

JUDICIAL COUNCIL MEETING

AGENDA

Monday, November 23, 2015
Flynn Faculty Workshop Room – Room 6500
SJ Quinney Law School
Salt Lake City, Utah

Chief Justice Matthew B. Durrant, Presiding

1. 9:30 a.m. Welcome & Approval of Minutes Chief Justice Matthew B. Durrant
(Tab 1 - Action)
2. 9:35 a.m. New Member – Oath of Office. Chief Justice Matthew B. Durrant
3. 9:40 a.m. Chair's Report. Chief Justice Matthew B. Durrant
4. 9:45 a.m. Administrator's Report. Daniel J. Becker
5. 10:00 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. 10:15 a.m. Legislative Update. Rick Schwermer
(Information)
7. 10:25 a.m. Judicial Conduct Commission Update. Colin Winchester
(Information)
- 10:45 a.m. Break
8. 10:55 a.m. Language Access Report. Alison Adams-Perlac
(Tab 3 - Information)
9. 11:15 a.m. Pre-Trial Release Practices Report. Judge Todd Shaughnessy
(Tab 4 - Action) Alison Adams-Perlac
Nancy Sylvester
10. 12:00 p.m. Comments from the Dean of the SJ Quinney Law
School. Dean Robert W. Adler
(Information)
- 12:10 p.m. Lunch

- 12:40 p.m. Tour of the Law School
11. 12:50 p.m. Board of District Court Judges Update. Judge Noel Hyde
(Tab 5 - Information)
12. 1:10 p.m. Domestic Study: Proposed Charge. Daniel J. Becker
(Tab 6 - Action)
13. 1:30 p.m. Farmington/Davis County Justice Court. Rick Schwermer
(Information)
14. 1:40 p.m. Fourth District Law Clerk/Bailiff Issue. Daniel J. Becker
(Action) Shane Bahr
15. 1:50 p.m. Senior Judge Certification. Nancy Sylvester
(Tab 7 - Action)
16. 2:00 p.m. Executive Session
17. 2:20 p.m. Adjourn

Consent Calendar

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

1. Committee Appointments
(Tab 8)

Ray Wahl
Ron Bowmaster
Nancy Sylvester
Debra Moore

2. Rules for Public Comment
(Tab 9)

Alison Adams-Perlac

TAB 1

JUDICIAL COUNCIL MEETING

Minutes

Monday, October 26, 2015

Judicial Council Room

Matheson Courthouse

Salt Lake City, Utah

Chief Justice Matthew B. Durrant, Presiding

ATTENDEES:

Chief Justice Matthew B. Durrant
Justice Thomas Lee
Hon. Marvin Bagley
Hon. Ann Boyden
Hon. Mark DeCaria
Hon. Paul Farr
Hon. Thomas Higbee
Hon. David Marx
Hon. David Mortensen
Hon. Reed Parkin
Hon. Randall Skanchy
Hon. Kate Toomey
John Lund, esq.

GUESTS:

Hon. Stephen Roth
Ben Winslow
Elly Kalfus
David Brickey
Adam Trupp
Marina Lowe
Anna Brower
Bob Bornchowicz
Kent Hart
Mary Westby
Jon Mosher
Roger Tew
Michael Zimmerman
McKenzie Romero
Jessica Miller
Brian Gimmatt
Michelle Pub
Cameron Diehl
Hon. Brendan McCullagh
Hon. Todd Shaughnessy
Jared Eldredge
Kelly Wright
Wendell Roberts

STAFF PRESENT:

Daniel J. Becker
Ray Wahl
Jody Gonzales
Dawn Marie Rubio
Rick Schwermer
Tim Shea
Alison Adams-Perlac
Ron Bowmaster
Nancy Sylvester
Jessica Van Buren
Nancy Volmer

EXCUSED:

Hon. Mary Noonan

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

Chief Justice Matthew B. Durrant welcomed everyone to the meeting. A special welcome was extended to Judge Mark DeCaria, a new member to the Council.

Motion: Mr. Lund moved to approve the minutes from the September 22, 2015 Judicial Council meeting. Judge Skanchy seconded the motion, and it passed unanimously.

2. **OATH OF OFFICE: (Chief Justice Matthew B. Durrant)**

Chief Justice Durrant administered the Oath of Office to Judge Mark DeCaria.

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

Chief Justice Durrant reported on the following items:

He, Judge Michael DiReda, Mr. Ron Gordon, and Mr. Dan Becker attended a conference entitled *National Summit on Human Trafficking and the State Courts* at the beginning of October, and he administered the oath of office for Judge Paige Petersen on October 23.

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

Mr. Becker reported on the following items:

NAWJ Conference. The National Association of Women Judges (NAWJ) held their annual conference in Salt Lake City at the beginning of October with more than 150 attendees.

Budget Request Meeting. Chief Justice Durrant, Dan Becker, Ray Wahl, and Rick Schwermer will meet with the Governor to discuss the courts budget requests for FY 2017.

New-Council Member Orientation. An orientation was held for new Council members, this morning, prior to the Council meeting.

November Council Meeting. The November 23 Council meeting will be held at the SJ Quinney Law School at the University of Utah. Transportation, from the Matheson Courthouse, will be provided for members of the Council.

5. **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 October.

Policy and Planning Meeting:

Judge Parkin reported that several rules will be recommended for final action later in the meeting.

Bar Commission Report:

Mr. Lund reported on the following items: 1) the Bar Commission is scheduled to meet on October 30, and 2) focus on the AAA Task Force and the Supreme Court Task Force to Examine Limited Legal Licensing as they relate to access to justice.

6. 2016 COUNCIL COMMITTEE APPOINTMENTS: (Chief Justice Matthew B. Durrant)

Chief Justice Durrant reviewed the proposed 2016 Council committee appointments. He recommended the following appointments: 1) Judge Thomas Higbee to replace Judge Kimberly Hornak on the Management Committee, 2) Judge Mary Noonan to replace Judge Thomas Higbee on the Liaison Committee and (ex-officio on the Policy and Planning Committee), 3) Judge Mark DeCaria to replace Judge Glen Dawson on the Policy and Planning Committee, and 4) Judge Randall Skanchy to serve as the vice-chair of the Council.

Motion: Judge Higbee moved to approve the Council committee appointments as proposed by Chief Justice Durrant. Judge Parkin seconded the motion, and it passed unanimously.

7. 2016 COUNCIL CALENDAR APPROVAL: (Ray Wahl)

Mr. Wahl reviewed the 2016 Council calendar. He highlighted the following relative to the 2016 Judicial Council meeting dates: 1) the State of the Judiciary is scheduled to follow the January meeting, 2) the March meeting will be held in St. George in conjunction with the Bar's Spring Convention, 3) the August meeting will be held in conjunction with the Council's Budget and Planning Session, and 4) the September meeting will be determined at a later date, once the Annual Judicial Conference has been scheduled.

Motion: Judge Toomey moved to approve the 2016 Council calendar as proposed, with the September date to still be determined. It was seconded, and it passed unanimously.

8. LEGISLATIVE UPDATE AND INTERIM HIGHLIGHTS: (Rick Schwermer)

Mr. Schwermer highlighted the following in his legislative update: 1) an interim session was held last week; 2) DUI report provided; 3) ADR was up for sunset – ADR programs were reported on – it was authorized for another 10 years; 4) budget and ongoing funding for the next legislative session; and 5) Medicaid expansion will be deferred until the legislative session.

9. INDIGENT DEFENSE COMMITTEE FINAL REPORT: (Judge Stephen Roth and Rick Schwermer)

Chief Justice Durrant welcomed Judge Roth, committee members, members of the press, and any other interested parties to the meeting.

Judge Roth highlighted the following as he presented the Indigent Defense Final Report: 1) summary of the committee's charge; 2) acknowledged committee members in attendance; 3) reviewed membership of the committee; 4) the Sixth Amendment to the United States Constitution provides "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, ...and to have the assistance of Counsel for his defense;" 5) In Utah, the legislature has delegated the responsibility to provide indigent defense counsel to county and municipal governments; 6) in 2011, the Council received recommendations of appellate representation of indigent defendants from a study committee formed in 2008; 7) additionally, a Study Committee on the Representation of Indigent Criminal Defendants was formed by the Judicial Council; 8) noted the study conducted by the Sixth Amendment Center with a copy of their report distributed to members of the Council; 9) compiled a set of principles (the Pullan Principles) which was provided to the Sixth Amendment Center as a guide for assessing and improving Utah's indigent defense system and securing the right to counsel guaranteed by the state and federal constitutions; 10) three areas of concern dealt with: a) Indigent Defense Commission, b) fixed-fee contracts, and c) justice court concerns; 11) creation of proposed principles for an effective Indigent Defense Commission; 12) implement appropriate training and

mentoring programs; 13) comments were provided by Mr. Trupp, Mr. Tew, Mr. Hart, and former Justice Zimmerman; and 14) noted Jon Mosher, Sixth Amendment Center's attendance at the meeting.

Questions were asked of Judge Roth. He provided responses to questions asked of him.

Chief Justice Durrant thanked Judge Roth and members of the Study Committee on the Representation of Indigent Criminal Defendants in Trial Courts for their work addressing the matter of indigent defense.

Motion: Judge Mortensen moved to accept the Indigent Defense Report, endorse recommendation #1, and forward recommendation #3 to the Council's Policy and Planning Committee. Judge Toomey seconded the motion, and it passed unanimously.

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

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

Ms. Adams-Perlac reported that the public comment period has ended for the following rules with no comments being received, and they are being recommended for final action by the Policy and Planning Committee:

Rule CJA 04-0202.02 – Records classification. The rule has been amended to classify appellate filings, including brief, as public; and it will classify records maintained and prepared by juvenile probation, except for those filed with the court, as protected.

Motion: Judge Skanchy moved to approve Rule CJA 04-0202.02 – Records classification as recommended with a November 1, 2015 effective date. Judge Toomey seconded the motion, and it passed unanimously.

Rule CJA 04-0202.03 – Records access. The rule has been amended to provide that a person given access to a record in order for juvenile probation to fulfill a probation responsibility may access a safeguarded record.

Motion: Judge Skanchy moved to approve Rule CJA 04-0202.03 – Records access as recommended with a November 1, 2015 effective date. Judge Toomey seconded the motion, and it passed unanimously.

CJA 04-0202.04 – Request to access a record associated with a case; request to classify a record associated with a case. The rule has been amended to provide that a party with an interest in a case may move or petition a court with jurisdiction or a court that no longer has jurisdiction to reclassify a record or to have information readacted from the record.

Motion: Judge Skanchy moved to approve Rule CJA 04-0202.04 – Request to access a record associated with a case; request to classify a record associated with a case as recommended with a May 1, 2016 effective date. Judge Toomey seconded the motion, and it passed unanimously.

CJA 04-0202.09 – Miscellaneous. The rule has been amended to provide that a party may move, or a non-party interested in a record may petition, to classify a record as private, protected, sealed, safeguarded, juvenile court legal, or juvenile court social, or to readact non-public information from a public record.

Motion: Judge Skanchy moved to approve Rule CJA 04-0202.09 – Miscellaneous as

recommended with a May 1, 2016 effective date. Judge Toomey seconded the motion, and it passed unanimously.

CJA 04-0205 – Security of court records. The rule has been amended to provide that an appellate clerk is responsible for expunging records upon an order of expungement, but that a brief will be public unless it is otherwise classified through an order on a motion or petition.

Motion: Judge Skanchy moved to approve Rule CJA 04-0205 – Security of court records as recommended with a May 1, 2016 effective date. Judge Toomey seconded the motion, and it passed unanimously.

CJA 04-0901 – Mandatory electronic filing in juvenile court. The rule is new and it requires that pleadings and other papers filed in existing juvenile court cases on or after December 1, 2015 shall be filed electronically in CARE. The rule requires that pleadings and other papers filed to initiate juvenile court cases on or after August 1, 2016 shall be filed electronically in CARE.

Motion: Judge Skanchy moved to approve Rule CJA 04-0901 – Mandatory electronic filing in juvenile court as recommended with a November 1, 2015 effective date. Judge Toomey seconded the motion, and it passed unanimously.

11. ACCESS AND FAIRNESS SURVEY: (Jessica Van Buren)

Chief Justice Durrant welcomed Ms. Van Buren to the meeting.

Ms. Van Buren highlighted the following in her update to the Council on the 2015 Access and Fairness Survey: 1) the survey was first administered in 2006 and repeated bi-annually, 2) Utah's Access and Fairness Survey is compared to other states as outlined on a handout included in the Council materials, 3) three surveyors at 38 court locations over an eight-week period, 4) a full day at each court location with the busiest calendar was selected, 5) every court visitor was eligible to complete the survey, 6) the survey was available in English and Spanish, 7) the survey was available online or on paper, and 8) the survey was completed by 850 people in 2015 compared to 1,392 in 2013.

Ms. Van Buren reviewed the results per survey question.

12. 2016 STUDY ITEM DISCUSSION: (Daniel J. Becker and Rick Schwermer)

Mr. Becker reminded the Council of their discussion of potential study items to be considered for study in 2016. The items included: 1) domestic court, 2) examining judicial district boundaries, and 3) court security.

From the discussion that took place at the September Council meeting, interest was shown in the domestic court matter. Mr. Becker asked members of the Council whether the matter of domestic court should be considered as the 2016 study item or should the matter be referred to the Standing Committee on Children and Family Law for their consideration.

Mr. Becker met with the Board of District Court Judges at their last meeting where he discussed the potential study item with them. The Board of District Court Judges expressed support of domestic court as the 2016 Council study item.

Mr. Schwermer provided background information relative to the matter of domestic court.

Discussion took place.

A draft charge will be prepared for the Council to consider at the November Council meeting, along with a determination of whether to have the matter of domestic court be considered as a Council study item or have the matter studied by the Standing Committee on Children and Family Law (SCCFL).

13. TECHNOLOGY COMMITTEE UPDATE: (Ron Bowmaster)

Chief Justice Durrant welcomed Mr. Bowmaster to the meeting.

Mr. Bowmaster mentioned that Judge Pearce was unable to attend. Mr. Bowmaster highlighted the following in his update to the Council on the activities of the Technology Committee: 1) committee's oversight role, 2) technology in the courtroom, 3) justice court documents, and 4) technology initiatives for 2016.

The Technology Committee exercised oversight over the Council's e-filing mandates to include: 1) criminal e-filing, 2) juvenile e-filing, 3) enhancements to the Appellate computing systems, and 4) proposed changes in the rules for document retention.

Over the past year, the installation and upgrade of the audio/video capability in remote courthouses was completed.

Mr. Bowmaster highlighted the following regarding justice court documents: 1) a recommendation was reviewed and approved to make justice court documents available through the Xchange system, effective August 1, 2015; and 2) the fee to access documents through Xchanges was reduced from \$2.50 per document to \$0.50 per document.

A review of the 2016 IT project priorities included: 1) compliance for chip card technology and standard, 2) hardening the courts data centers to further protect our systems from intrusion, and 3) centralizing the accounting system for CARE, CORIS, AIS, translators, and other applications that collect money as identified in the committee's strategic plan.

Mr. Bowmaster reminded the Council of their approval of the following projects: 1) rewrite of the current jury, AIS and CORIS computing systems, and 2) create an online dispute resolution system.

Discussion took place throughout. Questions were asked, with Mr. Bowmaster responding to the questions asked of him.

Mr. Bowmaster was asked a question regarding the status of mandatory e-filing of B and C misdemeanors in justice courts. He reported that the capability is there, approval would be needed to proceed.

Motion: Judge Mortensen moved to refer the matter of mandatory e-filing of B and C misdemeanors to Policy and Planning for consideration of a rule change. The motion was seconded, and it passed unanimously.

14. FARMINGTON/DAVIS COUNTY JUSTICE COURT: (Rick Schwermer)

Mr. Schwermer mentioned that no action will be taken today relative to the Farmington/Davis County Justice Court. The last action taken was to approve the creation of the Farmington Justice Court and an inter-local agreement with interested governing entities which took place at the July Council meeting.

Lease agreements for both Farmington and Davis County are in question.

A meeting is scheduled later today to discuss the matter further.

Discussion took place.

15. KANE COUNTY COURT AS A STATE-OWNED SITE: (Wendell Roberts and Ray Wahl)

Chief Justice Durrant welcomed Mr. Wahl and Mr. Roberts to the meeting.

Mr. Wahl provided background information relative to contract court sites.

Kane County is requesting to transfer responsibility for operations of the Kane County District Court from a contract site to a state-owned site, with a December 1 effective date.

Motion: Judge Parkin moved to approve Kane County's request to transfer responsibility for operations of the Kane County District Court from a contract site to a state-owned site, with a December 1 effective date and bypass the need to require any action taken by the Policy and Planning Committee. Judge Higbee seconded the motion, and it passed unanimously.

16. SENIOR JUDGE RULE CHANGE: (Nancy Sylvester)

Chief Justice Durrant welcomed Ms. Sylvester to the meeting.

Ms. Sylvester reported on a request made by the senior judge bench at their annual meeting held on September 23. The senior judges proposed that rather than having an annual education requirement of 30 hours, that an amendment be made to Rule 11-201 – Senior Judges to allow for a biannual requirement of 60 hours.

Ms. Sylvester provided background information relative to the request.

The proposed amendment to the rule included:

(1)(C) If an active senior judge has not met the annual education requirements set forth in Rule 3-111(4)(D) of this Code, then the Council may look to the total of two years of education hours to satisfy (1)(B)(v).

Discussion took place.

Motion: Judge Skanchy moved to send the rule, along with the proposed amendment, to the Policy and Planning Committee for further review and recommendation. Judge Toomey seconded the motion, and it passed unanimously.

17. SENIOR JUDGE CERTIFICATION: (Nancy Sylvester)

Judge Betty Burns has applied to be reappointed as an inactive senior judge. She is in compliance with the minimum qualifications and judicial performance standards. She has been recommended by the Board of Justice Court Judges for reappointment.

Motion: Judge Marx moved to forward the recommendation, on behalf of the Council, to the Supreme Court to reappoint Judge Betty Burns as an inactive senior judge. Judge Higbee seconded the motion, and it passed unanimously.

