of library in 2009.)

- ◆ Oversee and coordinate the daily operations of the Reference and Circulation units.
- ◆ Provide reference, research, and instructional services to students, faculty, and public users; develop and promote new services as needed.
- ◆ Manage library's Certificate in Legal Research program.
- ◆ Prepare and teach classes in Certificate in Legal Research program.
- ◆ Teach first year legal research labs and participate in team-teaching the first year legal research and advanced legal research classes.
- ◆ Conduct reference desk duties; schedule reference desk hours; Prepare and maintain reference desk procedures and policies in the reference desk manual.
- ◆ Prepare and grade research lab and homework assignments for first year and advanced legal research classes.
- ◆ Supervise two professional librarians and two to four student workers
- ◆ Maintain and prepare statistical data and other unit reports.
- ◆ Plan and participate in the law school's new student orientation program.
- ◆ Prepare circulation and reference manual; draft policies and procedures for reference and circulation services and stacks maintenance.

Education

M.S., 1996	University of Tennessee Major: Information Sciences (A.L.A. accredited) Thesis: <i>Libel in CyberSpace: Federal Judges & the Internet</i>	Knoxville, Tennessee
M.A.Ed., 1981	Virginia Tech Major: Student Personnel in Higher Education Graduate Assistant: International Students Office Practicum: Student Judicial Affairs Office	Blacksburg, Virginia
J.D., 1980	The Dickinson School of Law Appellate Moot Court Board Trial Moot Court Board	Carlisle, Pennsylvania
B.A., 1977 <i>Magna Cum Laude</i>	Pikeville College Major: Political Science Minor: History Legislative Intern, Kentucky General Assembly	Pikeville, Kentucky

Additional graduate study in legal history:	University of Baltimore 1987-1988
Additional graduate study in media law:	University of Tennessee 1998-1999
Additional graduate study in online teaching & learning	California State University -East Bay

Conference Presentations

"Assessment in Legal Research Classes," American Association for Paralegal Education, 2014 National Conference, Las Vegas, NV.

"Teaching Backwards: Why Traditional Methods of Teaching Legal Research May be Insane," 2012 SWALL Regional Conference, San Antonio, TX

"The Diverging Roles of Academic Law Librarians: Theory & Implications," 2010 SWALL Regional Conference, Waco, TX

"Legal Research for Medical Librarians," 2010 Conference of Inland Empire Medical Librarians, Palm Springs, CA.

"Filling the Seats: Marketing Legal Research Instruction with a Certificate of Excellence Program," 2007 AALL National Meeting, New Orleans, LA.

"Filling the Seats: Marketing Legal Research Instruction with a Certificate of Excellence Program," 2007 SWALL Regional Conference, Phoenix, AZ.

Miscellaneous

Admitted to the practice of law in Maryland, Tennessee, and Utah.
Member, Maryland State Bar Association
Member, Utah Bar Association
Member, American Association of Law Libraries
Member, American Association for Paralegal Education
Member, Utah Paralegal Association
Member, National Association of Legal Assistants
Member, Rocky Mountain Paralegal Association (NFPA)
Member, Academy of Legal Studies in Business
Member, Legal Writing Institute

Governor's Management Intern

November 1988 to August 1989

Governor Gerald Baliles

Commonwealth of Virginia

Richmond, Virginia

- ◆ One of ten chosen from 3,000 applicants for this salaried professional internship.
- ◆ Designed and helped to establish a new Division of Client Appeals for the Department of Medical Assistance Services; drafted regulations to implement the new appeals system and job descriptions for staffing; planned in-service legal training for Medicaid Hearing Officers.
- ◆ Drafted regulations to implement the catastrophic health care plan.

Assistant County Attorney

March 1986 to November 1988

Carroll County, Maryland

- ◆ Represented departments of Management & Budget, Finance, Aging, Building Construction, the multi-jurisdictional Cable TV Commission, Humane Society, and public library system. Represented the county in court, primarily in drug forfeiture, property damage, and debt collection cases and in zoning appeals at the Circuit Court and Court of Special Appeals.
- ◆ Reviewed and drafted contracts with architects, contractors, vendors, and developers.
- ◆ Drafted ordinances and amendments to ordinances. Reviewed and drafted leases.
- ◆ Worked closely with one paralegal who also supervised the clerical staff.

Publications

Teresa Conaway, *An Overlooked but Essential Skill: Briefing Statutes*, Paralegal Educator, Spring/Summer 2014, at 5-7.

Teresa Conaway & Alyssa Rock, *A Strategy for Overcoming the Brain Dump: Oral Final Exams*, Paralegal Educator, Spring/Summer 2014, at 19-22.

