

JUDICIAL COUNCIL MEETING

**AGENDA
Friday, March 10, 2017
Hilton Garden Inn
Indigo Room
St George, Utah**

Chief Justice Matthew B. Durrant, Presiding

Lunch will be served at 12:00 p.m.

1. 12:30 p.m. Welcome & Approval of Minutes Chief Justice Matthew B. Durrant
(Tab 1 - Action)
2. 12:35 p.m. Chair's Report. Chief Justice Matthew B. Durrant
3. 12:45 p.m. Administrator's Report. Daniel J. Becker
4. 1:00 p.m. Reports: Management Committee. . . . Chief Justice Matthew B. Durrant
Liaison Committee. Justice Thomas Lee
Policy and Planning Judge Derek Pullan
Bar Commission. John Lund, esq.
(Tab 2 - Information)
5. 1:10 p.m. TCE Update. Neira Siaperas
(Information) Wendell Roberts
6. 1:30 p.m. Fifth District Update. Judge John Walton
(Information) Judge Thomas Higbee
7. 1:50 p.m. Sr. Judge Certifications. Nancy Sylvester
(Tab 3 - Action)
- 2:00 p.m. Break
8. 2:15 p.m. Legislative Budget Update/Interim Highlights. Daniel J. Becker
(Information) Rick Schwermer
9. 3:15 p.m. Executive Session.
10. 3:45 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.

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, Justice Matthew B. Durrant, state as follows:

1. On 3/10/2017 (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;
- consideration of a private, protected, sealed, juvenile court social, juvenile court legal, or safeguarded record;
- the purchase, or exchange or lease of real property because public discussion would prevent the Council from completing the transaction on the best possible terms; or
- the sale of real property because public discussion would prevent the Council from completing the transaction on the best possible terms.

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.

3/10/2017
Date

Kate A Toomey
~~Justice Matthew B. Durrant~~
Vice-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 1

JUDICIAL COUNCIL MEETING

Minutes

Monday, February 27, 2017

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. Reed Parkin
Hon. Derek Pullan
Hon. Todd Shaughnessy
Hon. Kate Toomey
John Lund, esq.

EXCUSED:

Hon. Mary Noonan

STAFF PRESENT:

Daniel J. Becker
Ray Wahl
Jody Gonzales
James Ishida
Debra Moore
Jim Peters
Dawn Marie Rubio
Rick Schwermer
Geoff Fattah
Tucker Samuelsen
Nancy Sylvester
Keisa Williams

GUESTS:

Hon. Michele Christiansen
Hon. Su Chon

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

Chief Justice Matthew B. Durrant welcomed everyone to the meeting.

Motion: Judge Toomey moved to approve the minutes from the January 23, 2017 Judicial Council meeting. Mr. Lund seconded the motion, and it passed unanimously.

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

Chief Justice Durrant reported that members of the Supreme Court have been focused on the selection of the State Court Administrator. Interviews were held with several candidates being considered for the position. Further discussion will take place later in the meeting in an executive session.

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

Mr. Becker reported on the following items:

Appropriation Requests – 2017 Legislative Session. The Executive Offices and Criminal Justice Appropriations Subcommittee finished their work on February 10. They have submitted a list of 28 prioritized items to the Executive Appropriations committee totaling \$22.4 million in ongoing requests and \$3 million in one-time requests.

The courts have five requests included on the prioritized list to include:

- Item 5 – Replace main item court complex account with GF
- Item 7 – Fifth District Court Judge
- Item 9 – District Court Law Clerks
- Item 10 – Guardianship Reporting and Monitoring Program
- Item 15 – Lease Increases

The Executive Offices and Criminal Justice Appropriations Subcommittee also reallocated existing department funds, and the courts received \$549,100 for the CORIS Rewrite Project and \$919,000 for the Jury/Witness/Interpreter Supplemental.

Revenue Projections. The revenue projections recently released were \$88 million higher than the December estimates, and the current projections provide a total of \$375 million for additional ongoing appropriations over the current budget. The majority of the new funding is in the Education Fund.

2017 Legislative Session. The 2017 Legislative Session is scheduled to end on March 9. The March Council meeting is scheduled for March 10 in St. George in conjunction with the Bar's Spring Convention.