Judge Gary Stott has applied to be reappointed as an active senior judge. He is in compliance with the minimum qualifications and judicial performance standards.

Motion: Judge Skanchy moved to enter into an executive session to discuss a matter of professional competence. It was seconded, and it passed unanimously.

Motion: Judge Mortensen moved to forward the recommendation, on behalf of the Council, to the Supreme Court to reappoint Judge Gary Stott as an active senior judge, nunc pro tunc, effective June 1, 2015. Judge Skanchy seconded the motion, and it passed unanimously.

18. EXECUTIVE SESSION

An executive session was held at this time.

19. ADJOURN



The meeting was adjourned.



Administrative Office of the Courts

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

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

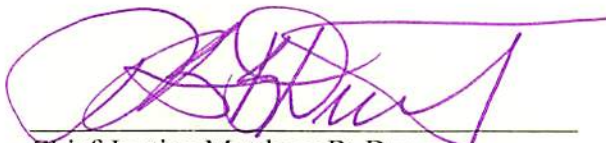
Sworn Statement under Rule 2-103(4)(B) of the Utah Code of Judicial Administration Regarding Judicial Council Meeting Closure

I, Chief Justice Matthew B. Durrant, state as follows:

1. On 10-26-15 (date), the Judicial Council closed its meeting. The meeting was closed only to discuss:
 - ☒ the character, competence, or physical or mental health of an individual;
 - ☐ litigation;
 - ☐ the deployment of security personnel, devices, or systems;
 - ☐ allegations of criminal misconduct; or
 - ☐ consideration of a private, protected, sealed, juvenile court social, juvenile court legal, or safeguarded record.
2. For the reason(s) noted above, a recording and minutes were not kept during the closed portion of the meeting.

I declare under penalty of perjury that the statements made in this document are true and correct.

10-26-15
Date


Chief Justice Matthew B. Durrant
Chair, Utah Judicial Council

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.

TAB 2

**JUDICIAL COUNCIL MANAGEMENT COMMITTEE
MINUTES**

**Tuesday, November 10th, 2015
Matheson Courthouse
450 South State Street
Salt Lake City, Utah**

MEMBERS PRESENT:

Chief Justice Matthew B. Durrant, Chair
Hon. Randall Skanchy
Hon. Thomas Higbee (by phone)
Hon. David Marx
Hon. Kate Toomey

EXCUSED:

GUESTS:

Judge James Brady (by phone)

STAFF PRESENT:

Daniel J. Becker
Ray Wahl
Jody Gonzales
Rick Schermer
Tim Shea
Ron Bowmaster
Heather Mackenzie-Campbell
Nancy Sylvester
Brent Johnson
Emily Iwasaki
Lisa Crenshaw

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 Skanchy moved to approve the October 13, 2015 Management Committee meeting minutes. Judge Marx seconded the motion, and it passed unanimously.

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

He reported on the following items:

Executive Session. An executive session will be needed at the end of the meeting.

Court's Media Relations Officer. Ms. Nancy Volmer has accepted a position outside of the courts, and she will be leaving at the end of the month.

Meeting with the Governor. Chief Justice Durrant, Mr. Becker, Mr. Wahl and Mr. Schwermer will meet with the Governor on Friday, November 13. Mr. Becker highlighted the following discussion points: 1) Indigent Defense Report, 2) Pre-Trial Release Report, 3) Medicaid expansion related concerns, and 4) FY 2017 budget requests.

Pre-Trial Release Report. The Pre-Trial Release report will be presented to the Council in November.

Limited Legal Licensing Report. The report on behalf of the Supreme Court Task Force to Examine Limited Legal Licensing will be presented to the Supreme Court on November 18.

Proposed Senior Judge Rule Change. Mr. Becker provided background information on the proposed senior judge rule change as drafted by the Board of District Court Judges. The proposed rule change would recommend immediately filling any judicial vacancy by a senior

judge unless overruled by a presiding judge. Mr. Becker anticipates the proposed rule change to be presented by the Board of District Court Judges chair at the November meeting when he provides an update to the Council.

If the proposed senior judge rule change were to be approved, it would be approved for all court levels.

Discussion took place.

It was recommended to include the proposed senior judge rule change on the December Council agenda for further discussion and action.

3. COMMITTEE APPOINTMENTS: (Ray Wahl, Ron Bowmaster, Nancy Sylvester, and Debra Moore)

The Standing Committee on Children and Family Law (SCCFL) has two vacancies with the following members completing their second terms: 1) Commissioner Michelle Blomquist and 2) Sophia Moore, a family law practitioner.

Commissioner Blomquist chairs one of the subcommittees working on amending Rule 101, Rule 109 and Rule 26.1. The subcommittee has also been tasked with looking at the issue of Special Masters and Case Management in domestic matters.

With this, the chairs of the Standing Committee on Children and Family Law (SCCFL) request that Commissioner Blomquist serve a third term so that matters assigned to the subcommittee continue to have the continuity provided by her continuing as the subcommittee chair.

Motion: Judge Skanchy moved to approve the reappointment of Commissioner Blomquist to serve a third term on the Standing Committee on Children and Family Law, due to exceptional circumstances, and place it on the November Judicial Council consent calendar. Judge Toomey seconded the motion, and it passed unanimously.

The following family law practitioners have expressed interest in serving on the Standing Committee on Children and Family Law (SCCFL): 1) Mr. Bryant McConkie, 2) Mr. James Hanks, 3) Ms. Dena Sarandos, 4) Ms. Lorie Fowlke, 5) Mr. Doiuglas Adair, and 6) Mr. Albert Pranno.

Mr. Wahl mentioned that Judge Paul Lyman, co-chair of the committee was out of town. While all are very qualified, Judge Doug Thomas, co-chair of the committee, recommended appointment of Mr. James Hanks as the family law practitioner on the committee.

Motion: Judge Skanchy moved to accept the recommendation of Judge Thomas to approve the appointment of Mr. James Hank to serve as the family law practitioner on the Standing Committee on Children and Family Law (SCCF) and place it on the November Judicial Council consent calendar. Judge Toomey seconded the motion, and it passed unanimously.

The Uniform Fine and Bail Schedule Committee has a vacancy for a district court judge representative, who has experience with misdemeanors, with Judge Clark McClellan's second term expiring. The following judges have expressed interest in serving on the committee: 1) Judge David Hamilton, and 2) Judge Samuel Chiara.

The Board of District Court Judges recommended the appointment of Judge David Hamilton to fill the vacancy.

Motion: Judge Skanchy moved to approve the recommendation of Judge David Hamilton to serve on the Uniform Fine and Bail Schedule Committee as the district court judge representative, who has experience with misdemeanors. Judge Toomey seconded the motion, and it passed unanimously.

The Standing Committee on Technology recommended the reappointment of Mr. Shane Bahr, trial court executive, to serve a second term on the committee.

Motion: Judge Skanchy moved to approve the reappointment of Mr. Shane Bahr for a second term on the Standing Committee on Technology as one of the trial court executive representatives and place it on the November Judicial Council consent calendar. Judge Toomey seconded the motion, and it passed unanimously.

The Committee on Resources for Self-Represented Parties has the following vacancies: 1) district court judge and 2) rural clerk of court.

The following district court judges have expressed interest in serving on the committee: 1) Judge Barry Lawrence, 2) Judge Paige Petersen, and 3) Judge Su Chon. Judge Kara Pettit's expressed interest in the vacancy after the Board of District Court Judges considered the names for recommendation.

The Board of District Court Judges recommended the appointment of Judge Barry Lawrence to fill the district court judge vacancy on the committee.

Motion: Judge Skanchy moved to approve the recommendation to appoint Judge Barry Lawrence as the district court judge representative on the Committee on Resources for Self-Represented Parties and place it on the November Judicial Council consent calendar. Judge Toomey seconded the motion, and it passed unanimously.

The Committee on Resources for Self-Represented Parties would like to reappoint Ms. Carol Frank to serve a third term on the committee due to exceptional circumstances. Ms. Sylvester noted the exceptional circumstances.

Motion: Judge Skanchy moved to approve the reappointment of Ms. Carol Frank to serve a third term on the Committee on Resources for Self-Represented Parties as the rural clerk of court representative and place it on the November Judicial Council consent calendar. Judge Toomey seconded the motion, and it passed unanimously.

4. AUDIT COMMITTEE ORIENTATION: (Heather Mackenzie-Campbell)

Chief Justice Durrant welcomed Ms. Mackenzie-Campbell to the meeting.

Ms. Mackenzie-Campbell highlighted the following in her annual audit committee orientation: 1) what is internal auditing, 2) the importance of an internal audit committee, 3) audit committee powers and duties, 4) CJA Rule 3-415, 5) audit committee's focus, 6) COSO internal control framework, 7) addressing audit committee concerns, 8) audit responsibilities, 9) audit staff, 10) audit universe and risk-based audit schedule, 11) audit standards and instructions, 12) audit process and phases, 13) other services, and 14) investigation of suspected fraud.

5. FARMINGTON/DAVIS COUNTY JUSTICE COURT: (Rick Schwermer)

Mr. Schwermer updated the Management Committee relative to the Farmington/Davis County Justice Court Inter-local Agreement.

Mr. Schwermer highlighted the following relative to the Farmington, Davis County Justice Court: 1) a meeting with Davis County and several of the participating cities was held yesterday regarding Davis County continuing an Inter-local Agreement for the justice court, and 2) Farmington would like to request their inter-local agreement that was approved in July be dissolved.

More information should be available for the Council during the Council's November meeting.

6. UNIFORM FINE AND BAIL RECOMMENDATIONS: (Judge James Brady, Emily Iwasaki and Lisa Crenshaw)

Chief Justice Durrant welcomed Judge Brady to the meeting.

Judge Brady reviewed fine and bail issues discussed at Uniform Fine and Bail Schedule Committee interim meeting held in October. Any adjustments to the Uniform Fine and Bail Schedule will be considered in April of 2016. He highlighted the following items that were discussed by the committee: 1) how to deal with potential bail recommendations of the Pre-Trial Release Committee, which will be presented to the Council in November, where bail will be based on considerations other than the fine as provided in the current fine/bail schedule guidelines; 2) concern with the different levels of recommended bail and fine per category and offense; 3) addressed code reference numbers in the schedule; 4) the issue where a defendant is charged with an infraction and is not subject to jail, but the same defendant is subject to jail due to failure to appear for court; and 5) the committee has requested clerks to contact their judges with fine and bail concerns, and the judges would then contact the Uniform Fine and Bail Schedule Committee with those concerns.

Ms. Emily Iwasaki highlighted the following recommendations relative to the Juvenile Fine and Bail Schedule: 1) certain traffic and wildlife offenses on the juvenile fine and bail schedule were lowered to coincide with the amount on the adult fine and bail schedule, and 2) drug offenses reflect the legislative changes made with HB 348, effective October 1.

Ms. Crenshaw highlighted the following: 1) curly bracket surrounded a C in statute, recommendation to have them removed and replaced with parenthesis where appropriate; 2) drug changes made effective October 1; 3) an updated bail schedule was sent by email to members of the committee at the beginning of the meeting.

The Uniform Fine and Bail Schedule Committee will hold their next meeting in April.

The Management Committee expressed concern over the proposal that court clerks be required to get approval from local judges prior to submitting a proposed suggestion to the committee. The Management Committee felt clerks should be able to make recommendations directly to the committee and ask that the committee reconsider this particular change.

Motion: Judge Marx moved to approve the recommendations presented by Ms. Iwasaki and Ms. Crenshaw. Judge Skanchy seconded the motion, and it passed unanimously.

7. **FOURTH DISTRICT LAW CLERK/BAILIFF ISSUE: (Daniel J. Becker and Mr. Shane Bahr)**

Mr. Becker provided background information on the law clerk/bailiff program which has been in place for 20 years. The bailiffs split their time between bailiff and law clerk duties, by agreement between the courts and sheriff's office.

The sheriff has been gradually trying to get out of the program of providing joint bailiff/law clerk services. Last year, the county changed the classification of the law clerk/bailiff position from a classified position to a contractual position which eliminated the benefits that the law clerk/bailiffs received. This created a problem in the Fourth District in filling law clerk vacancies.

Discussion has taken place to determine what action needs to take place relative to law clerks in the Fourth District. To create a law-clerk program in the Fourth District, it will require \$450,000 in permanent funds.

Mr. Becker reviewed a proposal for incrementally creating law clerk positions for the Fourth District to coincide with the occupancy of the new Provo Courthouse in 2018.

Discussion took place.

8. **DOMESTIC STUDY: PROPOSED CHARGE: (Daniel J. Becker)**

Mr. Becker distributed a copy of the draft committee charge for the Judicial Council Study: Domestic Case Process Improvements.

If approved, the Judicial Council's Standing Committee on Children and Family Law (SCCFL) would be charged with conducting a thorough review of existing domestic case processing statutes, rules, and practices and in determining if there are alternatives and improvements that should be considered. This study should be limited to domestic cases and shall not include juvenile delinquency or child welfare proceedings.

Discussion took place.

Suggestions were discussed. Mr. Becker will amend the draft for consideration at the November Council meeting.

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

Chief Justice Durrant reviewed the proposed Council agenda for the November 23 Council meeting.

Motion: Judge Skanchy moved to approve the Council agenda for the November 23 Council meeting. Judge Toomey seconded the motion, and it passed unanimously.

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

10. **EXECUTIVE SESSION:**

An executive session was held at this time.

Motion: Judge Toomey moved to approve the Kane County District Court Limited Audit. Judge Skanchy seconded the motion, and it passed unanimously.



11.

ADJOURN

The meeting was adjourned.



Administrative Office of the Courts

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

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

Sworn Statement under Rule 2-103(4)(B) of the Utah Code of Judicial Administration Regarding Judicial Council Meeting Closure


management committee

I, Chief Justice Matthew B. Durrant, state as follows:

1. On 11-10-15 (date), the Judicial Council closed its meeting. The meeting was closed only to discuss:
 - ☒ the character, competence, or physical or mental health of an individual;
 - ☒ litigation;
 - ☐ the deployment of security personnel, devices, or systems;
 - ☐ allegations of criminal misconduct; or
 - ☐ consideration of a private, protected, sealed, juvenile court social, juvenile court legal, or safeguarded record.
2. For the reason(s) noted above, a recording and minutes were not kept during the closed portion of the meeting.

I declare under penalty of perjury that the statements made in this document are true and correct.

11-10-15
Date


Chief Justice Matthew B. Durrant
Chair, Utah Judicial Council

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.


TAB 3



Utah State Courts

Language Access in the Trial Courts FY 2013 – FY 2015

November 18, 2015



Report compiled by Alison Adams-Perlac, Language Access Program Manager, with assistance from Rosa Oakes, Language Access Program Coordinator.

Data analyzed by Ethan Taft, student, Masters of Statistics – Econometrics, University of Utah.

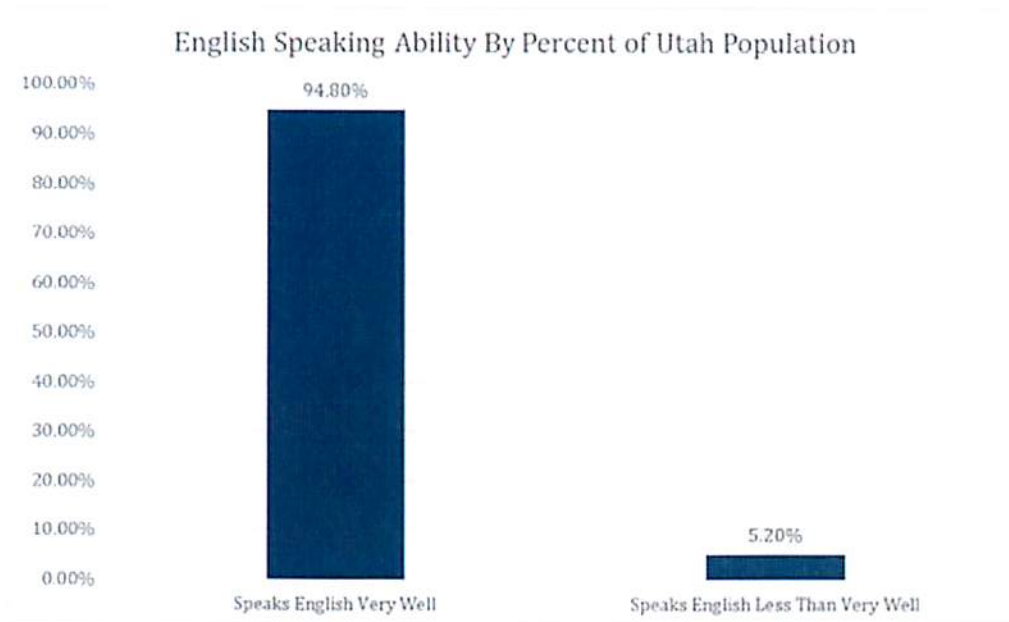
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English Language Proficiency in Utah

English language proficiency continues to be an issue in Utah. Although 94.8% of Utah's population speaks English very well, 5.2% of the population speaks English less than very well. *See* Table 1. That 5.2%, or about 132,825 people, are considered likely to need an interpreter. *See* Table 2.