Teresa Conaway, *How the Digital Millennium Copyright Act Jeopardizes Online Privacy*, 34 Neb. Lib. Assn. Q. 12-14 (2004)

Teresa L. Conaway, Carol L. Mutz & Joann M. Ross, *Jury Nullification: A Selective, Annotated Bibliography*, 39 Val. U. L. Rev. 393 (2005)

Teresa L. Conaway, *Consumer Protection Law Developments*, Legal Information ALERT, Vol. 29, No. 5, 2010, at 8 (book review).

Teresa L. Conaway, *Letters for Bankruptcy Lawyers: Essential Communications for Clients, Creditors, Opposing Counsel and Others*, Legal Information ALERT, Vol. 25, No. 9, 2006, at 11 (book review).

In progress:

Annotated bibliography of scholarly articles about the 17th amendment to the U.S. Constitution.

"Is Your Paralegal a Ticking Time Bomb?: A Lawyer's Duty to Supervise Non-Lawyer Assistants."

"Brieflets: The Kinder, Gentler Approach to Teaching Case Briefing."

Reference/Electronic Services Law Librarian

Assistant Professor of Law Library

July 2001 to April 2004

University of Nebraska College of Law Schmid Law Library
Lincoln, Nebraska

- ◆ Provided reference service to law students, law faculty, and the general public.
- ◆ Maintained the law college's listserv mailing lists. Built and maintained the law library's website.
- ◆ Participated with the other reference librarians in teaching the first year legal research class. Conducted workshops on legal citation for first year students.
- ◆ Participated in collection development and with a special interest in self-help/pro se and prisoner services.
- ◆ Served on the University of Nebraska Consortium of Libraries (UNCL) Staff Development Committee and the UNL Academic Standards committee; the UNCL Electronic Resources Programming Committee for two years; and an UNCL task force to evaluate common search interfaces.
- ◆ Participated with a task force with several local agencies for the purpose of improving services to pro se individuals in Nebraska.

Associate Professor of Paralegal Studies

August 1999 to July 2001

Mississippi University for Women
(A coeducational state university)

Columbus, Mississippi

- ◆ Taught: Introduction to Paralegal Studies, Legal Writing, Administrative Law, Legal Readings (Pre-Law seminar), Contracts & UCC, Torts, Bankruptcy, Law Office Technology & Management, University Orientation, Junior Seminar.
- ◆ Taught "the W's" first paralegal web course.
- ◆ Built and maintained a website for the program.
- ◆ Initiated and assisted with a comprehensive curriculum revision; drafted the department's first Honors projects guidelines; created a new course on Intellectual Property.
- ◆ Served as supervisor for one student's Honors project.
- ◆ Served as a member of the Faculty Advising Corps, providing academic advising to students who had not yet declared a major.

Associate Professor of Legal Assistant Technology

August 1997 to 1999

Assistant Professor, August 1992 to July 1997

Instructor, August 1989 to July 1992

Mississippi State Technical Community College
Knoxville, Tennessee

- ◆ Taught: Professional Responsibility, Principles of American Law, Legal Research I & II, Commercial Law I & II, Legal Writing, Property, Torts, Paralegal Practice Skills, Law in Society, Estates & Trusts, and Special Topics courses on Administrative Law, Construction Law, Bankruptcy, and the Law of Cyberspace. Tenured in 1994.
- ◆ Administrative responsibilities: Scheduled classes, selected and coordinated with adjunct instructors, ordered textbooks, served on departmental committees, negotiated articulation agreement with four-year college legal assistant program, participated in preparation for ABA approval and re-approval processes. Constructed and maintained web site for program.
- ◆ Student services roles: Served as advisor to paralegal club for three years, served as academic advisor to approximately 40 students every semester, served on faculty student development committee for three years.

Head of Reference & Instruction

May 2005 to June 2007

Texas Tech University School of Law Library

Lubbock, Texas

- ◆ Oversaw and coordinated the daily operations of the Reference and Instruction unit.
- ◆ Provided reference, research, and instructional services to students, faculty, and public users; develop and promote new services as needed. Taught legal research topics as requested by faculty and as part of a legal research certification program.
- ◆ Created and managed legal research certification program. Prepared and taught classes.
- ◆ Oversaw preparation of library user aids, newsletter articles, and other publications related to Reference & Instruction.
- ◆ Served as chair of library publications committee and edited the library newsletter.
- ◆ Conducted reference desk duties; schedule reference desk hours; trained and supervised reference desk student worker.
- ◆ Supervised one professional librarian and one student worker.
- ◆ Participated in collection development.
- ◆ Maintained and prepared statistical data and other unit reports.
- ◆ Served as a member of the law school's new student orientation committee; responsible for planning the law library's new student orientation program.
- ◆ Served as faculty liaison to several faculty members and the Academic Support Services program.
- ◆ Responded to inmate correspondence.
- ◆ Coordinated Reference & Instruction activities with legal practice faculty; attended legal practice faculty meetings.
- ◆ Participated in team teaching the Advanced Legal Research class.