4. COMMITTEE REPORTS:

Management Committee Report:

Chief Justice Durrant reported that the Management Committee meeting minutes accurately reflect the issues discussed. The items needing to be addressed by the Council have been placed on today's agenda.

Liaison Committee Report:

Justice Lee reported on the following items:

- Meetings are being held weekly
- Continued discussion and input from a work group established to address issues relative to HB 239 – Juvenile Justice Amendments
- The Liaison Committee voted unanimously to change their position, taken initially, from “support in concept” to “no position” in response to a series of concerns they have with the second substitute of HB 239 – Juvenile Justice Amendments
- A meeting has been scheduled with Representative Lowry Snow, Justice Lee, and Mr. Becker for this afternoon to discuss their concerns with HB 239 – Juvenile Justice Amendments
- HB 93 – Judicial Nominating Process Amendments
- SB 193 – Judicial Performance Evaluation Commission Amendments
- HB 332 – Criminal Procedures Revisions
- Mr. Schwermer will address bills pertinent to the courts with his legislative update later in the meeting

Policy and Planning Meeting:

Judge Pullan reported that there is a rule for comment on the agenda later for discussion.

Bar Commission Report:

Mr. Lund reported on the following items:

- Bar's interest in HB 93 – Judicial Nominating Process Amendments
- An invitation to the Snow Canyon event on March 10 was extended to all Council members attending the Bar's Spring Convention in St. George next week.

5. RULE FOR COMMENT: (Judge Derek Pullan and Nancy Sylvester)

Judge Pullan provided background information on the rule for consideration – CJA Rule 4-202.09. The proposed rule change is amended and provides for records in property and tax cases involving commercial information, as that term is defined in Utah Code § 59-1-404, are protected.

A group of tax attorneys, representing a cross-section of interests; presented a proposal, at the January Policy and Planning meeting, that would amend CJA 4-202.09.

The Policy and Planning Committee recommended that the rule be sent out for public comment.

Discussion took place.

Mr. Schwermer provided information relative to the records classification aspect of the proposed rule.

Motion: Justice Lee moved to approve CJA Rule 4-202.09 be sent out for public comment. Judge Toomey seconded the motion, and it passed unanimously.

6. LANGUAGE ACCESS COMMITTEE UPDATE AND COMMITTEE REAUTHORIZATION: (Keisa Williams)

Chief Justice Durrant welcomed Ms. Williams to the meeting.

Ms. Williams reported that the Language Access Committee was created in February 2011. The committee is requesting reauthorization for an additional six-year period.

Motion: Judge Farr moved to reauthorize the Language Access Committee for an additional six-year period. Judge Bagley seconded the motion, and it passed unanimously.

Ms. Williams highlighted the following in her update to the Council which covered FY 2014 – FY 2016:

- English Language Proficiency in Utah
- Interpreter Licensing
- Interpreter Availability
- Interpreter Hours
- Program Costs
- Travel Costs
- Remote Interpretation
- Interpreter Invoices
- Recommendations on behalf of the Language Access Committee:
 - ❖ Implement a system to capture the video record in hearings involving ASL or deaf interpretations
 - ❖ Develop an automated program to conduct interpreter scheduling, tracking and invoicing

Ms. Williams noted that ethics training will be included as part of the training provided for interpreter coordinators.

Chief Justice Durrant thanked Ms. Williams for her update.

7. APPROVAL OF THE DISTRICT COURT JUDICIAL WEIGHTED CASELOAD: (Debra Moore)

Chief Justice Durrant welcomed Ms. Moore to the meeting.

Ms. Moore reminded the Council of the presentation at the January meeting regarding the proposed new methodology for calculating the district court weighted caseload. She expressed her appreciation to Mr. Tucker Samuelsen for all his work in preparing the new methodology for calculating the district court judicial weighted caseload.

The proposed new methodology for calculating the district court weighted caseload is being recommended for approval.

Motion: Judge Toomey moved to approve the proposed new methodology for calculating the district court weighted caseload as recommended. Judge Higbee seconded the motion, and it passed unanimously.

8. ETHICS ADVISORY COMMITTEE UPDATE: (Judge Michele Christiansen)

Chief Justice Durrant welcomed Judge Christiansen to the meeting.