The Spanish-speaking population continues to lead out as the language population with the least English proficiency in Utah. About 72%, roughly 97,000, of those who speak English less than very well speak Spanish. *See* Table 3. In addition, 16% of those who speak English less than very well speak an Asian or Pacific Island language, while 8% speak an Indo-European language. *Id.* The remaining 4% of those who speak English less than very well speak another native language. *Id.*

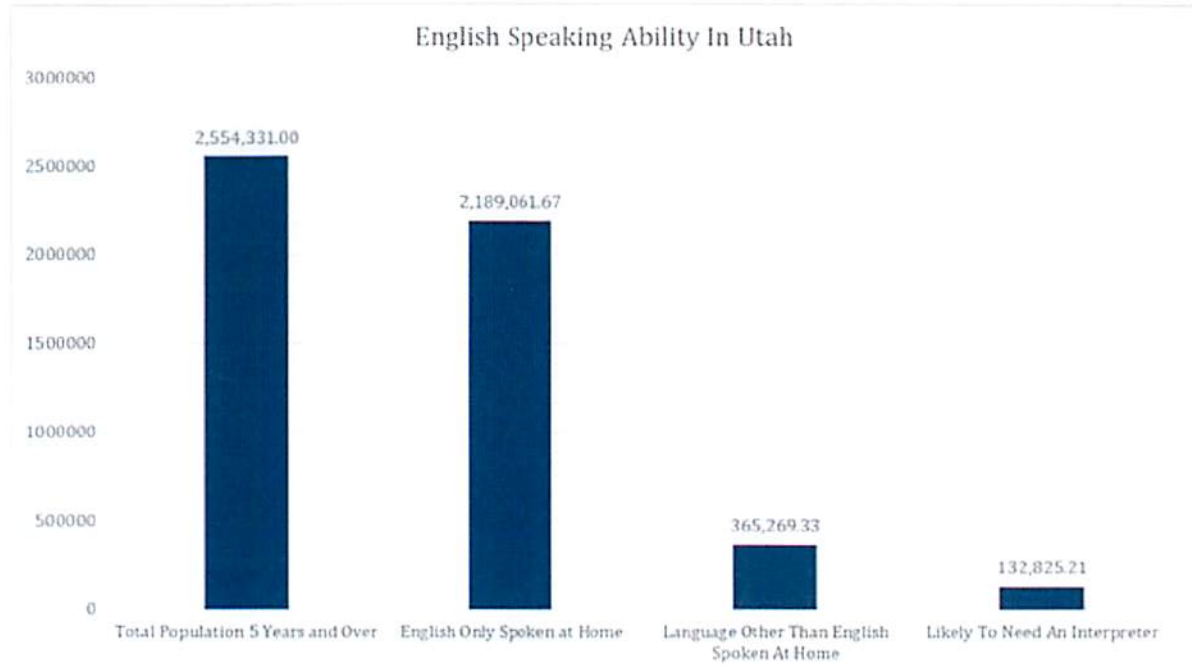
Table 1.¹



Source: U.S. Census Bureau, American Community Survey (5-year estimates 2009 – 2013)

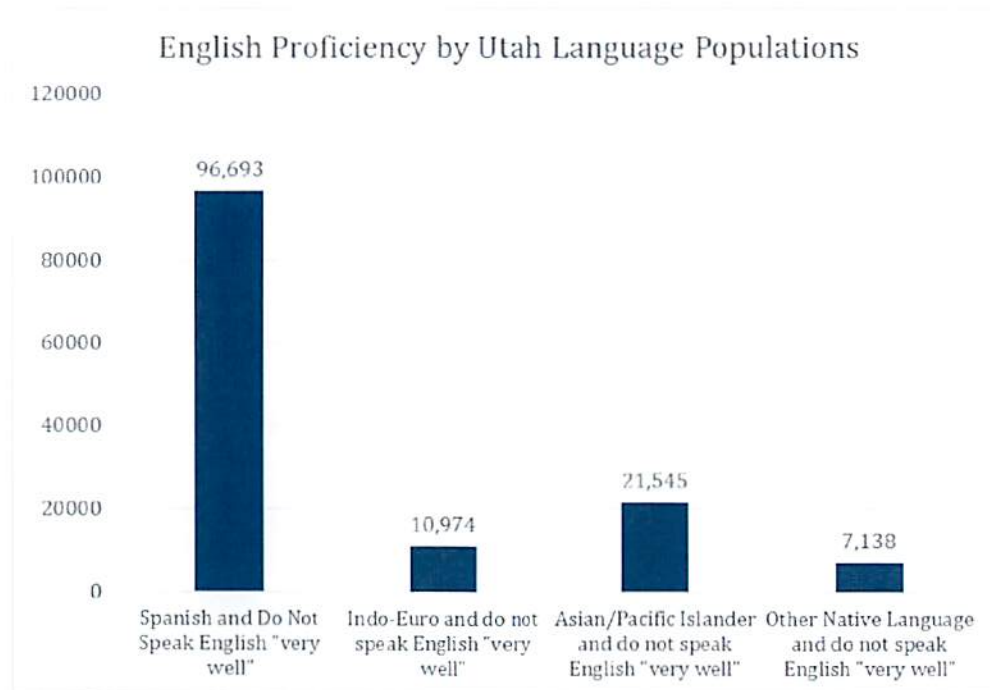
¹ Except as otherwise indicated, all data is from FY 2015.

Table 2.



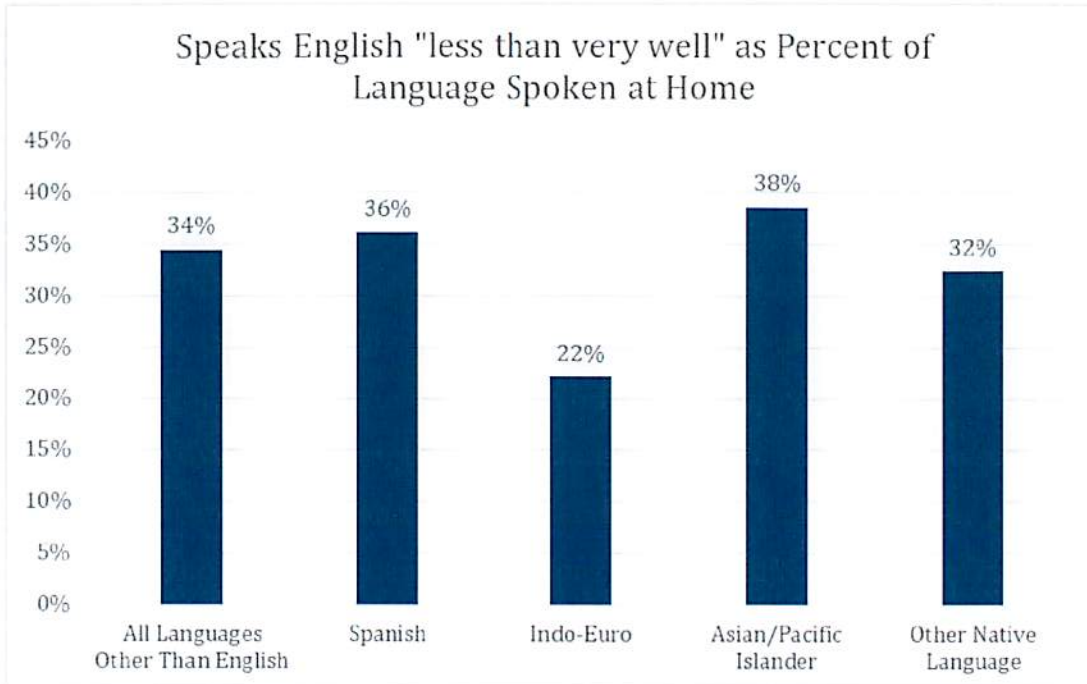
Source: U.S. Census Bureau, American Community Survey (5-year estimates 2009 – 2013)

Table 3.



Source: U.S. Census Bureau, American Community Survey (1-year estimates 2014)

Table 4.



Source: U.S. Census Bureau, American Community Survey (1-year estimates 2014)

Interpreters

Licensing

Utah has three levels of licensing for interpreters: certified, approved, and registered. Each level of licensing has different requirements, with certified having the most stringent requirements. Court rule and national best practices require a certified interpreter to be used by the court unless one is not reasonably available, in which case an approved interpreter must be sought, followed by a registered interpreter. UTAH CODE JUD. ADMIN. 3-306. For this reason, it is the Language Access Program's ("Program") goal to seek and recruit and certify interpreters whenever possible. However, with some of the rarer languages, it can be difficult (or even impossible) to certify interpreters. In that case, the Program seeks to credential interpreters at the highest level possible.

1. Certified

Certified interpreters are the most highly qualified interpreters. To become certified an interpreter do the following: pass an English written test and a test on the Interpreter Code of Professional Responsibility; complete a two-day orientation workshop, a five-day training course, a background check and 10 hours of observation; and pass a three-part exam offered by the National Center for State Courts (NCSC).

2. Approved

To become approved the interpreter must pass an English written test and a test on the Interpreter Code of Professional Responsibility. The interpreter must also complete a two-day orientation workshop, a background check and 10 hours of observation. Finally, the interpreter must pass an Oral Proficiency Interview (OPI).

3. Registered

To become a registered interpreter the interpreter must pass an English written test and a test on the Interpreter Code of Professional Responsibility. The interpreter must also complete a two-day orientation workshop, a background check and 10 hours of observation.

During a portion of FY 2015, there were two registered designations: Registered 1, if there was no examination available in the interpreter's language; and Registered 2, if an exam was available in the interpreter's language, but the interpreter had not taken or had not passed the exam.

The Council removed the Registered 2 designation effective November 1, 2014. Now an interpreter may become Registered if he or she has met all of the requirements but for the OPI exam, only if the OPI is not available in the interpreter's language. Interpreters who have met all the requirements but have failed to take or to pass an exam that is available in their language may be conditionally approved for specific assignments.

4. Conditionally Approved

An interpreter who has not met the above requirements may nevertheless be approved to interpret a hearing or other court proceeding on a conditional basis. Languages listed in this report that do not have interpreters will have been interpreted by a conditionally approved interpreter.

Interpreter Availability

Nearly 77% of interpreted hours in the Utah State Courts ("State Courts") involve a Spanish interpreter. *See* Table 5. And importantly, certified interpreters interpret more than 99% of those hours. *See* Table 6. In the 6th, 7th, and 8th districts, courts use certified interpreters in hearings requiring a Spanish-speaking interpreter 100% of the time. *Id.* These impressive numbers are likely due to the fact that the State Courts employ four Spanish-speaking staff interpreters in the 3rd district, and have 42 Spanish-speaking certified contract interpreters.

The State Courts fair less well in hearings involving other languages where a certified interpreter is on the Courts' roster. *See* Table 7. The court has certified interpreters in only four languages other than Spanish – Vietnamese, Russian, Bosnian/Croatian/Serbian, and Cambodian. *Id.* The Courts were able to secure certified interpreters for 88% of the hours interpreted in Vietnamese, and for 71% of the hours interpreted in Bosnian/Croatian/Serbian. *Id.* The Courts used a certified interpreter for 71% of the hours interpreted in Russian and did not use a certified interpreter for any of the hours interpreted in Cambodian. *Id.* The lower percentages of hours interpreted by certified interpreters in these languages are likely due to the Courts' shortfall of certified interpreters in these languages. There is only one certified interpreter for each of these four languages on the Courts' roster. *See* Table 5.

Table 5.

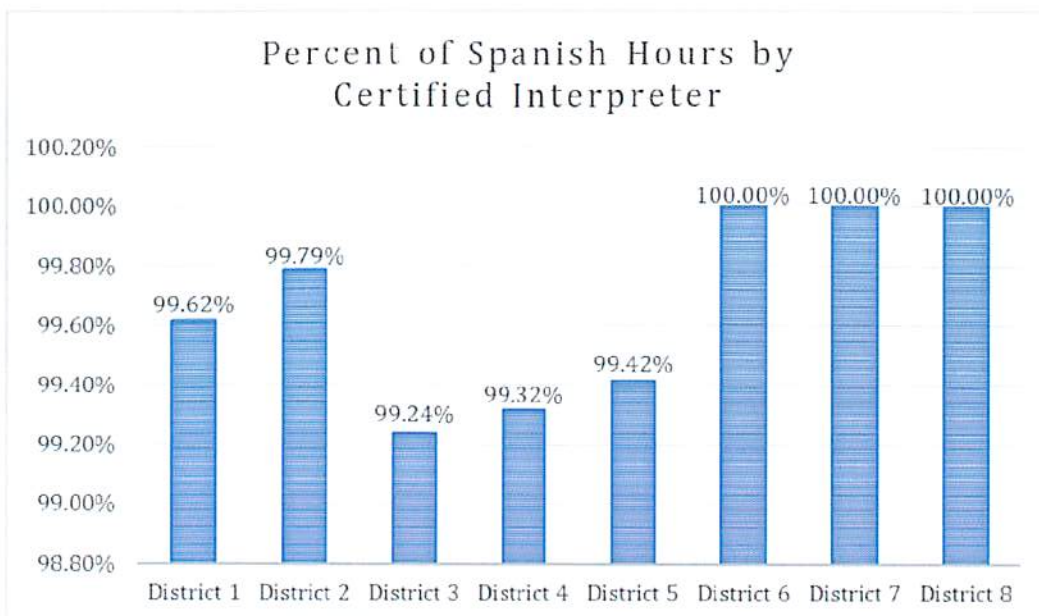
Hours Interpreted per Language			Number of Interpreters by Credentials					
Language	Hours	% of Total Hours	Certified	Approved	R1	R2	Total	% of Total
Spanish	14968	76.89%	46	9	0	3	55	59.14%
ASL ²	723	3.71%	0	0	0	0	0	0.00%
Arabic	533	2.74%	0	1	0	0	1	1.08%
Vietnamese	401	2.06%	1	1	0	0	2	2.15%
Somali	390	2.00%	0	1	0	0	1	1.08%
Russian	146	0.75%	1	1	0	0	2	2.15%
Tigrigna	144	0.74%	0	0	1	0	1	1.08%
Burmese	144	0.74%	0	2	0	0	2	2.15%
Farsi	141	0.72%	0	1	0	1	2	2.15%
Mandarin	139	0.72%	0	3	0	0	3	3.23%
Tongan	137	0.70%	0	0	3	0	3	3.23%
Samoan	117	0.60%	0	0	2	0	2	2.15%
Armenian	112	0.58%	0	1	0	0	1	1.08%
Swahili	111	0.57%	0	0	0	0	0	0.00%
BCS	108	0.55%	1	2	0	0	3	3.23%
French	95	0.49%	0	0	0	0	0	0.00%
Marshallese	93	0.48%	0	0	0	0	0	0.00%
Kirundi	92	0.47%	0	0	0	0	0	0.00%
Korean	90	0.46%	0	2	0	0	2	2.15%
Portuguese	81	0.42%	0	0	0	0	0	0.00%
Nepalese	66	0.34%	0	0	0	0	0	0.00%
Laotian	65	0.33%	0	2	0	0	2	2.15%
Dinka	54	0.28%	0	0	0	0	0	0.00%
Cantonese	43	0.22%	0	3	0	0	3	3.23%
Urdu	42	0.22%	0	1	0	0	1	1.08%
Panjabi	40	0.21%	0	0	0	0	0	0.00%
Uduk	38	0.19%	0	0	0	0	0	0.00%
Tagalog	36	0.18%	0	0	0	0	0	0.00%
Thai	32	0.16%	0	1	0	0	1	1.08%
Chuukese	31	0.16%	0	0	0	0	0	0.00%
Hmong	31	0.16%	0	0	0	0	0	0.00%
Japanese	30	0.15%	0	2	0	0	2	2.15%

² All American Sign Language and deaf interpreters are required by Utah law to be certified in order to interpret in court. UTAH CODE Title 78B, Chapter 1. However, since they are not certified by the Language Access Program, the number of certified ASL interpreters is not listed.

Hours Interpreted per Language			Number of Interpreters by Credentials					
Language	Hours	% of Total Hours	Certified	Approved	R1	R2	Total	% of Total
Nuer	25	0.13%	0	0	0	0	0	0.00%
Tamil	24	0.12%	0	0	0	0	0	0.00%
Pohnpeian	19	0.10%	0	0	0	0	0	0.00%
Mongolian	16	0.08%	0	0	0	0	0	0.00%
Rohingya	16	0.08%	0	0	0	0	0	0.00%
Romanian	14	0.07%	0	0	0	0	0	0.00%
Navajo	13	0.07%	0	0	0	0	0	0.00%
Tedim	11	0.05%	0	0	0	0	0	0.00%
Karen	10	0.05%	0	0	0	0	0	0.00%
Sango	10	0.05%	0	0	0	0	0	0.00%
Hindi	8	0.04%	0	1	0	0	1	1.08%
Amharic	7	0.04%	0	1	0	0	1	1.08%
Kinyarwanda	4	0.02%	0	0	0	0	0	0.00%
Cambodian	4	0.02%	1	1	0	0	2	2.15%
German	3	0.02%	0	0	0	0	0	0.00%
Creole	2	0.01%	0	0	0	0	0	0.00%
Ewe	2	0.01%	0	0	0	0	0	0.00%
French Creole	2	0.01%	0	0	0	0	0	0.00%
Italian	1	0.01%	0	0	0	0	0	0.00%
Krahn	1	0.01%	0	0	0	0	0	0.00%
Czech	1	0.01%	0	0	0	0	0	0.00%
Putu	1	0.01%	0	0	0	0	0	0.00%
Grand Total	19466	100%	50	36	6	4	93	100%

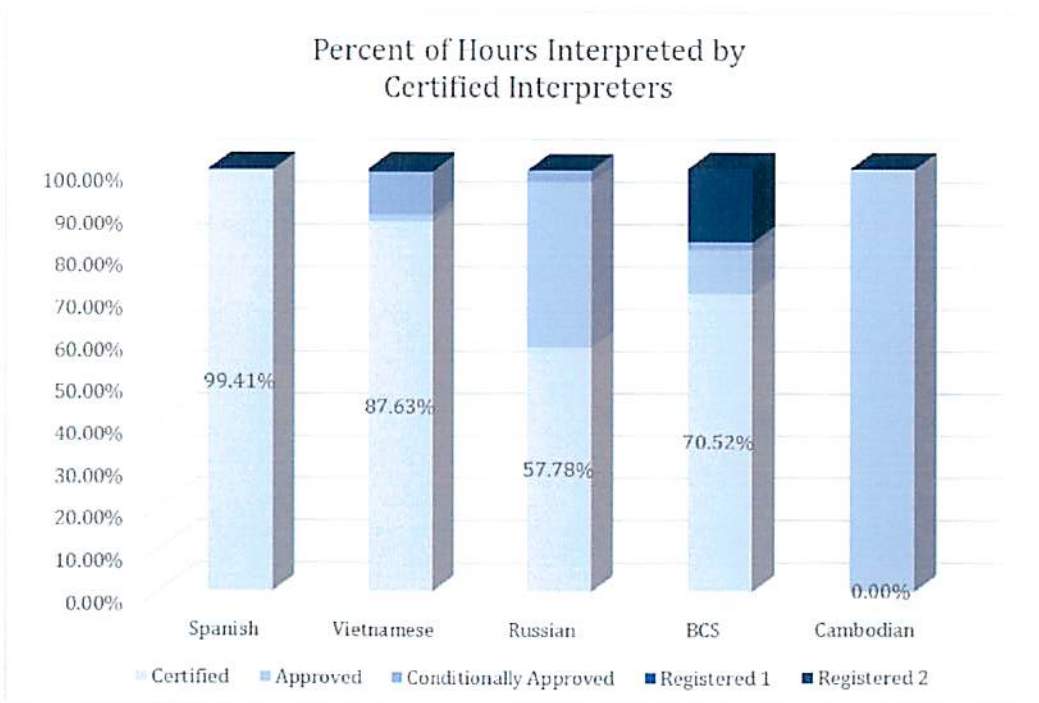
Source: FINET (FY 2015)

Table 6.