Head of Access Services

April 2004 to May 2005

Texas Tech University School of Law Library

Lubbock, Texas

- ◆ Supervised the circulation desk, reserve collection, and inter-library loan. This included directly supervising 3 full-time support staff and indirectly supervising several student workers.
- ◆ Served as chair of library publications committee and edited the library newsletter.
- ◆ Provided reference services to students, faculty, and public patrons.
- ◆ Served as faculty liaison to several faculty members and the Academic Support Services program.
- ◆ Prepared circulation manual; drafted policies and procedures for access services.
- ◆ Participated with other reference librarians in teaching print and online legal research (WestLaw, Lexis, LoisLaw, etc.) skills to first year students and the advanced legal research class to upperclassmen; assisted reference librarians with instructional programs as needed.
- ◆ Served on the "Aleph Support Team," which provides policy support for the university-wide library automation system (ALEPH).
- ◆ Taught a semester-long course, "Introduction to Paralegal Studies," for the local community college, South Plains College.

Christy Abad

From: Jason Fuller [jasonhfuller@gmail.com]
Sent: Tuesday, May 12, 2015 4:15 PM
To: Christy Abad
Subject: Application for Judicial Council's Standing Committee on Resources for Self-Represented Parties
Attachments: Resume for position with Bar.pdf

Please see attached resume regarding the above-named position. If you need anything else, please do not hesitate to contact me. Thank you.

Jason Fuller
801.380.3603 (cell)
jasonhfuller@gmail.com

6/3/2015

JASON FULLER

918 W. 760 S. LEHI, UT 84043
PHONE: (801) 380-3603 • E-MAIL: JASONHFULLER@GMAIL.COM

EDUCATION

August 2002—May 2005	University of South Carolina	Columbia, SC
<i>Juris Doctor</i>		
January 2000—Dec. 2001	University of South Carolina	Spartanburg, SC
<i>B.A. English</i>		
August 1998—January 2000	Anderson College	Anderson, SC
<i>N/A Transfer</i>		

EXPERIENCE

- In both positions listed below, I dealt with opposing parties that were unrepresented on a frequent basis. Having to deal with these individuals gave me valuable insight into what they need.

Dec. 2007—May 2015 Huntsman, Lofgran & Fuller, Salt Lake City, UT
Attorney

- Represent clients in family law, litigation, and personal injury cases.
- Oversee and provide support to associate attorneys in family law, litigation, and personal injury cases.
- Assist in office management and oversight of support staff and paralegals when necessary.

Dec. 2006—Dec. 2007 Utah Legal Services, Provo, UT
Attorney

- Represent clients in protective order and divorce proceedings.
- Prepare presentations to senior citizens regarding wills and estate planning.
- Provide legal advice through clinics in Provo, Manti, Nephi, and Richfield.
- Assist in preparation and edit of Utah Legal Services legal reference manuals.

SKILLS

- Fluent in written and spoken Spanish. Worked as an interpreter for the University of South Carolina as a graduate assistant during law school.

Christy Abad

From: Patricia Latulippe [pll@hlutahlaw.com]
Sent: Monday, May 11, 2015 11:32 AM
To: Christy Abad
Subject: Standing Committee on Self Represented Parties
Attachments: 030315 resume.docx

Dear Representative:

I would very much like an opportunity to serve on this standing committee and appreciate your consideration. I have been interested in developing resources for parties who are unable to afford legal representation for the past few years. I oftentimes help clients with filling their own documents and have a website ready to launch soon which includes affordable legal resources such as webinars, etc.

I am happy to answer further questions and hope to hear from you. Sincerely, Patricia

Hincks &
La Tulippe, LLC

Patricia L. LaTulippe
HINCKS & LaTULIPPE, LLC
405 S. Main Street Suite 900
Salt Lake City, Utah 84111
801-538-5050 direct
801-606-7506 Fax

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6/3/2015

PATRICIA L. LATULIPPE

2220 Belaire Drive
Salt Lake City, Utah 84109
pll@hlutahlaw.com
801-538-5050
801-891-3339 (mobile)

ATTORNEY

Admitted to Practice Law in UTAH

Litigation · Personal Injury · Employment · Family Law

PROFESSIONAL SUMMARY

Litigation Attorney with twenty four plus years of experience in the areas of Personal Injury, including Product Liability, Mass Tort and Medical Malpractice, Family and Employment law, working with small and large firms with the ability to secure and develop strong clientele.