Judge Christiansen highlighted the following in her update to the Council: 1) no opinions have been issued this year, 2) members of the committee were noted, 3) the committee will begin meeting periodically to review the rules of conduct and determine if any updates or changes are necessary, 4) the annotated code has been updated, and 5) gratitude was expressed to Mr. Johnson for all he does as staff to the committee.

9. JUDICIAL OUTREACH COMMITTEE UPDATE: (Geoff Fattah)

Chief Justice Durrant welcomed Mr. Fattah to the meeting.

Mr. Fattah mentioned that Judge Elizabeth Hruby-Mills, committee chair was unable to attend. He acknowledged Judge Su Chon, a member of the committee, in attendance at the meeting.

Mr. Fattah highlighted the following in his update to the Council:

- Ongoing Outreach Efforts
 - ❖ School tours
 - ❖ Advertising: billboards, newspaper, and social media
- Community Relations Subcommittee
 - ❖ Law Day
 - ❖ Constitution Day
 - ❖ Ogden Hispanic Community Judicial Forum
- Divorce Education for Children Subcommittee
 - ❖ 26 total classes held in Logan, Ogden, Salt Lake City, and Provo
 - ❖ Future plans to create a website for teens
- Bench-Media Subcommittee
 - ❖ Media pool requests
 - ❖ Press releases
 - ❖ Media inquiries
 - ❖ Access to juvenile court information

Judge Chon offered a few comments on the work of the committee.

Mr. Fattah mentioned that he had recently begun reporting visits made to the Utah courts by other countries to the Standing Committee on Judicial Outreach.

Chief Justice Durrant thanked Mr. Fattah for his update.

10. INTERLOCAL AGREEMENT BETWEEN HELPER CITY AND CARBON COUNTY: (Jim Peters)

Chief Justice Durrant welcomed Mr. Peters to the meeting.

Mr. Peters provided background information relative to the request for an interlocal agreement between Helper City and Carbon County.

It was recommended to approve the interlocal agreement being requested.

Motion: Judge Marx moved to approve the interlocal agreement between Helper City and Carbon County, with a February 1, 2017 effective date. Judge Toomey seconded the motion, and it passed unanimously.

11. LEGISLATIVE UPDATE AND APPROPRIATIONS HIGHLIGHTS: (Daniel J. Becker and Rick Schwermer)

Chief Justice Durrant welcomed Mr. Schwermer to the meeting.

Mr. Schwermer highlighted the following bills being considered this legislative session:

- HB 72 – Child Welfare Proceedings Amendments
- HB 77 – Fifth District Court Judge
- HB 93 – Judicial Nominating Process Amendments
- SB 134 – Indigent Defense Commission Amendments
- HB 259 – Duty to Retreat Amendments
- SB 167 – Bail Amendments
- SB 193 – Judicial Performance Evaluation Commission Amendments
- SJR 7 – Joint Resolution Amending Rules of Criminal Procedure
- HB 239 – Juvenile Justice Amendments
- SB 101 – Sales and Use Tax Modifications

Discussion took place.

12. AUDIT OF MONETARY BAIL: (Rick Schwermer)

Mr. Schwermer mentioned that the legislative audit entitled *A Performance Audit of Utah's Monetary Bail System* was presented to the Legislative Audit Committee on January 26.

Mr. Schwermer highlighted the following chapters and the recommendations outlined in each of the noted chapters:

- Chapter II – While Limited in Use, Cash Bail Resulted in Higher Appearance Rates than Surety Bond
- Chapter III – Pretrial Release Decisions Need to be Evidence-Based and Account for Risk
- Chapter IV – Improvements are Needed to the Surety Bond Forfeiture Process

Discussion took place.

Motion: Judge Toomey moved to enter into an executive session to discuss a matter of professional competence. Justice Lee seconded the motion, and it passed unanimously.

13. EXECUTIVE SESSION:

An executive session was held at this time.

Motion: Justice Lee moved to approve the minutes from the January 23, 2017 Judicial Council meeting to include the Executive Session Sworn Statement. Judge Bagley seconded the motion, and it passed unanimously.

14. 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, Justice Matthew B. Durrant, state as follows:

- On 2-27-17 (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;
 - consideration of a private, protected, sealed, juvenile court social, juvenile court legal, or safeguarded record;
 - the purchase, or exchange or lease of real property because public discussion would prevent the Council from completing the transaction on the best possible terms; or
 - the sale of real property because public discussion would prevent the Council from completing the transaction on the best possible terms.
- 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.