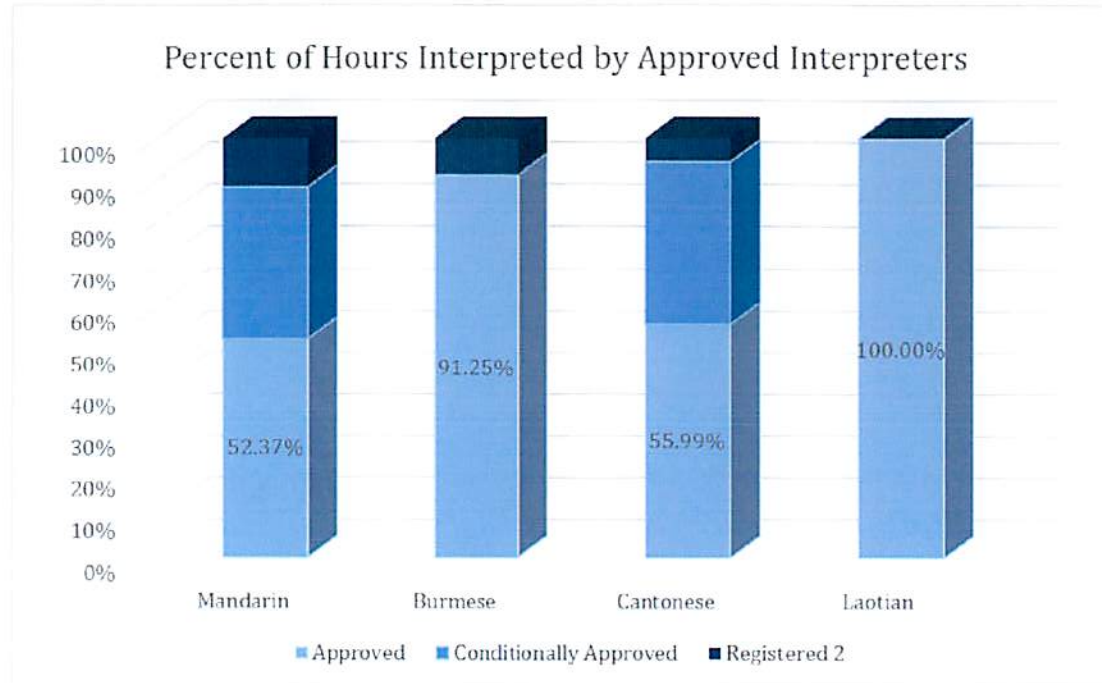
Source: FINET (FY 2015)

Table 7.



Source: FINET (FY 2015)

Table 8.



Source: FINET (FY 2015)

Interpreting

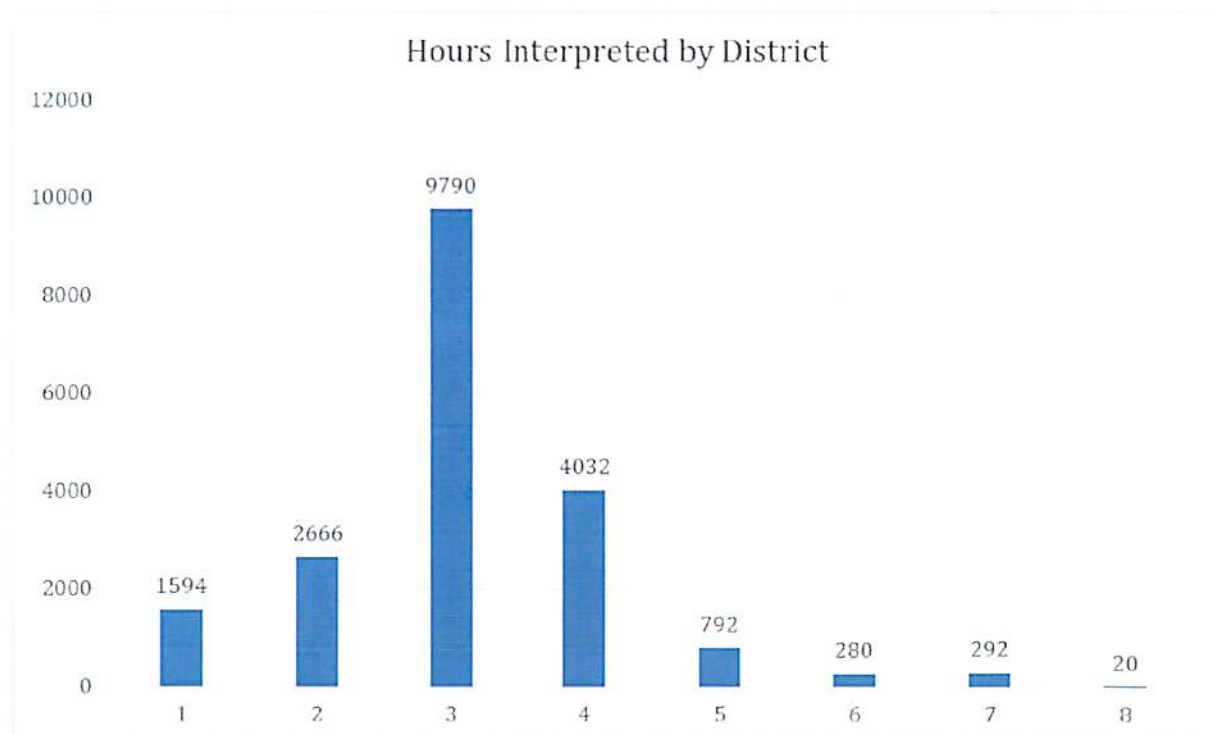
Hours Interpreted by District

With the exception of two districts, the number of hours interpreted by district stayed fairly steady. See Tables 9 and 10. However, in 4th district, the number of hours interpreted increased from 3,682 in 2014, to 4032 in 2015. *Id.* There was also a large decrease in 3rd district, where the number of interpreted hours decreased from 10,392 in 2014, to 9,790 in 2015.

The decrease in hours in 3rd district is likely due, at least in part, to a change in policy regarding Miscellaneous Interpreters. For a number of years, the 3rd district (including district and juvenile courts) used Miscellaneous Interpreters as back-ups for the Staff Interpreters. The Miscellaneous Interpreters were scheduled for four-hour blocks, one in the morning, and one in the afternoon, Monday through Friday.

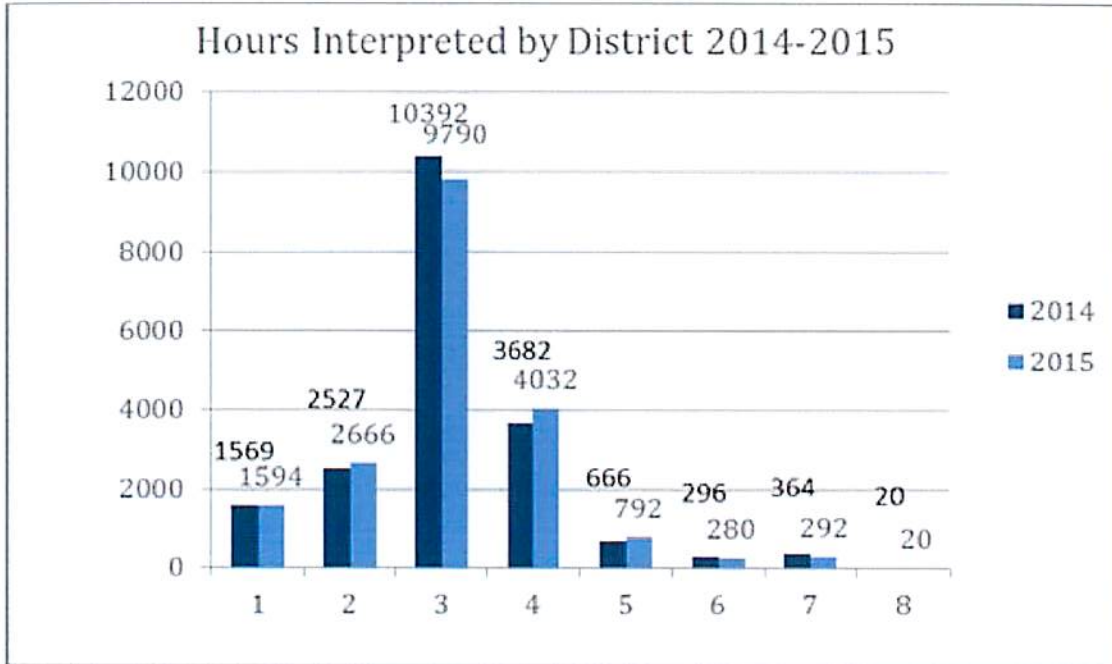
It became apparent that the Miscellaneous Interpreters were being scheduled on a daily basis, even though the Staff Interpreters were not, at times, being used to their capacity. Following an audit of this practice, the Language Access Program Manager ("Program Manager") determined that there were numerous problems with the practice, including that Miscellaneous Interpreters were sometimes being given credit not only for the four hours they were scheduled, but also for hearings covered by them during that time. The Program Manager immediately halted this program, and the 3rd district has not been using Miscellaneous Interpreters since August 11, 2014.

Table 9.



Source: FINET (FY 2015)

Table 10.

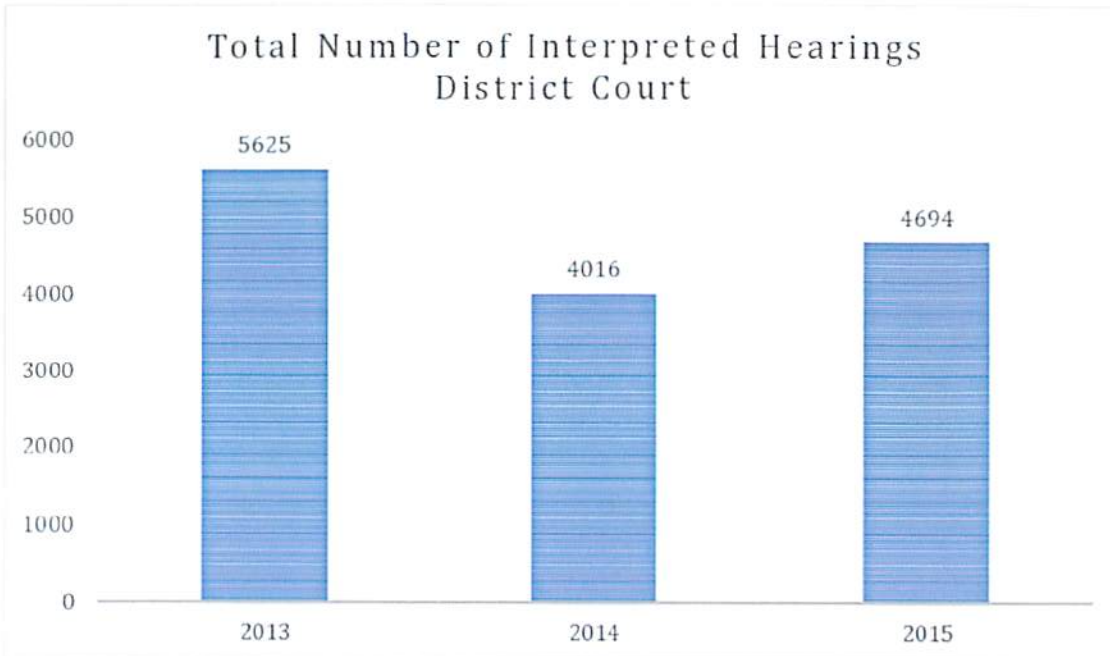


Source: FINET (FY 2014 & 2015)

District Court

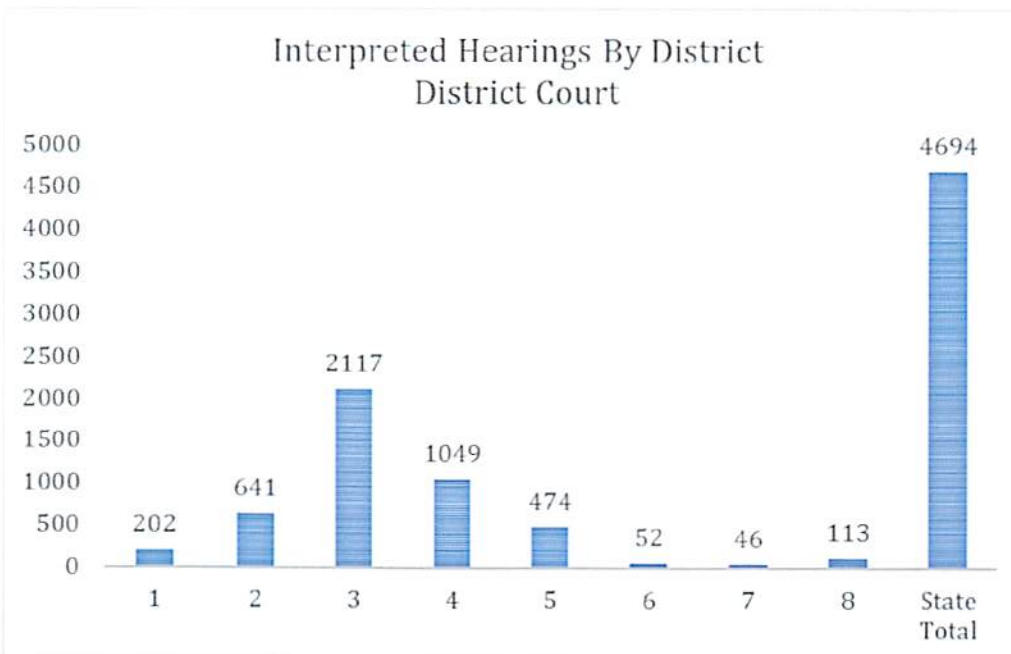
The number of hearings interpreted in district court has increased since the last FY. See Table 11. As in years past, the 3rd district had the most interpreted hearings, with the 2nd and 4th districts next in line. See Table 12.

Table 11.



Source: CORIS (FY 2013-2015)

Table 12.



Source: CORIS (FY 2015)

Table 13.

Case type	2013	2014	2015
Administrative	1	0	2
Adoption	7	11	10
Attorney Discipline	0	0	3
Civil Stalking	6	10	11
Common Law Marriage	2	4	2
Conservatorship	1	2	4
Contracts	11	0	11
Custody and Support	23	51	34
Debt Collection	24	41	44
Divorce/Annulment	100	201	183
Estate Personal Rep	0	5	5
Eviction	15	46	32
Foreign Judgment	1	3	3
Forfeiture of Property	0	0	1
Guardianship	17	54	77
Infraction	1	0	0
Involuntary Commitment	0	1	5
Lien/Mortgage Foreclosure	0	0	1
Malpractice	0	0	1
Minor's Settlement	4	16	14
Miscellaneous	2	12	8
Misdemeanor DUI	167	80	117
Name Change	5	11	19
Other Misdemeanor	813	596	625
Other Probate	0	2	2
Paternity	16	36	26
Personal Injury	2	22	3
Post-conviction Relief (Non Capital)	0	4	1
Property Damage	0	2	2
Property Rights	2	1	1
Protective Orders	103	247	226
SC Denovo District	0	2	0
SC Denovo Justice	2	12	11
Separate Maintenance	0	1	0
Small Claim	2	1	1
State Felony	4000	2572	3010
Tax Lien	0	0	1
Traffic Court Case	288	148	164
UCCJEA Child Custody Jurisdiction	0	1	1
UIFSA	1	5	3
Wrongful Death	0	0	1
Unknown	17	27	29
Grand Total	5465	4144	4694

Source: CORIS (FY 2013-2015)

Table 14.