- | | |
|---|----------------------------|
| ➤ Presentations and Public Speaking | ➤ Litigation - 25 years |
| ➤ Evidence Gathering and Evaluation | ➤ Family Law – 25 years |
| ➤ Initial Case Review and Investigation | ➤ Employment – 10 years |
| ➤ Negotiation and Mediation | ➤ Human Resource – 6 years |
| ➤ Training and Supervising Personnel | |

EDUCATION

Juris Doctorate	J. Rueben Clark Law School	1990
B.S. in Education	University of Utah	1986
Mediation Training	Utah Dispute Resolution	2012

PROFESSIONAL EXPERIENCE

HINCKS & LATULIPPE, LLC
CO-OWNER/ATTORNEY

2010 TO PRESENT

- Establish and manage law firm while continuing to develop and maintain legal practice.
- Successfully develop comprehensive reporting program to ensure that each case analyzed, claim strategy developed and deadlines timely met.
- Establish and maintain relationships with clients, opposing counsel, experts, staff and mediators in stressful, high conflict situations.
- Ability to communicate well and put people of varying levels of experience and education at ease.
- Create a positive environment where conflicts get resolved.
- Present, develop, teach and persuade through witnesses, exhibits, and legal argument in all types of settings including trials, administrative hearings, mediations and various other public forums.

- Negotiate, mediate and/or aggressively pursue claims in order to obtain the best outcome while balancing costs vs. risks striving for a win/win situation.

NIELSEN & SENIOR, PC

2003 THROUGH 2010

PARTNER/ BOARD OF DIRECTOR /ATTORNEY

- Participate as board of director in the management of law firm.
- Develop website presence for firm.
- Director of human resource department.
- Maintain and develop law business.
- Investigate, gather evidence and litigate cases.
- Negotiate, mediate and problem solve
- Supervise, train and mentor different levels of employees from young attorneys, paralegals, secretaries and other support staff in order to maintain a well-balanced, collegial team.

LAW OFFICE OF PATRICIA L. LATULIPPE, LLC

2000 THROUGH 2003

OWNER /ATTORNEY

- Establish successful, solo law practice while continuing to develop business.
- Investigate, gather evidence and litigate cases.
- Negotiate, mediate and/or aggressively pursue claims in order to obtain the best outcome while striving for a win/win situation and balancing costs vs. benefits.
- Present, develop, teach and persuade through witnesses, exhibits, and legal argument.

ROBERT J DEBRY AND ASSOCIATES

1994 THROUGH 2000

ATTORNEY/SUPERVISOR

- Manage several legal departments including employment law, mass tort litigation, class actions, and social security.
- Screen hundreds of factual cases and interview potential clients.
- Participate in administrative labor/employment law mediations representing employee.
- Supervise attorneys, paralegals, secretaries and other support staff.
- Successfully develop comprehensive reporting program for different legal departments to ensure that each claim analyzed, individual claim strategy developed and deadlines timely met.
- Establish and maintain relationships with clients, opposing counsel, experts, national counsel, staff and mediators.
- Provide in-depth analysis of facts, law, and organizational culture.

NIELSEN & SENIOR, PC

1990 THROUGH 1994

ASSOCIATE ATTORNEY

- Work with law partners on numerous different legal matters and in numerous different areas of law. Second chair at trial.
- Network to develop clients

WOODROW WILSON ELEMENTARY

1987 THROUGH 1988

TEACHER

- Teach sixth grade students.
- Develop and successfully implement a program to increase reading comprehension.
- Develop and successfully implement a physical health program to increase students' health and physical well being.

REFERENCES AVAILABLE UPON REQUEST

LAW OFFICES
HATCH, JAMES & DODGE
A PROFESSIONAL CORPORATION
10 WEST BROADWAY, SUITE 400
SALT LAKE CITY, UTAH 84101
TELEPHONE: (801) 363-6363
FACSIMILE: (801) 363-6666

SHAUNDA L. MCNEILL

smcneill@hjdllaw.com

May 22, 2015

Judicial Council's Standing Committee on Resources for Self-Represented Litigants
c/o Nancy Sylvester
Administrative Office of the Courts
PO Box 140241
Salt Lake City Utah, 84114-0241

Dear Nancy:

I am writing to express interest in becoming the Utah State Bar representative for the Judicial Council's Standing Committee on Resources for Self-Represented Litigants.

I firmly believe that if our courts are to live up to the ideal of being a place where justice is done, they must be accessible to self-represented litigants. In my role as the chair of the YLD Wednesday Night Bar legal clinic, I regularly counsel self-represented litigants and am familiar with the legal and procedural challenges they face. Despite these challenges, the clients consistently express confidence that the courts will give them a fair hearing and a just result. I would like to serve on this Committee so that I can do my part to ensure that this confidence in the judicial system is not misplaced. Indeed, this Committee has already taken significant steps toward making the courts accessible to self-represented litigants. It makes me proud to show my Wednesday Night Bar clients the instructions and forms available at utcourts.gov, to explain the OCAP system, and to describe the assistance available through the Law Library and the Self Help Center.

I would be honored to serve on the Committee as these programs are expanded and new initiatives are rolled out. If I am selected to serve as this Committee's liaison with the Utah State Bar, I will also be able to coordinate efforts with the Young Lawyers Division (where I serve on the board) and the Emerging Legal Leaders subgroup of And Justice For All (where I serve on the Executive Committee).

My resume is enclosed with this letter. Let me know if I can provide any additional information that the Committee would find useful in considering my candidacy.