2-27-17
Date


Justice Matthew B. Durrant
Chair, Utah Judicial Council

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efficient, and independent system for the advancement of justice under the law.**

TAB 2

**Management Committee
Minutes**

**JUDICIAL COUNCIL MANAGEMENT COMMITTEE
MINUTES**

**Monday, February 27, 2017
Matheson Courthouse
450 South State Street
Salt Lake City, Utah 84111**

MEMBERS PRESENT:

Chief Justice Matthew B. Durrant
Hon. Kate Toomey, vice chair
Hon. Thomas Higbee
Hon. David Marx
Hon. Todd Shaughnessy

STAFF PRESENT:

Daniel J. Becker
Ray Wahl
Jody Gonzales
Jim Peters
Rick Schwermer

EXCUSED:

GUESTS:

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

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

Motion: Judge Toomey moved to approve the February 14, 2017 Management Committee meeting minutes. Judge Marx seconded the motion, and it passed unanimously.

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

Chief Justice Durrant reviewed the proposed Judicial Council agenda for the March 10 Council meeting.

Motion: Judge Toomey moved to approve the agenda for the March 10 Judicial Council meeting. Judge Marx seconded the motion, and it passed unanimously.

Motion: Judge Toomey moved to enter into an executive session to discuss the character, competence, or physical or mental health of an individual. Judge Shaughnessy seconded the motion, and it passed unanimously.

3. EXECUTIVE SESSION

An executive session was held at this time.

4. ADJOURN

The meeting was adjourned.

Liaison Committee Minutes

JUDICIAL COUNCIL LIAISON COMMITTEE MEETING

Minutes
Friday, February 17, 2017
Matheson Courthouse
Council Room

Justice Thomas Lee, Presiding

ATTENDEES:

Hon. Paul Farr
Justice Thomas Lee
Hon. Mark DeCaria
Hon. Mary Noonan

STAFF PRESENT:

Daniel J. Becker
Brent Johnson
Nancy Merrill
Debra Moore
Keisa Williams
Dawn Marie Rubio
Rick Schwermer
Nancy Sylvester
Jim Peters

EXCUSED:

GUESTS:

Hon. Brendan McCullagh

1. **WELCOME: (Justice Lee)**

Justice Lee welcomed everyone to the meeting.

***Motion:** Judge Paul Farr moved to approve the minutes from the Liaison Committee Meeting on February 10, 2017. Judge Mary Noonan seconded the motion. The motion carried unanimously.*

2. **H.B. 197 1st Sub. (Buff) Custody and Adoption Amendments
(Chief Sponsor: Timothy D. Hawkes) (Judge Mark DeCaria)**

This bill addresses the grant of custody, adoption, or foster parent license to adults who commit certain offenses.

Judge DeCaria noted the intent of the bill; the Committee agreed the bill is policy.

Liaison Committee's position: No position

3. **H.B. 239 1st Sub. (Buff) Juvenile Justice Amendments
(Chief Sponsor: V. Lowry Snow) (Judge Mary Noonan)**

This bill modifies provisions related to juvenile justice.

Mr. Schwermer reported on the current status of HB 237. Judge Noonan highlighted specific concerns throughout the bill on the following lines:

- line 873 address the word “truancy”
- line 2232-2235 the language “assist in the development” was added
- 2226 drafting issue
- line 3494, 3495
- address the presumptive issue

The Committee discussed the common concern expressed by the Juvenile bench that is the issue of sentencing based upon the number of offenses and the severity. They talked about the possibility of sharing the bench’s common concern with the sponsor. Mr. Schwermer agreed to communicate the judges’ concerns to the sponsor.

Judge Noonan noted that the line items that the Committee has had concern with have been addressed. The Committee is still concerned about unintended consequences.

Liaison Committee’s position: Support in concept but there is concern that there are non-evidence based practices included in the bill that should be addressed.

**4. H.B. 248 1st Sub. (Buff) Domestic Violence Related Amendments
(Chief Sponsor: LaVar Christensen) (Judge Paul Farr)**

This bill modifies provisions related to domestic violence.

Judge Farr noted changes that have been made in the substitute bill to clarify the language. The Committee discussed concerns with the petition issue on lines 334-337.