Hearing Type	2013	2014	2015
Adoption	0	7	0
Appointment of Counsel	372	0	0
Arraignment	498	402	436
Arraignment City	0	0	30
Arraignment State	0	0	11
Bail Forfeiture	5	0	0
Bail Hearing	23	10	19
Bench Trial	0	0	43
Bench Warrant Hearing	50	50	35
Bond Hearing	1	0	3
Change of Plea	358	346	14
Competency Hearing	5	20	9
Continuance	0	273	0
Custody Hearing	0	0	2
Decision to Prelim	0	35	0
Default Judgment	0	0	3
Disposition Hearing	1	27	3
Drug Court	0	0	3
Drug Court Review	0	0	2
ECR Status 1	0	0	68
ECR Status 2	0	0	31
ECR Status 3	0	0	7
ECR Status 4	0	0	2
ECR Status Conference	32	74	8
Eviction Hearing	0	4	0
Evidentiary Hearing	0	30	1
Forfeiture Hearing	0	0	1
Garnishment	0	7	0
Guardianship	0	43	0
Immediate Occupancy	4	18	15
Initial Appearance	413	534	821
Jury Trial	0	0	124
Law and Motion	855	116	544
Minor's Settlement	0	8	0
Motion Hearing	5	0	0
Name Change	0	10	0
Oral Argument	0	21	10
Order of Examination	0	0	3
Order of Dismissal	0	5	0
Order to Show Cause	75	102	122
Other	0	268	0
Plea Bargain	5	0	0
Preliminary Hearing	331	257	500
Preliminary Injunction	0	0	1
Pretrial Conference	277	242	330

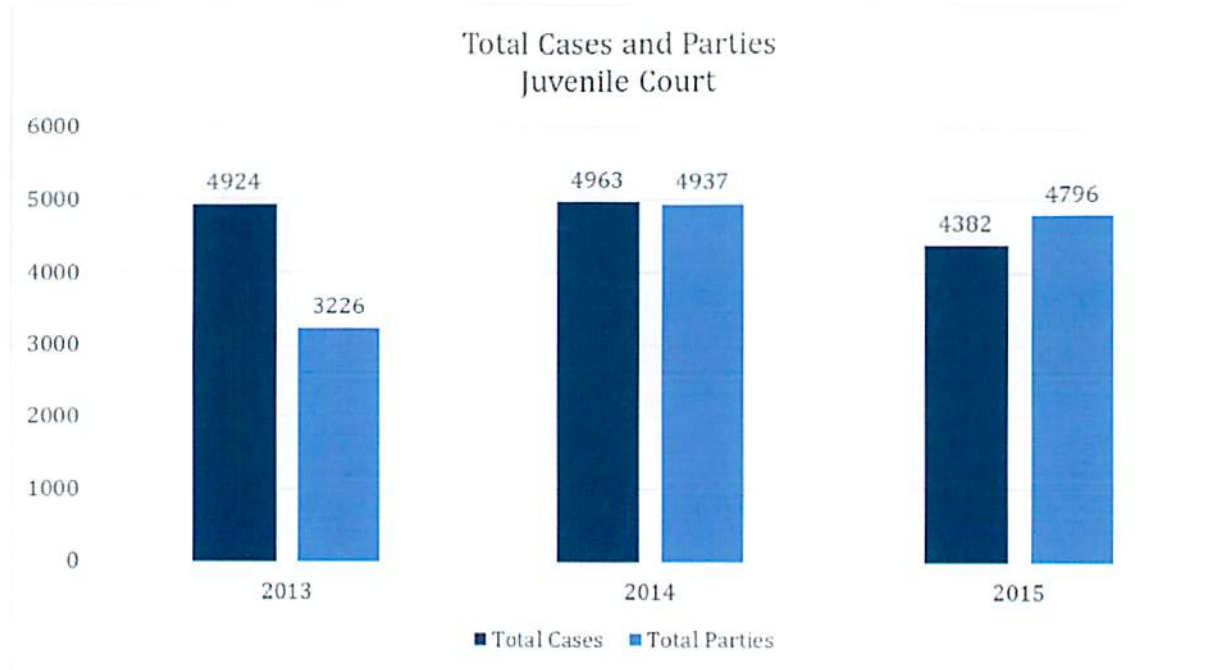
Hearing Type	2013	2014	2015
Probation Report	57	0	0
Probation Revocation	57	0	0
Protective Order	94	185	212
Remand Hearing	4	0	1
Resolution Hearing	23	0	0
Restitution Hearing	3	4	43
Review Hearing	161	149	239
Roll Call	80	47	144
Sanctions	2	0	3
Scheduling Conference	809	207	360
Sentencing	838	211	247
Status Conference	4	38	2
Status Hearing	0	0	3
Sufficiency Bond	1	0	0
Supplemental Order	1	16	5
Suppression Hearing	0	5	0
TRO	1	0	3
Trial	37	94	
Trial by Declaration	0	0	1
Trial de Novo	0	0	7
Waiver of Prelim	128	136	223
UCCJEA	0	2	0
Unknown	22	222	0
Grand Total	5632	4225	4694

Source: CORIS

Juvenile Court

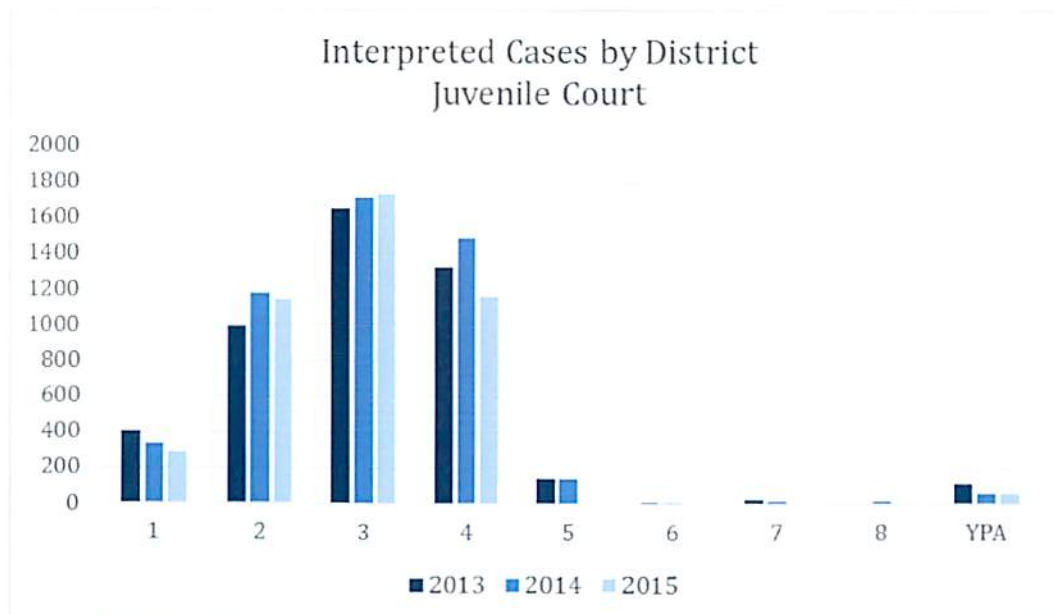
In juvenile court, the total number of cases and parties requiring interpreters decreased in FY 2015. *See* Table 15. Nevertheless, the 3rd district saw an increase in the number of interpreted cases. *See* Table 16. However, all other districts saw a decrease in the number of cases utilizing interpreters. *Id.*

Table 15.



Source: CARE (FY 2013-2015)

Table 16.



Source: CARE (FY 2013-2015)

Justice Court

As in district court and juvenile court, the number of hearings interpreted declined in justice court. *See* Table 17. In FY 2014, the number of justice court hearings that were interpreted was 6,868, while the number of interpreted hearings in FY 2015 was 6680. *See* Language Access Report (Dec. 2014); Table 17. Interpretation data from justice courts is imprecise, as justice court clerks do not consistently enter this information. Further, because interpreters are paid individually by each justice court (and at different rates) rather than the State, there is no data on how many hours are interpreted in justice court. But for the first time ever, this report includes data on the justice court locations of interpreted hearings. *See* Table 19.

Table 17.

Language	Number of Hearings Interpreted
Spanish	6019
Arabic	120
Farsi	69
Vietnamese	62
ASL	44
Other	43
Tongan	37
Somali	36
Burmese	29
Mandarin	26
Russian	21
Samoan	19
Cantonese	16
Kirundi	14
Portuguese	14
Bosnian	13
Nepali	13
Chuukese	11
Swahili	9
Korean	9
French	8
Cambodian	7
Japanese	5
Urdu	5
Hindi	4
Karen	4

Language	Number of Hearings Interpreted
Laotian	4
Mongolian	3
Thai	3
Linguistica	2
Maimai	2
Amharic/Tigrinya	2
American Sign	2
Navajo	2
Italian	1
Albanian	1
Tibetan	1
Grand Total	6680

Source: CORIS (FY 2015)

Table 18.

Case Type	2015
Unknown	6
Infraction	31
Misdemeanor DUI	722
Other Misdemeanor	1822
Parking Citation	5
Small Claim	58
Traffic Citation	7
Traffic Court Case	4029
Grand Total	6680

Source: CORIS (FY 2015)

Table 19.

Location	Number of Hearings
West Valley City	988
Ogden	468
Midvale	418
South Salt Lake	399
Salt Lake County	333
Taylorsville	327
West Jordan	327
Provo City	311
Salt Lake City	294
Murray	293
Washington Co	232
Utah County	221
Orem City	217

Location	Number of Hearings
Wasatch County	179
Logan City	136
Sandy	126
Draper	111
Springville	103
Summit County	93
Lehi	82
Iron County	73
Clearfield	67
North Salt Lake	55
Payson	54
Holladay	52
Woods Cross	48
Sunset City	38
Centerville	37
Clinton City	33
Saratoga Springs	26
Santaquin	25
Wellsville	23
Sanpete County	22
North Logan	21
Box Elder County	21
South Jordan	19
Roy/Weber Co	17
Mapleton	14
Uintah County	13
Grand County	13
Nibley	12
Harrisville	12
Goshen	10
Highland	8
Delta City	8
Vernal City	8
South Ogden	8
Sevier County	7
Riverdale	6
Riverton	6
Mantua	6
Herriman	5
Moroni City	5
Duchesne County	5
Fillmore City	5
Millard County	4
Hyde Park	4
Genola	4
South Weber	3

Location	Number of Hearings
Willard	3
Tremonton City	3
Santa Clara	3
Manti City	2
Heber City	2
Mt. Pleasant	2
Orderville	1
Manila	1
Gunnison	1
Emery Co. Castle Dale	1
Grand Total	6680

Source: CORIS (FY 2015)

Language Access Program Costs³

Language Interpreting Costs

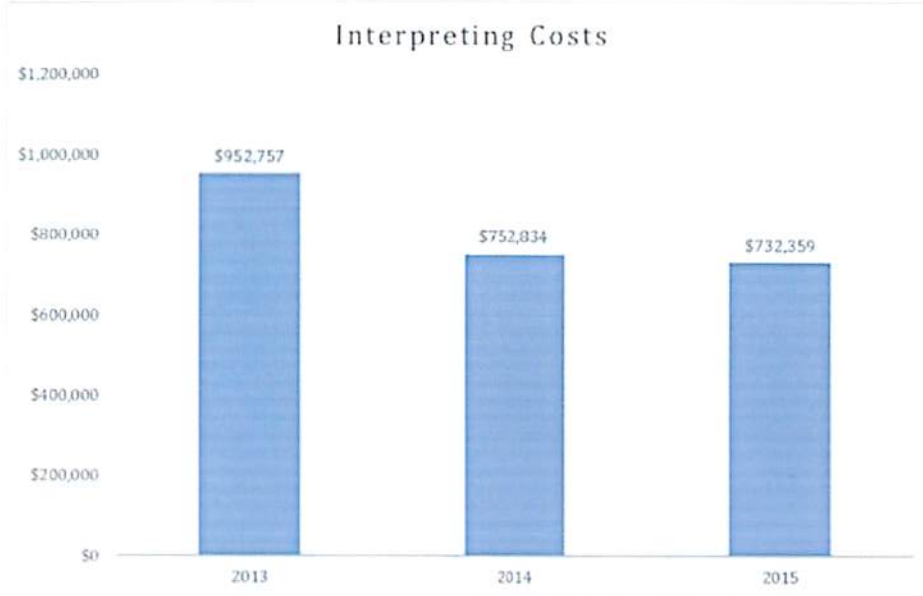
Statewide interpreting costs decreased by around \$20,000 from FY 2014 to FY 2015. *See* Table 20. Costs in the 2nd district increased slightly, while 4th district costs increased by almost \$15,000, and 5th district costs increased by around \$4,600. *See* Tables 21 and 22. The 3rd district saw a significant decrease in costs, falling \$36,927 from \$698,255 in FY 2014 to \$661,328 in FY 2015. *Id.*

The increased number of interpreted hours in FY 2015 likely accounts for the increased costs in the 2nd, 4th and 5th districts, although it is not clear from the data why the percent increase in costs in the 4th district (10%) is so significant, compared to the other two districts (0.62% and 17% respectively), when compared to the percent increase in the number of hearings.

The decrease in interpreting costs in the 3rd district is likely attributable to the decreased number of interpreted hours. This decrease in hours and connected decrease in costs is likely due, at least in part, to discontinuing the use of Miscellaneous Interpreters as noted above.

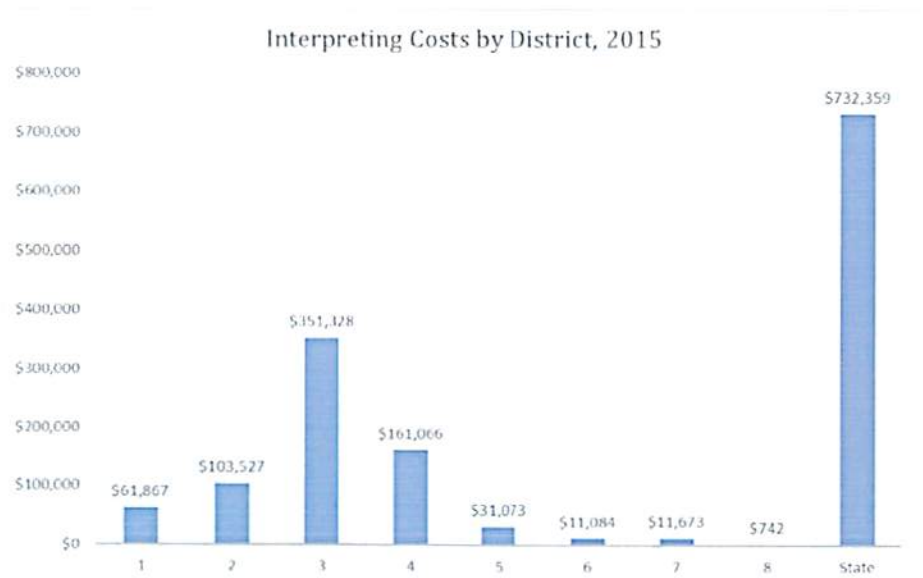
³ Language Access Program costs including interpreting and travel are paid out of the Juror Witness Interpreter ("JWI") Fund. The Legislature approves ongoing funding for the JWI on an annual basis. Any JWI expenses in excess of the base ongoing budget are funded the next year with one-time funding in order to balance the fund.

Table 20.



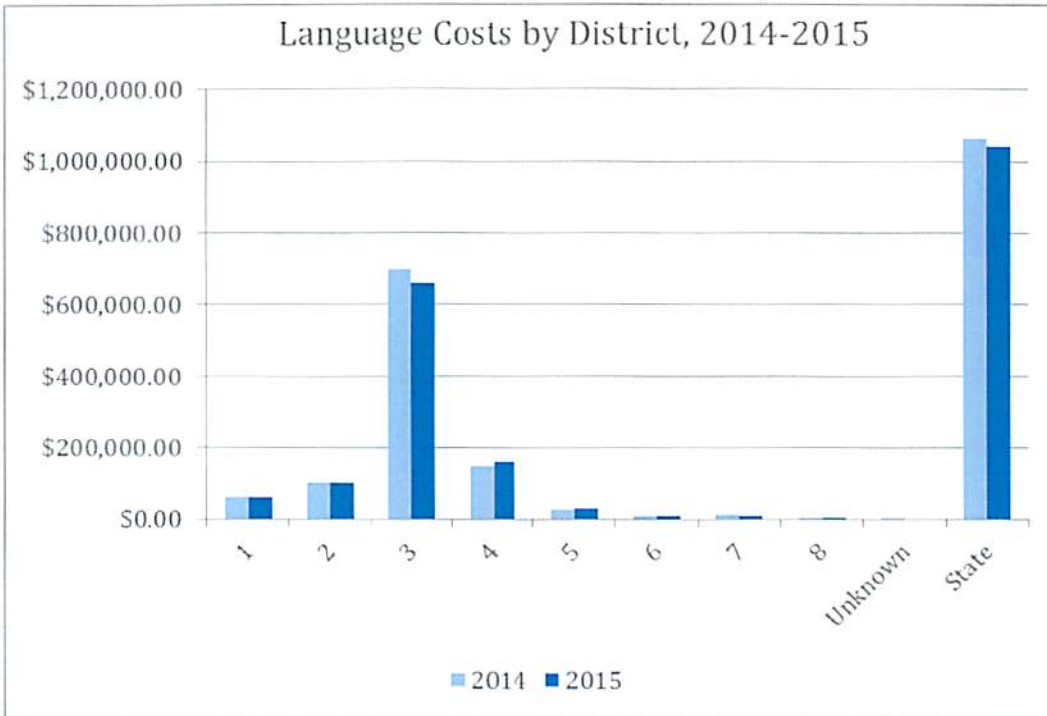
Source: FINET (FY 2015)

Table 21.



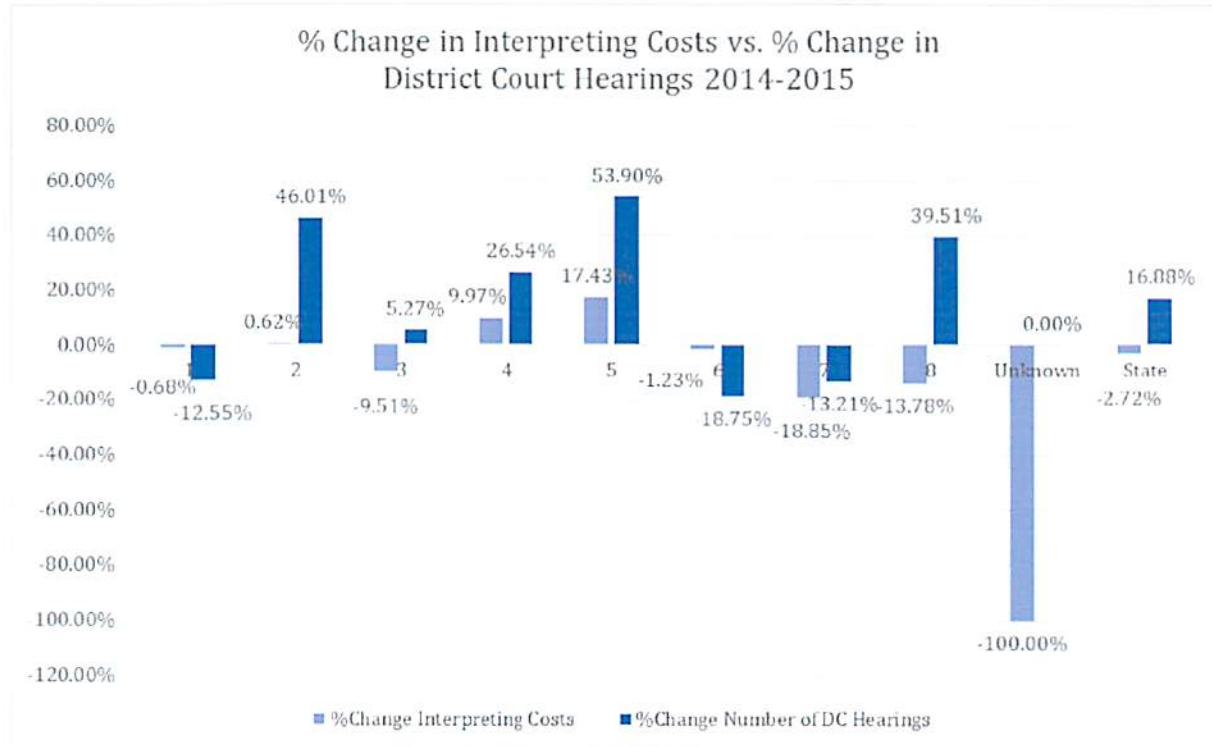
Source: FINET (FY 2015)

Table 22.