Sincerely,



Shaunda L. McNeill

SHAUNDA L. MCNEILL
smcneill@hjdllaw.com · 801-363-6363
10 W. Broadway, Ste. 400 · Salt Lake City, UT 84101

EDUCATION

Juris Doctor, *magna cum laude*, May 2012
Duke University School of Law, Durham, NC

- Order of the Coif
- *Law and Contemporary Problems*, Special Projects Editor
- Duke AIDS Law Clinic
- Duke Children's Law Clinic

Bachelor of Arts in History and International Studies, *summa cum laude*, May 2008
Southern Adventist University, Collegedale, TN

- Interdisciplinary honors track
- Study abroad year in Argentina, with all courses taught in Spanish

PROFESSIONAL WORK EXPERIENCE

Hatch, James & Dodge, P.C., Salt Lake City, UT
Associate

July 2013—Present

- Conduct motion practice, discovery, and trial preparation in complex commercial litigation cases
- Act as outside counsel to major Coca-Cola bottler, advising on matters including employment law, contracts, and federal contractor compliance

Utah Supreme Court, Salt Lake City, UT
Law Clerk to Justice Christine M. Durham

September 2012—June 2012

- Assisted the Justice in researching for and preparing judicial opinions
- Attended oral arguments and conferenced with the Justice on all cases

U.S. Attorney's Office for the Northern District of Georgia, Atlanta, GA
Law Intern

Summer 2011

- Drafted complaints, subpoenas, motions, and briefs for civil division
- Deposed suspected drug dealer in an asset forfeiture case

Adventist Health System, General Counsel's Office, Winter Park, FL
Law Clerk

Summer 2010

- Conducted research regarding Medicare and Medicaid fraud, employment law, professional licensure, patient privacy, church-state matters
- Assisted in defending against employment charges

Gimble Adventist Hospital, Gimble, Ethiopia
Outer Clinics Director

August 2008—June 2009

- Managed six satellite clinics in rural Ethiopia
- Represented the hospital and clinics at the Ministry of Health and other government agencies

PROFESSIONAL AND VOLUNTEER ACTIVITIES

- Emerging Legal Leaders Executive Committee, committee chair
- Young Lawyers Division, board member
- Wednesday Night Bar, chair
- Cinderella Prom Boutique, co-chair

Christy Abad

From: Veeru-Collings, Padma [Padma.Veeru-Collings@slcgov.com]
Sent: Monday, May 11, 2015 10:54 AM
To: Christy Abad
Subject: Judicial Council's Standing Committee on Resources for Self-Represented Parties
Attachments: Resume Padma Veeru-Collings May 2015.doc

I am interested. Thank you.

PADMA VEERU-COLLINGS
Chief Salt Lake City Prosecutor

OFFICE of the SALT LAKE CITY PROSECUTOR
349 South 200 East, Suite 500
Salt Lake City, Utah 84111

DIRECT 801-535-7762
OFFICE 801-535-7767
FAX 801-535-7251/7253

www.SLCGOV.COM

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Please consider the environment before printing this e-mail and any attachments.

6/3/2015

PADMA VEERU-COLLINGS

**349 South 200 East, Suite 500, Salt Lake City, Utah 84111
(801) 535-7762 & (801) 792-9047 (cell)
padma.veeru-collings@slcgov.com**

EDUCATION

Masters of Public Administration, April 1996.

Marriott School of Management, Brigham Young University, Provo, Utah.
• Marriott School of Management Merit Scholarship, 1995-1996.

Juris Doctor, August 1994.

J. Reuben Clark Law School, Brigham Young University, Provo, Utah.
• J. Reuben Clark Merit Scholarship, 1991-94.
• J. Reuben Clark Public Interest Law Scholarship, Fall 1992.
• J. Reuben Clark Scholarly Writing Award, 1992.
• Sherman Christensen American Inn of Court I, 1993-1994.

**Bachelor of Science, cum laude, organizational development &
Associate of Arts, speech communication (minor: political science)**

Brigham Young University - Hawaii, June 1991.
• BYU-Hawaii Student Services Award for Outstanding Participation & Academic Excellence, 1991.
• National Deans List 1988 -1991.
• BYU-Hawaii, Honor Roll, 1988 -1991.
• BYU-Hawaii Fine Arts Theater Scholarship Award, 1991.
• BYU-Hawaii Behavioral & Social Sciences Academic Award, 1991.
• BYU-Hawaii Language, Literature & Comm. Academic Award, 1990.
• Glen E. Nielson Trust Scholarship, 1989.
• BYU-Hawaii Women's Organization Book Scholarship, 1988.