Liaison Committee’s position: No position but

- *address the petition issue to make sure it clear that the petitioner is limited, not the court*
- *clarify for the justice courts that the stalking injunction process is that it is docketed at the district court*
- *remove this issue out of 78B-7 because it is a conflict*

**5. H.B. 286 1st Sub. (Buff) Essential Treatment And Intervention Act
(Chief Sponsor: LaVar Christensen) (Judge Mark DeCaria)**

This bill establishes a process for an individual suffering from a substance use disorder to receive court-ordered treatment and intervention.

The Committee discussed the newest substitute of the bill and discussed the “time sensitive” issue in the bill. They noted that the substitute addressed the concerns that the Committee raised at the last meeting.

Mr. Johnson raised drafting concerns on the following lines; 219, 229-232, 242, 245 but the bill is policy.

Liaison Committee's position: No position

6. **H.B.332 Criminal Procedure Revisions**
(Chief Sponsor: Marc K. Roberts) (Justice Thomas Lee)

This bill modifies provisions related to criminal procedures.

The Committee discussed the policy behind the bill and noted a significant fiscal note on the bill.

Liaison Committee's position: No position

7. **H.B. 350 Motor Vehicle Insurance Amendments**
(Chief Sponsor: Mike K. Mckell) (Justice Thomas Lee)

This bill modifies provisions related to unfair claim settlement practices.

The Committee discussed concern with line 305 and 306.

Liaison Committee's position: No position

8. **H.B. 376 Lanlord-Tenant Rights**
(Chief Sponsor: James A. Dunnigan) (Judge Mark DeCaria)

This bill modifies provisions related to forcible entry and detainer.

The Committee expressed concern with the word "endorsed" on line 43-45

Liaison Committee's position: No position but address the concerns discussed on lines 44 and 45.

9. **H.B. 380 Sex Offender Registry Amendments**
(Chief Sponsor: Craig Hall) (Judge Mark DeCaria)

This bill allows the Department of Corrections to receive notification of actions that affect a person's registry requirements.

The Committee discussed the intent of the bill. They expressed concerns with lines 63, 64, 65-69.

Liaison Committee's position: No position but move it to the post-conviction section of the code, and delete "void and unenforceable."

JUDICIAL COUNCIL LIAISON COMMITTEE MEETING

Minutes
Friday, February 24, 2017
Matheson Courthouse
Council Room

Justice Thomas Lee, Presiding

ATTENDEES:

Hon. Paul Farr
Justice Thomas Lee
Hon. Mark DeCaria
Hon. Mary Noonan

STAFF PRESENT:

Rick Schwermer
Brent Johnson
Nancy Merrill
Debra Moore
Keisa Williams
Dawn Marie Rubio
Nancy Sylvester
Dan Becker

EXCUSED:

GUESTS:

Hon. Brendan McCullagh

1. **WELCOME: (Justice Lee)**

Justice Lee welcomed everyone to the meeting.

***Motion:** Judge Paul Farr moved to approve the minutes from the Liaison Committee Meeting of February 17, 2017. Judge Mark DeCaria seconded the motion. The motion passed unanimously.*

2. **H.B. 111 1st Sub. (Buff) Election Law - Filing Amendments
(Chief Sponsor: John R. Westwood) (Judge Paul Farr)**

This bill addresses certain candidate filings for office.

Judge Farr noted that currently the bill leaves justice court judges out of the new process.

***Liaison Committee's position:** Support in concept but point out the drafting issue to include justice courts.*

3. **H.B. 206 1st Sub. (Buff) Domestic Violence-Weapons Restrictions
(Chief Sponsor: Brian S. King) (Judge Paul Farr)**

This bill amends provisions relating to certain weapons restrictions relating to domestic violence.

The Committee noted that the bill is trying to match the state and federal restricted person definitions. The Committee discussed the bill and agreed the bill is policy.

Liaison Committee's position: No position

4. **H.B. 239 2nd Sub. (Gray) Juvenile Justice Amendments
(Chief Sponsor: V. Lowry Snow) (Judge Mary Noonan)**

This bill modifies provisions related to juvenile justice.

The Committee noted that the most recent substitute circulated earlier today has addressed several of the committee's concerns but raises new problems.