Source: FINET (FY 2014-2015)

Table 23.⁴



Source: FINET (FY 2014 & 2015)

Travel Costs

In FY 2015, travel costs increased by around \$7,000 statewide. *See* Table 24. Travel costs went up by around \$3,500 in the 1st district, and nearly \$7,000 in the 3rd district. *See* Tables 26 and 26. Travels costs decreased in the 7th district by roughly \$3,500, and by \$300 in the 8th district (50%). *Id.*

It is unclear from the data why travel costs increased so much in the 1st district, particularly with the decrease in hearings. However, very few interpreters live in the 1st district and, at times, it can be difficult to schedule a local interpreter. It is likely that the increased cost was due to interpreters traveling from outside areas. The data are not

⁴ This chart does not take into account the cost of the four staff interpreters, since that cost is fairly static. That cost is discussed below.

clear on what caused the increase in travel costs in 7th district. But the 7th district faces similar challenges to the 1st district in terms of scheduling local interpreters.

The increased travel costs in 3rd district can be attributed to cases requiring interpreters of rare languages, including Arabic, being flown in from out-of-state to cover the hearing. Although the Program utilizes remote interpreting, it is a best practice to have an in-person interpreter for trials and evidentiary hearings.

Table 24.



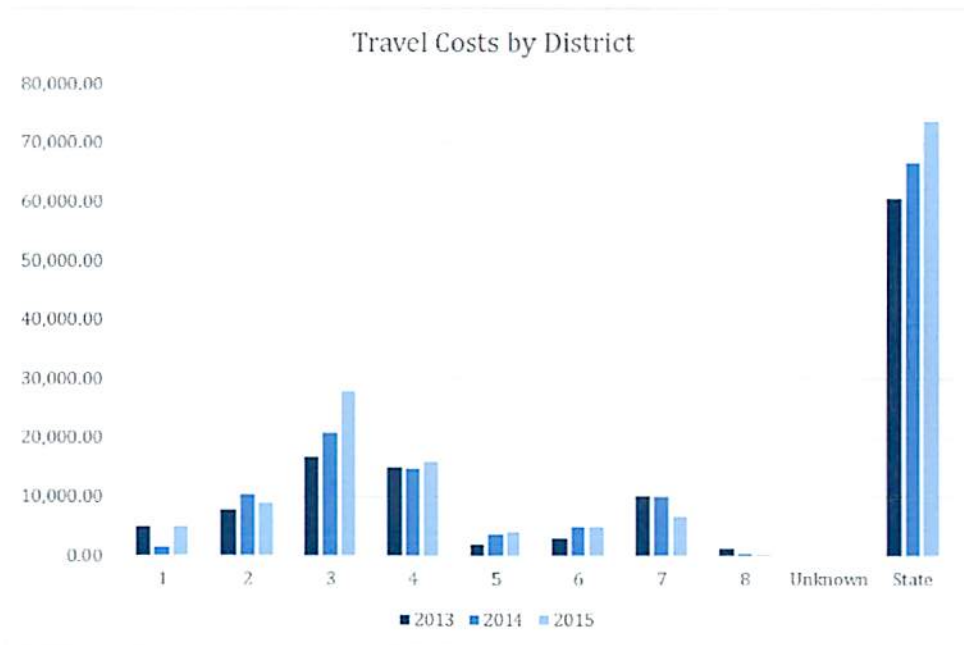
Source: FINET (FY 2013-2015)

Table 25.



Source: FINET

Table 26.



Source: FINET (FY 2013-2015)

Statewide, costs have increased by roughly \$27,000. Although this number does not quite correlate with all districts, it is line with the 17% increase in number of interpreted hearings statewide.

Staff Interpreter Program

The 3rd district currently employs four full-time staff interpreters. Each of the staff interpreters is paid \$22.34 per hour including benefits, compared to \$39.41 per hour with no benefits for contract interpreters. The total cost to the State Courts is \$310,000.

Data Sources

FINET

FINET is the most reliable source for data because both the court and the interpreter have an interest in paying and being paid an accurate amount. Further, interpreters submit invoices for all travel and for all interpretation, both inside and outside the courtroom. To help ensure the accuracy of each invoice, interpreter coordinators sign off on them and the Language Access Program Coordinator reviews them for payment.

CORIS

CORIS provides data from district court and justice court. CORIS data is likely underreported. However, judicial assistants typically record the presence of an interpreter, so the data from CORIS provides good information on interpretation trends in the district court. However, there is currently no audit system in place to ensure that an interpreter is recorded whenever one is used. Additionally, when an interpreter interprets outside of the courtroom, those interpretations are not recorded in CORIS.

Justice court data continues to be limited, since justice courts pay their own their interpreters out of county and municipality budgets. Therefore, there is no way to know

exactly how many hearings in justice court are interpreted and, more importantly, how often the justice courts follow rule 3-306 of the Utah Code of Judicial Administration and seek to appoint a certified interpreter before moving on to a less-qualified interpreter.

CARE

CARE provides interpretation data from juvenile court. Due to the nature of juvenile court cases, CARE does not provide hearing data to CORIS. However, the CARE data provides not only the number of cases that have used an interpreter, but also the number of parties requiring an interpreter. This information is helpful, since more than one party to a case may require an interpreter.

Remote Interpreting

The remote interpreting project allows interpreters in the Third District to interpret hearings in Duchesne, Manti, Moab, Richfield, Roosevelt, and Vernal. The program has resulted in measurable benefits to the courts, including cost-savings. As an example, travel costs associated with the Eighth District decreased from \$1,234 in 2013, to \$533 in 2014, and to \$227 in 2015.

Expanding the remote interpreting project has been put on hold until it can be determined whether remote interpreting will be addressed by the remote hearings project that is currently underway.

Interpreter Information on the Courts' Website

Information about the following topics is available on the State Courts' website:

- [American Sign Language Interpreters](#)

- [Find a Court Interpreter](#) (roster of licensed interpreters by language and credentials)
- [How to Become a Court Interpreter](#)
- [Request a Court Interpreter](#) (includes forms and instructions in English, Spanish, and Vietnamese)
- [English-Spanish Legal Terminology](#)
- [Language Access Committee](#) (information about the Language Access Committee's efforts)

Recommendations

1. Implement a System to Capture the Video Record in Hearings Involving ASL and Deaf Interpreters

It is extremely important that the interpretation that takes place in hearings involving ASL or Deaf parties and witnesses be captured for the record. Right now, all hearings are recorded by audio. However, unless the communication between the interpreter and the deaf person is captured on video, there is essentially no record of what was actually communicated.

As a carryover from last year's Language Access Report, a subcommittee of the Language Access Committee has been studying this issue. The subcommittee will be presenting its findings to the TCE's in the next few months, and the issue may come back to the Council as well.

2. Study the Process and Cost for Extending Remote Interpreting from Telephonic Appearances to Video Appearances

The Language Access Committee should study the cost and logistics of extending the remote interpreting program to video and should report to the Council next year. Although the remote interpreting program has been working fairly well, telephonic appearances by interpreters are not ideal. Interpreters have reported delays and problems with the remote interpreting equipment. Even when the equipment is

working well, interpreters have expressed concerns that without seeing the lips and facial expressions of those they interpret for, there are words and nuances to the communication that may be missed. The Language Access Committee's plan should consider existing equipment that may be used for this purpose.

3. *Study Ways to Fund the Development of a Computer Program to Collect Interpreter Data and to Better Track the Use of Interpreters and the Associated Costs*

The Language Access Program Manager should work with IT and the Finance Department to study how to fund the development of a computer program to track interpreters and interpreter costs. The Courts' systems for tracking interpreters and the associated costs are not ideal for those purposes. Data must be analyzed by hand using three different systems including, at times, pulling hundreds of individual invoices to review payments.

An interpreter program would allow for more efficient and accurate data collection. Additionally, such a program would allow the State Courts' to better track interpreter data in the justice courts. The Language Access Program Manager has worked with IT to develop a plan for a database that would track interpreters, and the recommendation is that the two continue to work together to assess alternative avenues for funding the development of the program, as well as a timeline for when it could be finished.

TAB 5

Rule 3-108. Judicial assistance.

Intent:

To establish the authority, procedure and criteria for judicial assistance.

Applicability:

This rule shall apply to judicial assistance provided by active senior judges and judges of courts of record.

Statement of the Rule:

(1) Criteria for requesting assistance. Judicial assistance shall be provided only for the following reasons:

- (A) to prevent the occurrence of a backlog in the court's calendar;
- (B) to reduce a critical accumulated backlog;
- (C) to handle a particular case involving complex issues and extensive time which would have a substantial impact on the court's calendar;
- (D) to replace a sitting judge who is absent because of assignment as a tax judge, illness or to replace the judges in that location because of disqualification in a particular case;
- (E) to handle essential cases when there is a vacant judicial position;
- (F) to handle high priority cases during vacation periods or during attendance at education programs by the sitting judge, following every effort by that judge to adjust the calendar to minimize the need for assistance and only to handle those matters which cannot be accommodated by the other judges of the court during the absence;
- (G) to provide education and training opportunities to judges of one court level in the disposition of cases in another court level; and
- (H) in district court, to handle cases involving taxation, as defined in Rule 6-103(4) of the Utah Code of Judicial Administration.

(2) Criteria for transferring or assigning judges. The transfer or assignment of judges shall be based upon the following priorities:

(A) experience and familiarity with the subject matter, including, in district court cases involving taxation, as defined in Rule 6-103(4) of the Utah Code of Judicial Administration, knowledge of the theory and practice of ad valorem, excise, income, sales and use, and corporate taxation;

(B) active judges before active senior judges with consideration of the following:

(i) active judges from a court of equal jurisdiction in a different geographical division than the court in need, who are physically situated nearest and are most convenient to that court;

(ii) active senior judges from a court of equal jurisdiction to the court in need who are physically situated nearest and are most convenient to that court;

(iii) active judges from a court of different jurisdiction than the court in need whose subject matter jurisdiction is most closely related to that court and who are in close proximity to it;

(iv) active judges from a court of equal jurisdiction in a different geographical division than the court in need who are far removed from that court;

(v) active or active senior judges from a court of different jurisdiction than the court in need whose subject matter jurisdiction is similar to that court who are not in close proximity;

(C) availability;

(D) expenses and budget.

(3) Assignment of active judges.

(A) when a sitting judge is absent due to retirement, disability or death, a senior judge shall be retained to fill the vacancy commencing on the first day of the vacancy and continuing uninterrupted until the sitting judge is permanently replaced or the presiding judge of that district determines that full time coverage can be decreased or eliminated;

(B) Any active judge of a court of record may serve temporarily as the judge of a court with equal jurisdiction in a different judicial district upon assignment by the presiding judge of the district in which the judge to be assigned normally sits or, in district court cases involving taxation, as defined in Rule 6-103(4) of the Utah Code of Judicial Administration, assignment by the supervising tax judge with the approval of the presiding officer of the Council.

(CB) Any active judge of a court of record may serve temporarily as the judge of a court with different jurisdiction in the same or a different judicial district upon assignment by the presiding officer of the Council or assignment by the state court administrator with the approval of the presiding officer of the Council.

(DE) The assignment shall be made only after consideration of the judge's calendar. The assignment may be for a special or general assignment in a specific court or generally within that level of court and shall be for a specific period of time, or for the duration of a specific case. Full time assignments in excess of 30 days in a calendar year shall require the concurrence of the assigned judge. The state court administrator shall report all assignments to the Council on an annual basis.

(ED) Requests for the assignment of a judge shall be conveyed, through the presiding judge, to the person with authority to make the assignment under paragraphs (A) and (B). A judge who is assigned temporarily to another court shall have the same powers as a judge of that court.

(4) Notice of assignments made under this rule shall be made in writing, a copy of which shall be sent to the state court administrator.

(5) Schedule of trials or court sessions. The state court administrator, under the supervision of the presiding officer of the Council, may schedule trials or court sessions and designate a judge to preside, assign judges within courts and throughout the state, reassign cases to judges, and change the county for trial of any case if no party to the litigation files timely objections to the change.

TAB 6

Judicial Council Study: Domestic Case Process Improvements

Committee Charge:

The Judicial Council's Children and Family Law Standing Committee is charged with conducting a thorough review of existing domestic case processing statutes, rules, and practices and determining if there are alternatives and improvements that should be considered. This study should be limited to domestic cases and shall not include juvenile delinquency or child welfare proceedings. Specifically, the committee should:

- Examine programs in place in other jurisdictions that are aimed at simplifying process, reducing the adversarial nature of domestic proceedings, protecting children of divorcing parents, and reducing time and costs for litigants in order to determine what constitutes "best practices" in the adjudication of domestic disputes.
- Conduct an inventory of current practices and programs and assess both their effectiveness and the extent to which they are consistent with best practices in the field.
- Compile and examine data on the management of domestic cases, including case processing performance indicators, so as to identify promising practices that should be more broadly replicated.
- Conduct the study so as to take into account the individual perspectives of children, litigants, victims, self-represented litigants, attorneys, judges, commissioners, advocates, and service providers.
- Examine programs and services, such as OCAP, Self-Help Center, and forms to determine if additional or improved services are needed.
- Examine the commissioner process and determine if efficiencies are possible in their interaction with district court judges.
- Formulate proposed solutions to problems identified, including attendant resource requirements, statute, and rule changes.

The committee is encouraged to seek the advice and assistance of national organizations with expertise in the field.

Timetable:

The standing committee should complete its work and report its findings and recommendations to the Judicial Council at the July 2017 meeting of the Judicial Council. This will allow sufficient time to seek the input of various interested parties and allow the Judicial Council time to decide what, if any, legislation should be advanced to the 2018 Legislature.

Membership:

The standing committee will conduct this study through a sub-committee composed of the following membership appointed by the Management Committee of the Judicial Council:

(2) district court judges	(1) Member of the Senate
(2) court commissioners	(1) Member of the House
(1) Legal Services attorney	(1) mediator
(2) family law attorneys	(1) Member of a child advocacy organ.
(1) DCFS representative	(1) child development professional
GAL director	(1) AOC administrator
Self-Help Center representative	

A committee chair will be named by the Management Committee of the Judicial Council.

Staff support to the committee will be assigned by the state court administrator

The committee will operate under the oversight of the standing committee which shall monitor the work and progress of the committee. The chair of the standing committee shall file the committee's report with the Judicial Council, indicating whether the standing committee endorses the recommendations contained in the report.

TAB 8

**Standing Committee on
Children and Family Law**

MEMORANDUM

TO: Management Committee

FROM: Ray Wahl, Deputy State Court Administrator 

RE: Vacancies on the Standing Committee on Children and Family Law (SCCFL)

DATE: October 18, 2015

Two members of the SCCFL have completed their second terms; Commissioner Michelle Blomquist and Sophia Moore.

Regarding Commissioner Blomquist, she chairs a sub-committee that is working on amending Rule 101, Rule 109 and Rule 26.1. Those changes are working themselves through the approval process and will come to the Council eventually. In addition, the sub-committee has also been tasked with looking at the issue of Special Masters and Case Management in domestic matters. Under the "exceptional circumstance" provision of Rule 1-205 (3) (B), the chairs of the SCCFL are requesting that Commissioner Blomquist serve an additional term so the matters assigned to the subcommittee continue to have the continuity provided by her continuing to chair the sub-committee.

Regarding Sophia Moore, the committee solicited suggestions for a practitioner in family law to serve on the committee through the Chair of the Family Law Section of the Bar. Recommendations regarding those interested will be presented at the meeting.

Cc: Judge Douglas Thomas

Judge Paul Lyman



Ray Wahl <rayw@utcourts.gov>

RE: Standing Committee on Children and Family Law

Bryant McConkie <BMcConkie@rqn.com>
To: Ray Wahl <rayw@utcourts.gov>

Fri, Nov 6, 2015 at 3:03 PM

From: Ray Wahl [mailto:rayw@utcourts.gov]
Sent: Friday, November 06, 2015 1:39 PM
To: Bryant McConkie
Cc: Docket
Subject: Re: Standing Committee on Children and Family Law

Don't want to be a pest - sorry.

On Fri, Nov 6, 2015 at 1:37 PM, Bryant McConkie <BMcConkie@rqn.com> wrote:

Thanks. Will have it to you in a few. Thx.

Bryant

Bryant J. McConkie
RAY QUINNEY & NEBEKER
36 South State Street, 14th Floor
Salt Lake City, Utah 84111
bmccconkie@rqn.com

Sent from Outlook.

On Fri, Nov 6, 2015 at 12:31 PM -0800, "Ray Wahl" <rayw@utcourts.gov> wrote:

Just a reminder - have not received anything this morning or early p.m.

On Thu, Nov 5, 2015 at 11:33 AM, Bryant McConkie <BMcConkie@rqn.com> wrote:

Great. I will have something to you before tomorrow morning.

Thanks.

Bryant

Bryant J. McConkie
RAY QUINNEY & NEBEKER
36 South State Street, 14th Floor
Salt Lake City, Utah 84111
bmccconkie@rqn.com

Sent from Outlook.