PROFESSIONAL AFFILIATION

- Utah State Bar, October 1994 - present.
- Federal Bar, member, October 1994 - present.
- Litigation Section, Utah Bar Association, 2000 - present.
- Government Law Section, Utah Bar Association, 1999 - 2001.
- Utah Women's Forum, April 2014 - present
- Real Women Run, November 2014 -present

LEGAL EXPERIENCE

Chief Salt Lake City Prosecutor, March 10, 2011- present

- **Senior City Prosecutor, Sept 2008 – March 9, 2011.**
- **Senior Assistant City Prosecutor, Sept 2000 – Sept 2008.**
- **Assistant City Prosecutor, Sept 1999 – Sept 2000.**
- **Associate City Prosecutor, Sept 1998 – Sept 1999.**

Office of the Salt Lake City Prosecutor, Salt Lake City, Utah.

- Prosecute on behalf of Salt Lake City and the State of Utah in both the Salt Lake City Justice Court and the Second and Third Judicial District Courts.
- Handled all aspects of criminal prosecution including screening of cases for criminal charges, reviewed evidence, pertinent decisions, policies, regulations and other legal matters pertaining to cases, conducted bench and jury trial and other hearings, prepared pleadings, motions, memorandums of law, etc,
- Prepared, briefed and argued criminal issues before the Utah Court of Appeals.
- Prepared briefs in opposition to the defendant's *writ of certiorari*.
- Prepared, responded in writing and argued issues in civil court regarding mental competency and the Post-Conviction Remedies Act.
- Possess working knowledge of principles of civil and criminal law, judicial procedures, and rules of evidence.
- Prepared and litigated civil nuisance complaint.
- Supervised work of Associate, Assistant and Senior Assistant City Prosecutors.
- Member of a Community Action Team, a multi-disciplinary team, assigned to resolving community issues and problems. March 2000 – July, 2001.
- Domestic Violence Specialist, September 1998 - February 2000.
- Driving Under the Influence Specialist, June 29, 2001 – May 31, 2005.
- Training Specialist, June 01, 2005 – August, 2005.
- Administrative responsibilities include attorney court schedules, correlation meeting with judges and court personnel, budget preparation and presentation, etc.
- Worked as an attorney assigned to the Methamphetamine Initiative Project, a project funded by Federal Grant. Worked closely with the Salt Lake City Police Department.
- VAWA Grant Coordinator, 2006 – 2011, Maintained statistics and filed quarterly and annual reports. Supervised the domestic violence court victim assistant.
- Cross designated as Special Deputy Salt Lake County District Attorney.
- Cross designated as Special Assistant United States Attorney.

Staff Attorney

Disability Law Center, Salt Lake City, Utah.

November 1997 - September 1998.

- Advocated on behalf of children and individuals with disabilities under the direction of the Legal Director in court and out of court proceedings.
- Negotiated with school officials to obtain services for children with disabilities.
- Reviewed evidence, pertinent decisions, policies, regulations and other legal matters pertaining to disability rights.

- Member of the legal team on a class action lawsuit against the Utah Department of Human to obtain services for all people of disabilities similarly situated.
- Argued effectively before the Administrative Law Judge at the Social Security Administration to obtain benefits for those unable to work due to their disabilities.
- Conducted evidentiary hearings.
- Supervised advocates on the education law team.
- Reviewed work of advocates for adequacy of information and legal content.
- Conducted outreach to underserved population.

Hearing Officer

Salt Lake County Board of Equalization, Salt Lake City, Utah.

August 1996 - March 1997, August 1997 - November 1997.

- Appointed by the Salt Lake County Commissioners to hear property tax appeals.
- Presided over adversarial administrative property evaluation hearing.
- Reviewed evidence submitted by petitioners.
- Conducted evidentiary hearings.
- Functioned as fact-finder to determine the appropriateness of property values assessed. Issued written opinions.
- Established and maintained effective working relations with the County assessor's office, appraisers, attorneys, county employees, and other general public.

Attorney

Affordable Legal Advocates, Salt Lake City, Utah.

October 1994 - March 1995.

- Appeared primarily in Federal District Court on civil rights cases.
- Reviewed evidence, pertinent decisions, policies, regulations and other legal matters pertaining to cases, handled all aspects of the litigation of the civil cases, conducted depositions, prepared and responded to motions and pleadings.
- Supervised clerical staff.

Judicial Intern

Justice Charles B. Springer, Nevada Supreme Court, Carson City, Nevada, 1992.

Law Clerk

New York State Organized Crime Task Force, White Plains, NY, 1993.

Utah County Public Defender Association, Provo, Utah, 1993.

Legal Extern

Disability Law Clinic, J. Reuben Clark Law School, Provo, Utah, 1992.

Anderson & Dredge, Provo, Utah, 1992-1994.

Immigration Law Clinic, J. Reuben Clark Law School, Provo, Utah, 1993.

Utah Legal Services, Provo, Utah, 1992.

Research Assistant, J. Reuben Clark Law School, Provo, Utah.

- Professor Sherman Rogers, *Conflicts of Law* (1993).
- Professor James Backman, *Matthew Bender's Treatise on Property Law* (1992).