Judge Noonan raised a concern that the role of the prosecutor is limited in this substitute bill, and defense counsel for the juvenile has been stricken. The Committee noted that the current version continues ignore evidence based practices, and removes the juvenile judges' discretion. Mr. Schwermer clarified the current role of the prosecutor in the bill and the status of the fiscal note.

The Committee discussed two scenarios with regards to the bill:

- If the fiscal note is not funded the Liaison Committee will oppose the bill.
- The Committee agreed that Mr. Becker should meet with the sponsor to explain the change in the committee's position and that the bill has changed, therefore the position of the court has changed from support in concept to no position, and will change to oppose if the resources to implement the bill are not funded.

Liaison Committee's position: Oppose - the bill has changed by removing counsel from the process

5. **H.B. 271 1st Sub. (Buff) Child Protection Amendments
(Chief Sponsor: Elizabeth Weight) (Judge Mark DeCaria)**

This bill deals with abandoned children.

The Committee noted that the bill defines an abandoned child and the bill is policy.

Liaison Committee's position: No position

6. **H.B. 286 2nd Sub. (Gray) Essential Treatment and Intervention Act
(Chief Sponsor: LaVar Christensen) (Judge Mark DeCaria)**

This bill establishes a process for an individual suffering from a substance use disorder to receive court-ordered essential treatment and intervention.

The Committee noted that in the 2nd substitute the recommended drafting changes from the original bill have been made. They raised language concerns with lines 249 and 250.

Liaison Committee's position: No position but address drafting concerns on lines 249 and 250.

**7. H.B. 289 1st Sub. Grandparents Visitation Amendments
(Chief Sponsor: LaVar Christensen) (Judge Mary Noonan)**

This bill amends provisions concerning the visitation rights of a grandparent.

The Committee discussed language concerns with line 32- 34.

Liaison Committee's position: No position but resolve the conflict on lines 32-34.

**8. H.B. 364 Removal of Local Elected Officials
(Chief Sponsor: Rebecca Chavez-Houck) (Justice Thomas Lee)**

This bill establishes a process for removing a local elected official from office due to mental incapacity

The Committee discussed lines 330 and suggested these lines conflict with Rule 8. They also suggested defining the word "officer" on line 51.

Liaison Committee's position: Oppose because judges may be included

**9. H.B. 406 Tobacco Age Restriction Amendments
(Chief Sponsor: Steve Eliason) (Judge Mary Noonan)**

This bill amends the age when a person may lawfully obtain, possess, and use tobacco products.

The Committee agreed the bill is policy.

Liaison Committee's position: No position

**ADDITIONAL COUNCIL
MEETING HANDOUTS**



Dan Becker <danb@utcourts.gov>

proposed survey revision

1 message

Jennifer Yim <jyim@utah.gov>

Thu, Mar 9, 2017 at 2:31 PM

To: Dan Becker <danb@utcourts.gov>

Dan,

JPEC's survey subcommittee met today and, with the input of survey research consultants, discussed a potential change to what we commonly call the "adjective question" on our survey. Subcommittee members have asked me to solicit the judiciary for its input before forwarding the modification to the full commission for a vote.

Our question to the judiciary is: *are there any adjectives that we have left off the question's list that are important to quality judging?* I have attached the proposed change along with a reprint of the existing question for comparison's sake. The subcommittee will consider any additional adjectives you submit and critique of the ones that are included, but please submit them to me in writing by March 31, 2017.

Let me know if you have any questions. I am happy to discuss the matter.

Best regards,
Jennifer

--

Jennifer Yim
Executive Director
Utah Judicial Performance Evaluation Commission
Senate Building, Suite 330
P.O. Box 142330
Salt Lake City, Utah 84114-2330
801-538-1652

revised adjective question.pdf
66K

NEW - Proposed

Considering your experience since January 2015, how well would you say the following attributes describe Judge [last name]?

Does not describe at all	1	2	3	4	5	Describes very well
Knowledgeable						
Impatient						
Attentive						
Disrespectful						
Indecisive						
Dismissive						

CURRENT QUESTION (adjectives are presented in random order on the survey)

Q5.1 Evaluating: Judge [last name] Please choose 3-5 words from the list below that best describe Judge [last name], or choose your own adjectives and enter them in the comment box below.