On Thu, Nov 5, 2015 at 10:32 AM -0800, "Ray Wahl" <rayw@utcourts.gov> wrote:

Please submit your interest ASAP. I would need a resume and just an email that states your interest in serving. As previously mentioned, the applications will be screened by the Chairs of the committee and the Judicial Council would make the final appointment later in the month. Thanks for circling back.

Ray

On Thu, Nov 5, 2015 at 11:24 AM, Bryant McConkie <BMcConkie@rqn.com> wrote:

Ray:

I got your email when I was out of town and have not circled back. I note that you needed my application by yesterday, but I would be interested in serving on the committee if I could still submit an application. If not, I understand. Would you let me know?

Either way, thank you for thinking of me.

Sent from my iPhone

> On Oct 15, 2015, at 2:59 PM, Ray Wahl <rayw@utcourts.gov> wrote:

>
> My name is Ray Wahl and I am staff to the above committee of the Judicial Council. The chairs have instructed me to seek nominees for a vacancy on the committee who is an attorney who practices family law. The committee meets quarterly and there are subcommittees that may meet the same day or another date of the standing committee. Meetings are always held at the Matheson Courthouse from 1 to 3 p.m on the third Friday of the month (usually).

>
> Your name has been suggested as someone who may be an excellent addition to the committee. We are seeking others to express an interest in serving. Should you be interested, you would need to send me a brief letter of interest or email and a copy of your resume. The Management Committee of the Council will initially screen all nominees and a final selection will be made by the Judicial Council in their November Meeting.

>
> Feel free to ask further questions about the committee. I look forward to your response to this email.

>
> Ray

Bryant J. McConkie

Attorney/Mediator

36 South State Street, Ste. 1400, Salt Lake City, Utah 84111
(801) 532-1500 ~ bmcconkie@rqn.com

Employment:

Ray, Quinney & Nebeker

2013 – Present, Shareholder

- Leader of the firm's domestic relations practice.
- *Kielkowski v. Kielkowski*, 2015 UT App 59, trial and appellate counsel.
- *Jones v. Jones*, 2015 UT 84, trial and appellate counsel.

Strong and Hanni

2006 – 2012, Shareholder

- Attorney practicing in the area of family law.

University of Utah – David Eccles School of Business

2004 – 2014, Adjunct Professor

- Taught courses entitled Managing Organizational Conflict and Business Law.

Education:

Hamline University School of Law, St. Paul, MN

Class of 2004 – JD

- Larry A. Bakken Leadership Award, Graduation 2004.
- Editor-in-Chief, *Journal of Public Law and Policy*, 2003-2004.
- Associate, *Journal of Public Law and Policy*, 2002-2003.

University of Hartford, West Hartford, CT

Class of 2001 – MS, Organizational Behavior

- Thesis topic – *Managing Workplace Conflict: Using Alternative Dispute Resolution as an Organizational Intervention*.
- Researched, edited, and formatted book by James Fairfield-Sonn – *Building A Quality Organization: A Corporate Culture Perspective*.

University of Utah, Salt Lake City, UT

Class of 1998 – BS, Psychology, Sociology Minor

- Bennion Center for Community Service:
 - Project Youth, Core Committee, 1995-1996
 - Guadalupe Neighborhood Project, Co-director, 1996-1997

Civic/Professional Involvement:

Supreme Court Committee on Ethics and Discipline

2015 – Present, Screening Panel Member

Family Law Executive Committee, Utah State Bar

2014 – Present, Member

Personal/Other:

Husband and Father

- Married Aimee Stone in 1996.
- Father of four daughters (Ava, Gwen, Mae, Beatrice).



Ray Wahl <rayw@utcourts.gov>

RE: Standing Committee on Children and Family Law

James Hanks <jhanks@hmlawslc.com>
To: Ray Wahl <rayw@utcourts.gov>

Mon, Nov 2, 2015 at 3:08 PM

Ray, I would be honored to serve on the Standing Committee on Children and Family Law. I have been in the family law trenches for a long time now (31 years) and have dealt with an incredible variety of cases, including a contested adoption case which went all the way to the United States Supreme Court. During this time, I have acquired a great appreciation for the judicial system and have had the privilege of working with many of Utah's fine Judges and Commissioners. At this point in my career, I would appreciate the opportunity of providing the benefit of whatever I have learned over the years to better the system – a system which has blessed me with such an incredibly challenging, interesting and satisfying career. As requested, I have attached my resume for your review. Let me know if you have any further questions or need further information. Jim Hanks

From: Ray Wahl [mailto:rayw@utcourts.gov]
Sent: Thursday, October 22, 2015 5:12 PM
To: James Hanks <jhanks@hmlawslc.com>
Subject: Re: Standing Committee on Children and Family Law

There are quarterly meetings that last 2+ hours. There are also subcommittee you may serve on that meet irregularly so it is hard for me to estimate that time commitment for subcommittees. Attached you will find the most recent report from the committee to the Judicial Council and it will give you an idea of who is on the committee. It will also give you an idea of what projects they are working on. Let me know if you have more questions.

On Thu, Oct 22, 2015 at 4:51 PM, James Hanks <jhanks@hmlawslc.com> wrote:

Ray - do you have any idea what kind of a time commitment this would involve? Also, can you let me know who else is serving on the Committee? Thank You. Jim Hanks

From: Ray Wahl [mailto:rayw@utcourts.gov]
Sent: Friday, October 16, 2015 8:12 AM
To: James Hanks <jhanks@hmlawslc.com>
Subject: Re: Standing Committee on Children and Family Law

I will look for it.

On Fri, Oct 16, 2015 at 7:59 AM, James Hanks <jhanks@hmlawslc.com> wrote:

Ray, thank you for the invitation. I will try to have you my information sometime next week. Jim Hanks

Sent from my iPad

> On Oct 15, 2015, at 5:00 PM, Ray Wahl <rayw@utcourts.gov> wrote:

>

> My name is Ray Wahl and I am staff to the above committee of the Judicial Council. The chairs have instructed me to seek nominees for a vacancy on the committee who is an attorney who practices family law. The committee meets quarterly and there are subcommittees that may meet the same day or another date of the standing committee. Meetings are always held at the Matheson Courthouse from 1 to 3 p.m on the third Friday of the month (usually).

>


> Your name has been suggested as someone who may be an excellent addition to the committee. We are seeking others to express an interest in serving. Should you be interested, you would need to send me a brief letter of interest or email and a copy of your resume. The Management Committee of the Council will initially screen all nominees and a final selection will be made by the Judicial Council in their November Meeting.

>

> Feel free to ask further questions about the committee. I look forward to your response to this email.

>

> Ray

 Resume 11-2-15.pdf
205K

JAMES B. HANKS
HANKS & MORTENSEN, P.C.
8 East Broadway, Suite 740
Salt Lake City, Utah 84111
(801)-363-0940
jh@hmlawslc.com

ADMITTED

- Utah, 1984
- United States District Court for the District of Utah, 1984
- United States Court of Appeals for the Tenth Circuit, 2009
- United States Supreme Court, 2011

EDUCATION

- J.D., Gonzaga University School of Law, 1984
- B.S., University of Utah, mining engineering, 1981

EMPLOYMENT

HANKS & MORTENSEN, P.C., 8 East Broadway, Suite 740, Salt Lake City, Utah 84111.
Founder and sharcholder. 2004 to present.

HANKS & ROOKER, P.C., 8 East Broadway, Suite 740, Salt Lake City, Utah 84111.
Founder and Shareholder. 1995 – 2004.

KIPP AND CHRISTIAN, P.C., Salt Lake City, Utah. Associate attorney. 1988 – 1992.

PROFESSIONAL ASSOCIATIONS

- Utah State Bar
 - Family Law Section; Member of Executive Committee
 - Chair of Executive Committee 2014/2015
- Davis County Bar Association

HONORS


- AV® Preeminent™ Peer Review Rated by Martindale-Hubbell®
- Regularly recognized as one of Utah's Premier Family Law Attorneys by *Utah Business* magazine
- Listed as Mountain States Super Lawyer in 2007
- Served as a Judge Pro Tem, West Valley City, Utah, 1987 – 1988
- Browning Engineering Scholarship

REPORTED CASES

- *Alexander v. Alexander*, 737 P.2d 221 (Ut. 1987)
- *Avila v. Winn*, 794 P.2d 20 (Ut. 1990)
- *Moffitt v. Barr*, 837 P.2d 572 (Ut. App. 1992)
- *Wells v. Wells*, 871 P.2d 1036 (Ut. App. 1994)
- *Nielsen v. Ketchum*, 640 F.3d 117 (10th Cir. 2011)
- *Nielsen v. Ketchum*, 132 S.Ct. 2429, 182 L.Ed. 2d 1061, 2012 U.S. Lexis 3808, 80 U.S.L.W.3646 (U.S. 2012)

PRESENTATIONS/SEMINARS

1996 - National Business Institute:	Equitable Distribution in Divorce Settlements in Utah: Valuation, Tax and Other Issues
1999 - National Business Institute:	Child Custody and Visitation in Utah.
2000 - National Business Institute:	Family Law Litigation in Utah.
2000 - National Business Institute:	Spousal Support in Utah Divorce Proceedings.
June 21, 2000 - National Business Institute:	Family Law for Social Workers, Counselors and Other Helping Professional in Utah Layman Education Services.
April 14, 2005 - National Business Institute:	Divorce Law in Utah.
2005 - National Business Institute:	Domestic Law in Utah.
June 16, 2006 - National Business Institute:	Negotiating Favorable Divorce Settlements.
2009 - National Business Institute:	Child Custody Basics.
May 25, 2010 - National Business Institute:	Preventing Critical Financial Mistakes During Divorce.
May 19, 2011 - National Business Institute:	Advanced Family Law.
September 15, 2011 - Utah State Bar Family Law Section:	Nuts and Bolts of Family Law in Utah: Rule 101 and Motion Practice.
May 21, 2012 - National Business Institute:	Current Challenges in Family Law.



April 12, 2013 - Served as
Moderator in a Judicial Forum:

October 1, 2014 – National
Business Institute:

Family Law From A-Z

Brett N. Anderson
Mark L. Anderson
Kristy L. Bertelsen
Michael D. Blackburn
Mark D. Dean
Michael E. Dyer
Bret A. Gardner
Bryce D. Panzer
Dori K. Petersen
Dena C. Sarandos
Pete B. Sarandos
Kira M. Slawson
Scott R. Taylor
Michael S. Wilde

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257 East 200 South, Suite 800
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Telephone (801) 521-7900
Fax (801) 521-7965

Dena C. Sarandos
Dena@blackburn-stoll.com

Pete B. Sarandos
Pete@blackburn-stoll.com

Tisha Wilson, Legal Assistant
TishaW@blackburn-stoll.com

November 6, 2015

[Via E-mail]

Ray Wahl
rayw@utcourts.gov

Re: Standing Committee on Children and Family Law

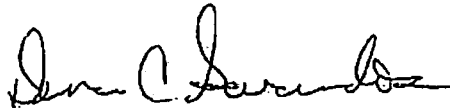
Dear Mr. Wahl:

I am interested in serving on the Standing Committee on Children and Family Law. Enclosed please find my resume.

If you have any questions or comments, please call.

Very truly yours,

BLACKBURN & STOLL, LC



Dena C. Sarandos

Enclosure

DCS: tw

Dena C. Sarandos

13436 Tuscalee Way, Draper, UT 84020 • (801) 949-4699 • Dena@blackburn-stoll.com

PROFESSIONAL SUMMARY

Logical and resourceful Family Law Attorney who effectively anticipates and evaluates legal issues to protect clients and resolve cases.

LEGAL AND PROFESSIONAL EXPERIENCE

Attorney/Shareholder

Blackburn & Stoll, LC – Salt Lake City, UT (February 2015 - Present)

- Provide domestic relations law and litigation services to clients. My deep understanding of collaborative law and cooperate conflict strategies leads to helping clients define, maximize, and achieve their goals through mediation/settlement or trial.
- Leverage experience and insight of reputable experts to determine the optimal solutions to my clients' unique challenges in matters of prenuptial and postnuptial agreements, divorce actions, child and spousal support, and custody issues.
- Handle numerous domestic relations actions annually, representing clients in matters of valuation, support, and custody. Negotiations have yielded favorable settlements for my clients.
- Evaluate clients' financials in conjunction with subject-matter experts to develop valuation of assets, actual cash flows, and equitable distribution of marital assets.

Attorney/Shareholder

Cohne, Rappaport & Segal, P.C. – Salt Lake City, UT (January 1997 - January 2015)

- Provide domestic relations law and litigation services to clients. My deep understanding of collaborative law and cooperate conflict strategies leads to helping clients define, maximize, and achieve their goals through mediation/settlement or trial.
- Leverage experience and insight of reputable experts to determine the optimal solutions to my clients' unique challenges in matters of prenuptial and postnuptial agreements, divorce actions, child and spousal support, and custody issues.
- Handle numerous domestic relations actions annually, representing clients in matters of valuation, support, and custody. Negotiations have yielded favorable settlements for my clients.
- Evaluate clients' financials in conjunction with subject-matter experts to develop valuation of assets, actual cash flows, and equitable distribution of marital assets.

EDUCATION

- **Juris Doctor (J.D.)** – Law (1991)
University of Utah College of Law – Salt Lake City, UT
- **Bachelor of Arts (*cum laude*)** – Major: Political Science; Minor: English (1988)
Weber State University – Ogden, UT
The Dean's List; Phi Kappa Phi (National Honor Society)

ADMISSIONS

- Utah (1991)
- U.S. District Court, Utah (1991)
- United States Court of Appeals, Tenth Circuit (1993)

PROFESSIONAL ASSOCIATIONS

- Martindale-Hubbell (AV rated)
- American Bar Association
- Family Law Section of Utah State Bar – Executive Committee Member (2005 – Present)
- American Inns of Court (1991 – Present)
- Fellow-American Academy of Matrimonial Lawyers

RECOGNITION AND AWARDS

- Best Lawyers in America, Family Law
- Mountain States Super Lawyers, Family Law
- Utah Business Magazine Legal Elite

REPRESENTATIVE CASES

- *Kunzler v. Kunzler*, 2008 UT App 263, 190 P.3d 497
- *Sill v. Sill*, 2007 UT App 173, 164 P.3d 415
- *Carsten v. Carsten*, 2007 UT App, 164 P.3d 429
- *Covey v. Covey*, 2003 UT App 380, 80 P.3d 553

LANGUAGES

- Greek



Ray Wahl <rayw@utcourts.gov>

Standing Committee of Children and Family Law

Lorie Fowlke <lorie@sfutahlaw.com>
To: rayw@utcourts.gov

Mon, Nov 9, 2015 at 11:03 AM

Ray,

I understand that there is an opening for a family law attorney to serve on the Standing Committee of Children and Family Law. If that opening is still available, I would appreciate you considering me for that position. As you may remember, I served on this committee for a couple of years while I was in the House of Representatives, but my term ended when I retired from the legislature the end of 2010. Please let me know what information you need from me in order to make this decision. I have attached my resume if that is helpful to you. Will gives his best.

Warm regards,

Lorie

—
Lorie D. Fowlke, Esq.
SCRIBNER FOWLKE P.C.



2696 North University Ave., Ste. 220
Provo, UT 84604
Tel. 801-375-5600
Fax 801-375-5607

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LORIE D. FOWLKE

596 West 1200 North, Orem, Utah 84057 (801) 225-0721(h)/ (801) 375-5600(o)

LEGAL EXPERIENCE

Construction

Attorney, Scribner Fowlke, P.C., Provo, Utah, 1999 - present
Practice Areas: Domestic, General Litigation, Small business,
Utah State Legislator, House of Representatives 2004-2010
(Chair Judiciary committee; Utilities and Technology committee, Public
Education Approps. Comm., Sentencing Comm., Uniform Law Comm.)
Commissioner, Uniform Law Commission, 2009 – present
Special Master, Court appointed on domestic cases, 2002-2008
Guardian Ad Litem, 4th District Court, Conflict/Pro bono 1996-present
Areas of Practice: Juvenile delinquency, Abuse and neglect
Utah Legal Services, Pro bono attorney, Provo, Utah, 1994 to present
Areas of Practice: domestic, landlord tenant
Mediator, Court Approved Roster, 1998-present; collaborative law trained
U.S. Postal Service, 1999-2013: EEOC disputes
Public Defender, Santaquin City Justice Court, Utah, 2205-2008
Associate Attorney, Jeffs, & Jeffs, P.C., Provo, Utah, Oct. 1994 to 1999
Areas of Practice: Domestic, Juvenile, Probate.

Law School

Law Clerk, Jeffs & Jeffs, P.C., Provo, 1993-1994
Law Clerk, Utah Legal Services, Utah, May 1993 to Oct. 1994
Extern, U.S. District Court Judge Dee Benson, Jan. 1993 - Apr 1993
Law Clerk, Utah County Attorney's Office, May 1992 to May 1993
Law Clerk, Greg Hadley, Provo, Utah, July 1992
Research Assistant, Prof. Ray J. Davis, Law School, Summer 1992
Intern, Utah Legal Services, Provo, Utah, Summer 1992

Previous Employment

Paralegal, McCullough & Jones, Orem, Utah, 5 years, 1984-1989/
Bankruptcies, Collections, Domestic
Paralegal, Stringham & Larsen, Salt Lake City, Utah, 2 years, 1976-1978
/ Ltd. Partnerships, Pension Plans
Police Officer, (first female on patrol) Santa Barbara Police Dept., 2
years, 1974 - 1976 Santa Barbara, California/Patrol streets, take calls,
report, testify

BUSINESS EXPERIENCE

Author. Published book: Thinking Divorce? Think Again!; produced
accompanying DVD of same title, 2004.

Weekly Newspaper Columnist. Wrote weekly legal advice column
entitled "A Matter of Law". published in the Provo Daily Herald Sunday

Film/Video Distributor, Falcon West Media, 6 years, 1989 to 1995
Own Company; Market training educational videos, manage business.

Film Production Supervisor, various film projects including "Rockwell" feature film starring NBA basketball star Karl Malone, "A King and His People", two half hour news feature documentaries on the Island Kingdom of Tonga, and "American English in Modern Situations", 13 Part Series on teaching English as a Second Language.