Teaching Assistant

J. Reuben Clark Law School, Provo, Utah, 1993-1994.

- Professor David Dominguez, *Public Interest Law*

Associate Chief Justice, BYU-Hawaii Traffic Court, Laie, Hawaii, 1990 - 1991.

Volunteer

Judge Pro tem, appointment from the Utah Supreme Court, 2006 – present.

Utah State Bar Mentor Program, 2009 – present.

Brigham Young University 1st year law student mentor program, 2000 – present.

Law Related Education Project – Mock Trial Judge, 2000, 2002 & 2003.

Guardian Ad Litem Program, Utah County, Utah, 1996.

Utah Legislative Coalition for People with Disabilities, 1997 - 1998.

The Church of Jesus Christ of Latter-day Saints, Seattle-Washington area, 1986 – 1988.

OTHER WORK-RELATED TRAINING

Presenter

- UMPA Conference, Springdale, Utah, August 2013.
- Salt Lake City Police Department Recruit training, May 2011, 2012, 2013.
- UMPA Conference, Springdale, Utah, August 2011.
- Utah Domestic Violence Council Leadership Conference, June 2011.
- Train the Trainer, Layton, Utah 2011
- National Institute on the Prosecution of Domestic Violence, Dallas, Texas, 2010.
- Domestic Violence training for law enforcement, 2010.
- UMPA Conference, Springdale, Utah, August 2007.
- Basis Prosecutor Course, Logan, Utah, August 2006, 2007.
- DUI investigation training for law enforcement, 2004, 2006, 2008.
- Domestic Violence Training for Salt Lake City Volunteer advocates, 1998, 1999, 2001.
- Dialogue on Freedom, September 08 –14, 2002.
- 9th Annual Domestic Violence Conference, June 24-25, 1999, Salt Lake City, Utah.
- Community Oriented Prosecution Conference, Portland, Oregon, September 1999.

LANGUAGES & PERSONAL INTEREST

Malay, Indonesian, Tamil and English.

Health and Wellness, Border Collies, Chess & Learning.

Christy Abad

From: Simon So [tisk121@yahoo.com]
Sent: Tuesday, May 12, 2015 2:16 PM
To: Christy Abad
Subject: Request for consideration for the Judicial Council's Standing Committee on Resources for Self-Represented Parties
Attachments: SimonSo.pdf

Attached is my resume and please consider my qualification for the position in the Judicial Council's Standing Committee on Resources for Self-Represented Parties. If you have any questions, please contact me asap, so I can answer them quickly.

Thank you.

Simon So
Attorney-at-Law
The Law Office of Simon L. Y. So L.L.C
5431 Brentford Court,
West Valley City, Utah 84120
(801) 960-6379

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6/3/2015

Simon So

Owner of The Law Firm of Simon L. Y. So L.L.C.

tisk121@yahoo.com

Experience

Owner at Self-employed

November 2012 - Present (2 years 7 months)

- General business and tort practice on issues of debts collections, landlord tenant, UCC Article 2, Easement
- General criminal defense such as traffic tickets and DUI - General family law matter such as divorce, paternity, child support, custody and visitation.

Legal Advisor at Wing On Foods Inc.

February 2011 - February 2014 (3 years 1 month)

- Applied UCC Article 2 and general contract principals to contract negotiation with suppliers and contractors; - Provided legal advices on tort liability such as slip and fall, workplace discrimination; traffic tickets, building and fire code violations, easement, applied for appropriate licenses for specific type of foods, commercial landlord tenant issues, breach of contracts.

Internship at The Law Office of Daniel V. Irvin L.L.C.

February 2010 - April 2010 (3 months)

- Conducted legal research on termination of parental rights, Utah Rules of Juvenile Procedure, Utah Rules of Civil Procedure, Utah Rules of Criminal Procedure, Destruction of Evidences, Res Judicata, DUI and DUI of a minor; - Interviewed prospective and current clients; negotiated parent time and custody arrangement; scheduled hearing dates; - Drafted motion to suppress, petition to terminate parental rights, answers to verified petition for divorce, paternity, and order to show cause, affidavit and other necessary legal documents requested by the attorney.

Paralegal at The Law Office of Daniel V. Irvin L.L.C.

November 2004 - May 2006 (1 year 7 months)

- Organized and maintained all case files, collect evidence such as client's pay stub, tax return information, intake packet for divorces, and other exhibits in preparation for trials; - Managed the law office, by handling all incoming and outgoing calls and mails, and maintained court dates for Federal, State and Justice Court; - Helped clients completed the intake forms; notified clients of change of court dates, maintained and updated client contact lists

Internship at Federal District Court of Utah

May 2004 - August 2004 (4 months)

- Drafted judicial memorandums with regard to Social Security cases appealed from the Administrative court

Education

Thomas M. Cooley Law School

Doctor of Law (J.D.), Litigation Concentration, 2010

Activities and Societies: Members of the Jessup International Moot Court team; Quarter-final in regional; Fourth Best Memorial in regional.