- Knowledgeable (1)
- Intelligent (2)
- Impatient (3)
- Attentive (4)
- Considerate (5)
- Calm (6)
- Defensive (7)
- Confident (8)
- Rude (9)
- Cantankerous (10)
- Patient (11)
- Consistent (12)
- Indecisive (13)
- Dismissive (14)
- Arrogant (15)
- Polite (16)
- Receptive (17)
- Disrespectful (18)
- Flippant (19)

Q5.2 Please share your comments and/or other adjectives that best describe the judge below.

Annual Trial Court Executive Report to the Judicial Council

March 10, 2017

JUVENILE COURT

Phase 2 of Mandatory eFiling

On August 01, 2016, the Utah Juvenile Court implemented Phase 2 of mandatory eFiling following the initial Phase 1 implementation on December 01, 2015.



CARE

The AOC Juvenile Court team, IT department, and individual districts collaborated throughout the process, resulting in an exceptionally successful eFiling implementation. Attorneys and other filers statewide have adapted to eFiling, and training and assistance are on-going.

Judicial assistants and managers continue to be essential for the successful eFiling implementation. They regularly train and assist attorneys and other community partners with eFiling processes and related changes in court practices.

As of February 2017, the Juvenile Court has granted CARE and eFiling access to over 700 law firms. Most law firms have several attorneys and staff, resulting in well over a thousand individual eFilers statewide.

Child Welfare

On the initiative of the Court Improvement Program (CIP) and the Board of Juvenile Court Judges, juvenile court judges and teams have focused on encouraging and monitoring the presence of children at court hearings during child welfare proceedings.

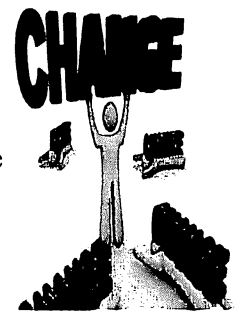
Judges, court staff, and community partners will soon participate in training on the new Indian Child Welfare Act (ICWA) guidelines and regulations. The new guidelines require additional collaboration with Native American tribes specific to child welfare cases involving Native American children.

Probation Positions and Practices

In partnership with the AOC, trial court executives continue to evaluate each probation vacancy to determine whether the position needs to be filled. This process has been particularly critical due to declining delinquency referrals and the need to improve effectiveness and interventions in working with youth and families throughout the entire state.

On-going structural modifications and evolving probation practices:

- The Juvenile Court re-allocated and re-purposed numerous probation positions.



Four probation positions were re-purposed to fund services for youth and families in rural areas. Thirteen positions were re-purposed to address other district and statewide needs.

March 10, 2017

- District probation teams have expanded the use of Risk Assessments and the Case Planning model with youth and families.
- District probation teams continue to conduct Evidence Based Practice (EBP) individual and group cognitive behavioral interventions for youth and families.
- The Juvenile Court implemented the EBP BriefCase toolkit for supervisors.
- District probation teams are focusing on reducing contempt filings and reducing detention placements.
- Probation departments statewide have implemented a policy to use incentives and sanctions with youth in lieu of contempt filings.

This fiscal year, delinquency referrals declined 6% and contempt filings declined 28%.

Probation practices have further evolved with emphasis on mental health needs and restorative justice:

- Two districts are conducting a pilot on the implementation of the Massachusetts Youth Screening Instrument (MAYSI) mental health screening tool.
- Districts have implemented victim mediation services, created victim advocate positions, and collaborated with community businesses and partners to create additional opportunities for youth to repay restitution.

DISTRICT COURT

Customer Service

Improving customer service continues to be a focus for all districts. Over the past year, the courts have conducted training aimed at improving individual skill sets that will enhance productivity and create efficiencies:

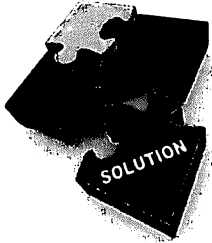
- There are 13 new training modules for judicial assistants to aid them in assisting court patrons, mostly *pro se* litigants, to navigate the courts website and utilize OCAP programs. In addition, the Self-Help Center staff provide training to judicial assistants and case managers on effectively working with self-represented clients, including assisting clients with completing court approved forms without providing legal advice.
- Several districts have implemented improved mentoring programs for new employees and judges.
- More rural districts have collaborated with the state and local bar in the delivery of remote CLE webcasts.
- Training on conducting remote appearances, including equipment training, has been provided. The remote appearances process has been well received by court patrons, law enforcement, corrections and court employees, and has been used for evidence presentation and translation services in some courtrooms.
- Several districts are participating in community meetings, such as the intergenerational poverty committee, aimed at creating community dialogue, improving understanding, and addressing problems.