CEO, Alpine Film Exchange, 5 years, 1979 - 1984
Market and sell training and educational videos nationally and internationally, manage company internal affairs, locate and establish sub-distributors in Japan, the Middle East, South America.

EDUCATION

Juris Doctorate Degree, April 1994

J. Reuben Clark Law School, Cum Laude
Moot Court

Invited as Editor, Journal of Public Law

Trial Advocacy Traveling Team (Regional Trial Competitions, 2 years)

Teaching Assistant, Criminal Law (Professor David Dominguez)

Model Water Code, Commentary Contributing Author

Vice-President, Family Law Society

Brigham Young University (BYU) Graduate School

Communications-Public Relations/Law Enforcement, 1 year

Bachelor of Science Degree, BYU, Law Enforcement

Associate Degree, Utah Valley University, Legal Assistant

PROFESSIONAL AFFILIATIONS

American Inns of Court I, student member 1993-94, Barrister 1998-2006, Master 2006 to 2014.

Central Utah Bar Association, President 1998-99, Sec-Treas 1996-97

J. Reuben Clark Law Society, member 1994-present; Chair 2007 to 2009

Utah State Bar Association, member 1994 to present

Women Lawyers of Utah, President, Utah County Chapter, 1995-96

Women in Leadership, member 1996 to present, on Board 2006 to present

COMMUNITY SERVICE

Utah State Legislator, 2004-2010/*State Delegate* 2002-2004

Small Claims Judge, 2008 to present

Utah Executive Ethics Committee, 2013 to present

Utah County Public Defense Advisory Board, 2013-present

Circles USA Ally, 2014 to present

Found board member, Real Women Run, 2013-2015

In-House Counsel, Utah Regional Ballet, 1997 -2010

Boy Scouts of America, merit badge counselor, government/horsemanship

Children's Justice Center, board member 2008 to 2013

Defense Appellate Representation Task Force, 2009-2010

Provo Citizens Police Dept. Audit Oversight Comm., Chair, 2011

Edition, 2 years, January 1995 - January 1997.





ADAIR LAW FIRM, P.C.

DOUGLAS D. ADAIR
ATTORNEY AT LAW

585 WEST 500 SOUTH, SUITE 120
BOUNTIFUL, UTAH 84010
DADAIR@JJBLEGAL.COM

TELEPHONE (801) 292-0400
FACSIMILE (801) 292-6414

November 9, 2015

VIA U.S. MAIL AND E-MAIL

Administrative Office of the Courts
c/o Raymond Wahl
450 South State Street
P.O. Box 140241
Salt Lake City, Utah 84114-0241
rayw@utcourts.gov

Re: *Standing Committee of Children and Family Law*

Dear Mr. Wahl:

I have learned through Mr. Adam Caldwell of a vacancy on the Standing Committee of Children and Family Law. This letter and the enclosed resume will confirm my interest in and willingness to fill that vacancy. I am a private practice attorney with a well established family law practice. My practice is heavily based on referrals from other attorneys (including family law attorneys) and clients. I strive to practice with high quality and high ethics. In my work, I practice extensively in the Third and Second District and I interact extensively with Judges, Commissioners, mediators, custody evaluators, and the like.

In addition, I have been a member of the Family Law Executive Committee of the Utah State Bar for the past eight years. I was the President during 2013 and I currently Chair the Sub-Committee that coordinates monthly luncheons. I was also the President of the Davis County Bar for two years.

Through service as both a family law attorney and in these leadership positions, I have learned to work as a team player with other attorneys, mental health professionals, and community leaders. If selected for this vacancy, I would be willing to play my designated "role on the team" and dedicate the necessary time and attend the meetings to provide a quality contribution.

I highly respect the work of the Standing Committee of Children and Family Law, and I appreciate your consideration.

Respectfully,

/s/ Douglas D. Adair

Douglas D. Adair
Attorney at Law

Enclosure: Resume

DOUGLAS D. ADAIR

495 East 475 South, Centerville, Utah 84014
Tel. (801) 292-0409 (Cell) (801) 949-9965

EDUCATION

Juris Doctor

S. J. Quinney College of Law, University of Utah, Salt Lake City, Utah, May 1993

Bachelor of Science in Finance

David Eccles School of Business, University of Utah, Salt Lake City, Utah, December 1989

PROFESSIONAL EXPERIENCE

Equity Partner and Owner

Douglas D. Adair, Attorney at Law, P.C., North Salt Lake/Bountiful, Utah, April 2006 - present

Administer and litigate complex family law actions, including divorce, custody, parental rights, paternity, adoption, and protective order cases from initial court filing through temporary order hearings to trial. Appear at various court proceedings before commissioners and judges, such as temporary order hearings, pre-trial hearings, order-to-show-cause hearings, protective order hearings, and trials. Negotiate and mediate cases through representing clients at mediation proceedings and settlement conferences. Write diverse pleadings and legal documents, including petitions, motions, memoranda, affidavits, and court orders. Establish and maintain effective relationships with clients, judges, commissioners, court personnel, attorneys, partners, support staff, and general public. Supervise a paralegal dedicated to practice.

Partner

Crist, Cathcart, and Peterson, L.L.C., Bountiful, Utah, September 2004 - April 2006

Counseled litigants in complex family law cases, including divorce, custody, alimony, parental rights, paternity, adoption, and protective orders at all stages from initial court filing through temporary order hearing to trial. Represented clients at numerous temporary order hearings, pre-trial hearings, order-to-show-cause hearings, protective order hearings, and trials before commissioners and judges throughout Utah. Negotiated and mediated legal actions through appearing at mediation proceedings and settlement conferences. Drafted diverse pleadings and legal documents, including petitions, motions, memoranda, affidavits, and court orders. Managed relationships successfully with clients, judges, commissioners, attorneys, partners, and general public. Supervised support staff dedicated to practice.

Partner

Cramer, Cramer, and Adair, L.L.C., Bountiful, Utah, August 2000 - September 2004

Managed family law cases, including divorce, parental rights, custody, alimony, and protective orders at all stages from initial court filing through temporary order hearing and trial. Represented litigants before commissioners and judges in temporary order hearings, pre-trial hearings, order-to-show-cause hearings, protective order hearings, and trials. Negotiated and mediated legal actions through appearing at mediation proceedings, and settlement conferences. Drafted pleadings, such as petitions, motions, memorandums, affidavits, and other legal documents. Established and maintained successful relationships with clients, judges, commissioners, attorneys, partners, and staff. Supervised support staff.

Associate

Richer, Swan and Overholt, P.C., Salt Lake City, Utah, August 1996 - December 1999

Represented clients primarily in area of commercial litigation by appearing in different court proceedings, for example motions and order in supplemental proceedings hearings, pre-trial hearings, and writ hearings. Drafted various pleadings, such as motions and memoranda on summary judgment, complaints, court orders, and other legal documents. Interacted and worked effectively with judges, court personnel, colleagues, and corporate clients.

Associate

David Paul White and Associates, Salt Lake City, Utah, January 1996 - August 1996

Appeared at court hearings in matters involving family, business, and criminal law. Drafted court pleadings, motions, and memoranda in family and business law, and civil litigation.

Judicial Law Clerk

Honorable Brent J. Moss, Idaho Seventh Judicial District Court, Rexburg, Idaho, January 1994 - June 1995

Performed legal research in various areas of civil and criminal law. Drafted judicial opinions, findings, and memoranda in a broad variety of legal matters. Managed judicial case load and calendar. Interacted and worked effectively with Judge Moss and other judges, court personnel, attorneys, and general public.

Law Clerk

Utah Attorney General's Office, Tax and Revenue Division, Salt Lake City, Utah, 1992 - 1993

Performed legal research and wrote memoranda on findings in areas of insurance, real estate, and banking law under the supervision of three attorneys.

Law Clerk

Mazuran, Verhaaren, and Hayes, Salt Lake City, Utah 1991 - 1992

Performed legal research in municipal and business law and wrote memoranda on findings.

PROFESSIONAL HONORS AND ACHIEVEMENTS

Executive Committee, Family Law Section of Utah State Bar

Past Chair and current Sub-Committee Chair on Luncheons

Coordinate professional development lecture series for members of the Family Law Section.

Presented annual case law update to members of the Family Law Section in 2005, 2006, and 2008.

Davis County Bar Association

President, 2009 - 2011

Promoted high standards of ethical and professional conduct by organizing a professional development training series presented by prominent judges and attorneys.

Utah's Legal Elite for Family Law by Utah Business Magazine

Listed among top Utah Family lawyers.

Previous Private Guardian Ad Litem

Previously served as a Guardian Ad Litem attorney representing children in family law cases (no longer active).

PRANNOLAW

A PROFESSIONAL LIMITED LIABILITY COMPANY

ALBERT N. PRANNO, MBA
AL@PRANNOLAW.COM

JULIE J. SAGERS
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*LICENSED IN UTAH & WISCONSIN

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8 EAST BROADWAY, SUITE 700
SALT LAKE CITY, UT
MAILING ADDRESS: P.O. BOX 4226
SALT LAKE CITY, UT 84110

November 9, 2015

Ray Wahl rayw@utcourts.gov
Administrative Office of the Courts
405 S State Street
P.O. Box 1860
Salt Lake City, UT 84114-1860

Re: *Standing Committee of Children and Family Law*

Mr. Wahl:

My name is Albert N. Pranno. I am a practicing attorney up and down the Wasatch Front, and have been since 2003. I am a small claims Judge in several jurisdictions.

The current chair of the Family Law Executive Committee of the Utah State Bar, Adam Caldwell, a committee of which I have been a member for ten years now, has notified the body that your office is looking to fill a vacancy.

My work centers squarely around families and children, and struggles they may endure. My practice has focused in this area as I have a sincere passion to do what I can to assist this special group enduring often some of the most difficult times in their lives. I am a father of four, have personally dealt with family law issues, and have assisted client's through hundreds and hundreds of them. I am keenly aware of the interplay between court rules, statutes, caselaw, and societal concerns. I believe I play an integral role in the Family Law Executive Committee when grappling with issues involving societal and philosophical change considerations within our system.

I believe I could be a valuable addition to the Standing Committee of Children and Family Law, and I appreciate your consideration. I have attached my resume for your review.

Sincerely,



Albert N. Pranno
Attorney at Law

attachment

Albert N. Pranno, MBA, JD
8 East Broadway Suite 700; Salt Lake City, UT 84111 (business)
801.259.6129 (cell) 801.938.3864 (business)
AlPranno@PrannoLaw.com

Professional Experience

- October, 2010 to Present
PRANNO LAW, PLLC, Attorneys at Law.
Attorney at Law. Sole Member in Professional Limited Liability Company. Litigation practice focused in civil litigation. Staff including attorneys, vary from 2-5 individuals. Extensive experience obtaining and retaining clientele, all aspects of client representation; all aspects in operating a small law firm.
- March, 2014 to Present
Judge Pro Tempore, Salt Lake City Justice Court, Summit County Justice Court, Davis County Justice Court, North Salt Lake Justice Court (reserve), Centerville Justice Court.
- November, 2005 to Present
Member Utah State Bar Family Law Executive Committee.
- September, 2010 to Present
Member Editorial Board of Utah Journal of Family Law.
- August, 2000 to present
Westminster College of Salt Lake City.
Adjunct Professor of business courses. Business Law specialty.
- November, 2008 to September, 2010
Pranno Ashworth Law, PLLC, Attorneys at Law.
Attorney at Law. Principal Managing Member in Professional Limited Liability Company. Litigation in family/domestic law as well as other civil litigation, tort and insurance, and criminal defense.
- November, 2007 to November, 2008
Mohrman Pranno & Schofield, PC, Attorneys at Law.
Attorney at Law. Named shareholder in law firm corporation. Litigation practice focused in civil litigation. Extensive obtaining and retaining clientele, all aspects of client representation; all aspects in operating a small law firm.
- October, 2003 to November, 2007
Corporon & Williams, PC, Attorneys At Law.
Attorney at Law. Litigation practice focused in family law. Experience also in insurance, business, and criminal defense legal representation.

- May, 2002 to October, 2003
Corporon & Williams, PC, Attorneys At Law.
Law Clerk. Extensive writing and research, client contact, courtroom participation.
- May, 2002 to December, 2002
United States District Court for the District of Utah.
Clerk/Extern for Honorable Chief Judge Dee Benson. Exposure to courtroom and in-chambers procedure and policy, extensive writing and research.
- March, 1994 to April, 1999
Allstate Insurance Company.
Senior Claims Representative. In and out of court evaluation, negotiation, and settlement with insurance and legal representatives regarding casualty and fatality claims.
- Licensed to Practice Law in Utah and Arizona¹

Education

- S.J. Quinney College of Law At the University of Utah, 2003; *Juris Doctor*
Salt Lake City, UT
Member, University of Utah National Moot Court Team
Member, University of Utah National Trial Advocacy Team
- Westminster College of Salt Lake City, 1999; *MBA - Masters of Business Administration*
Salt Lake City, UT
Master of Business Administration, Marketing Certification
- University of Northern Colorado, 1986; *Bachelor of Science*
Greeley, CO
Bachelor of Science, Business Administration, Emphasis in Finance, Music Minor

Other

- Pro Bono: Maintain responsible level of pro bono representation of in-need clientele.
- Matheson Legal Aid Clinic – Domestic Law: Consistent volunteer at semi-monthly Legal Aid Domestic Law Clinic, assisting in-need domestic law parties, train and assist law school volunteers.
- U.S. Supreme Court Mentor Program: Current Mentor of two, first-year young lawyers.
- Law Related Education, Utah Mock Trial: Volunteer Presiding Judge for trial competitions, 2001 to present.

¹ Passed Arizona Bar, need only to submit application, pay fees to be sworn and admitted.

Standing Committee on Technology

Utah Court of Appeals



John A. Pearce
Judge

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

November 13, 2015

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

RE: Appointment to the Standing Committee on Technology

Dear Chief Justice Durrant:

The Standing Committee on Technology (Committee) develops and makes recommendations to the Judicial Council relating to the plans, priorities, and strategies that guide and govern the technology used by the Utah Courts.

The Committee has two spots reserved for representatives of the Trial Court Execcutives. The Trial Court Executives have nominated Shane Bahr to serve a second term on the Committee.

Mr. Bahr has been a valuable addition to our Committee and we would welcome his appointment to a second term. We ask that the Judicial Council re-appoint Mr. Bahr.

Best Regards,

A handwritten signature in black ink, appearing to read "John A. Pearce", is written over the printed name.

John A. Pearce

Chair, Standing Committee on Technology

cc: Ron Bowmaster

**Committee on Resources for
Self-Represented Parties**



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: November 10, 2015
Re: 2 positions to fill on the Committee on Resources for Self-represented Parties

We have two vacancies to fill on the Committee on Resources for Self-represented Parties.

1) District Court Judge

Judge DiReda's second term expired on October 22, 2015. The following judges expressed interest in the position and are listed in the Board of District Court Judges' order of preference:

- a. Barry Lawrence
- b. Paige Petersen
- c. Su Chon

Judge Kara Pettit also applied for the position, but her application came after the Board of District Court Judges weighed in, so that body did not have the opportunity to place her in their order of preference.

The committee would be pleased to have any of these judges in the vacated position.

2) Rural Clerk of Court

Carol Frank's second term expired on October 22, 2015, but she has only technically served 1 ½ terms since she took over for someone else in 2010. The committee suggests that there is good cause for reappointing Carol to the committee for a third term due to her shortened first term and also her court's involvement in a pilot video assistance program with the Self-Help Center.

The Management Committee recommended Judge Barry Lawrence for the district court judge position and Carol Frank for the rural clerk of court position.

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

**Uniform Fine and Bail
Schedule Committee**



Administrative Office of the Courts

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

November 16, 2015

Daniel J. Becker
State Court Administrator
Ray Wahl
Deputy Court Administrator

MEMORANDUM

TO: Judicial Council

FROM: Debra Moore, District Court Administrator

RE: Vacancy on Uniform Fine and Bail Schedule Committee

There is a vacancy on the Uniform Fine and Bail Schedule Committee because of the expiration of Judge Clark McClellan's second term as of December 31, 2015. The position is for a district court judge with experience in misdemeanors. The Management Committee recommends that Judge Hamilton be appointed to this position.

The mission of the Utah judiciary is to provide 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 / 801-578-3800/ Fax: 801-578-3843

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: Alison Adams-Perlac *Alison Adams-Perlac*
Date: November 18, 2015
Re: Rules for Public Comment

The Policy and Planning Committee recommends the following amendments to rule 3-114 of the Utah Code of Judicial Administration for public comment. If no concerns are raised, the proposed amendments will be published for comment and will be subject to change after the comment period.

CJA 3-114. Judicial outreach. Amend. Reorders the intent language. Provides that model outreach programs shall take into account existing curricula. Provides that the committee shall propose and implement rather than develop policies that encourage judicial participation in outreach programs.

Encl. CJA 3-114

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 / 801-578-3821 / Fax: 801-578-3843 / email: alisonap@utcourts.gov

Rule 3-114. Judicial outreach.

Intent:

To improve public trust and confidence in the judiciary.

To foster a greater role for judges in service to the community.

To provide leadership and resources for outreach.

~~To improve public trust and confidence in the judiciary.~~

Applicability:

This rule shall apply to all members of the judiciary~~justices and judges~~.

Statement of the Rule:

(1) The Committee on Judicial Outreach shall:

(1)(A) create and promote model outreach programs that take into account existing curricula;

(1)(B) promote local outreach programs;

(1)(C) propose and implement~~develop~~ policies and rules that encourage judicial participation in outreach programs;

(1)(D) work with educators to ~~incorporate~~enhance civic education into school curriculums;

(1)(E) work with the Utah State Bar to develop joint outreach programs; and

(1)(F) communicate judicial outreach efforts.

(2) Consistent with the Code of Judicial Conduct and to increase public understanding of and involvement with the administration of justice, the judiciary is encouraged to:

(2)(A) educate civic, educational, business, charitable, media and other groups about the court system and judicial process; and

(2)(B) take an active part in the community where the participation of the judiciary will serve to increase public understanding and promote public confidence in the integrity of the court system.