Massachusetts College of Liberal Arts

Bachelor of Arts (B.A.), Sociology, English with concentration in creative writing with minor in Philosophy and Women Studies, 2003

Certifications

Utah State Bar License

Utah State Bar License 13587

Languages

English

Cantonese

Skills & Expertise

Legal Writing

Legal Research

Trials

Family Law

Criminal Law

Legal Assistance

Legal Documents

Torts

Nonprofits

Paternity

Westlaw

Courts

Litigation

Criminal Defense

Civil Litigation

Mediation

Appeals

Legal Issues

Contract Negotiation

Commercial Litigation

Volunteer Experience

Member of the Board of Directors at Salt Lake American Muslim

June 2014 - Present (1 year)

- Provide legal advices for the operation of the non-profit organization, such as contracts and grants paperwork; - Working in conjunction with Salt Lake City Mayor Office, provides free legal advices to Muslim refugees on issues of divorce, paternity, criminal, torts and landlord tenant issues.

Volunteering attorney at Family Law Clinic

July 2012 - Present (2 years 11 months)

- Assists and provides legal advices to low income families in the areas of family law; - Assists and educates law students from University of Utah School of Law to understand the methods practicing family law in Utah.

Volunteering Attorney at RISE - Reentry Independence through Sustainable Efforts Drug Court program

January 2011 - Present (4 years 5 months)

- Through the referral system in the federal court program, provided free legal services to enrollee in the program in the area of family law cases.

Student Volunteer at Waine's Clinic

November 2003 - March 2005 (1 year 5 months)

- Under the supervision of the attorney, helped clients to use the online assistance program for divorce and paternity; drafted motion for an order to show cause, affidavit, and helped clients to calculate child support. Provided a copy of the parent time visitation statute.
-



Simon So

Owner of The Law Firm of Simon L. Y. So L.L.C.

tisk121@yahoo.com

Linked 

Contact Simon on LinkedIn



TAB 10

June 17, 2015

To: Members of the Judicial Council

From: Dan Becker

Subject: Council Appointment to Utah Retirement Membership Council

Judge Jim Davis has served for the past several years as the Judicial Council's representative on the above council. Judge Davis has asked that he be relieved of this responsibility and the Management Committee is recommending that Judge Kimberly Hornak be appointed to this Council.

This position has been held by an appellate court judge for the past two terms, and prior to that, by a district court judge. The Council has attempted to rotate this assignment among the court levels, and, in addition, has tended to name a current or former Judicial Council member who will appreciate the importance of keeping the Judicial Council informed of any developments that might impact the judicial retirement system.

The Management Committee recommends the appointment of Judge Kimberly Hornak.

**ADDITIONAL COUNCIL MEETING
HANDOUTS**

1 4-905. Restraint of minors in juvenile court.

2 Intent:

3 To provide for proper restraint of minors in juvenile court proceedings.

4 Applicability:

5 This rule applies to the juvenile court.

6 Statement of the Rule:

7 (a) Absent exigent circumstances, a minor appearing in juvenile court shall not be restrained unless
8 the court finds by a preponderance of the evidence that:

9 (a)(1) restraints are necessary to prevent physical harm to the minor or a third party present in the
10 courtroom;

11 (a)(2) the minor is a flight risk;

12 (a)(3) the minor is currently in jail, prison or a secure facility as defined by Utah Code section 78A-6-
13 105(36);

14 (a)(4) the seriousness of the charged offense warrants restraints; or

15 (a)(5) other good cause exists for the minor to be restrained.

16 (b) Any person with an interest in the case may move the court to restrain a minor during court
17 proceedings. The court shall permit all persons the right to be heard on the issue of whether to restrain
18 the minor.

19 (c) If the court orders that a minor should be restrained, the court shall reconsider that order at each
20 future hearing regarding the minor.

21 (d) Communications that provide information on the criteria listed in paragraph (a) are not ex parte
22 communications. However, the judge or commissioner shall notify all other parties of the communication
23 as soon as possible and shall give them an opportunity to respond.

Excerpt from Senate Bill 167

86 Section 2. Section 78A-6-122 is enacted to read:

87 78A-6-122. Restraint of juveniles.

88 (1) As used in this section, "restrained" means the use of handcuffs, chains, shackles,
89 zip ties, irons, straightjackets, and any other device or method which may be used to
90 immobilize a juvenile.

91 (2) The Judicial Council shall adopt rules that address the circumstances under which a
92 juvenile may be restrained while appearing in court. The Judicial Council shall ensure that the
93 rules consider both the welfare of the juvenile and the safety of the court. A juvenile may not
94 be restrained during a court proceeding unless restraint is authorized by rules of the Judicial
95 Council.

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13 **105(36);**

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92 juvenile may be restrained while appearing in court. The Judicial Council shall ensure that the
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