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- Districts are making effective use of senior judges, with one district reporting the closure of 97% of assigned cases.
- Districts are working to improve consistency of practices with the electronic records.

Justice Reinvestment Initiative



With the implementation of the Justice Reinvestment Initiative (JRI) and the changes to local practices around the state, Problem Solving Courts continue to play a major role. Funding continues to be an issue, especially in rural areas where services are limited. The effective use of screening and assessment tools by judges, including pre-trial risk assessments, will be an important priority in coming months.

CORIS Re-Write

The purpose of the CORIS Re-write can be summarized by three objectives: update, improve, and innovate. This process started by dividing the participants into six subject matter work groups that started their work in 2016. The work groups included civil, criminal, domestic, problem solving courts, accounting issues, and class B & C misdemeanors, traffic/small claims cases. Recently, each group finalized business requirements which were delivered to the AOC IT department to begin the process of examining the technical requirements, planning, and prioritization. In July, 2017, IT will present a plan, including business requirements, to the workgroups for validation. Programming and testing will then begin. IT will work with each work group throughout the development, testing, and application release processes.

EDUCATION AND SUCCESSION PLANNING

In order to enhance management skills and develop future leaders, Utah State Courts created the Non-Supervisory Court Skills Academy and the Middle Management Leadership Academy in 2014. The academies have been a great success and have measurably enhanced the graduates' management and leadership skills:

- Five academies have been delivered to date, with 140 court employees participating.
- In the post academy self-assessment, 100% of the graduates indicated their proficiencies had improved for every learning objective, skill, and ability.
- The graduates' immediate supervisors were surveyed following the pilot academies and consistently reported improvements in the participants' skills.



Court Executives continue to encourage the academy participants to visit monthly Trial Court Executive meetings and other district and statewide meetings. These opportunities expose participants to issues being addressed on district and state level.

Utah is a national leader in investing in future leaders through a judicial administration curriculum. To date, 26% of graduates have been promoted following completion of this training.

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COURT PERSONNEL AND FACILITIES

Court Personnel

Brett Folkman in the 1st District and James Bauer in 4th District Juvenile Court were appointed as TCEs in 2016.

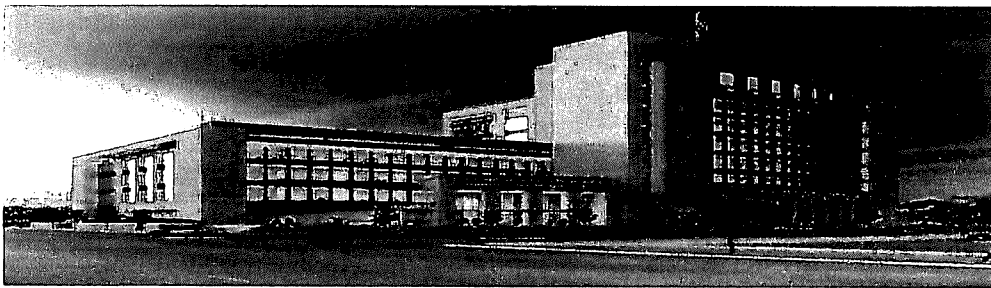


Employees and judges statewide participated in service projects throughout the year, including Sub for Santa, holiday charity drives, and serving meals to the homeless.

Janey Campbell, a deputy probation officer in Price, received a KSL-TV High Five Award and the Price City's Visionary Service Leader Award for her involvement and coordination of community service hours in beautifying large portions of the city.

Facilities

- The remodel of the Duchesne court facility was completed in 2016. Juvenile Court operations have moved back into the Duchesne courthouse.
- The new Provo Courthouse is under construction. The projected completion is anticipated for the Fall of 2018.



- The construction on the Price Courthouse should begin in March 2017 and the projected completion date is June of 2018.



- A new court facility in Manti will be the courts' next building priority.

Requested

Received

1. GF Restoration to the Court Complex Fund	
2. 5 th District Court Judge	\$433,000
3. Law Clerks (3)	
4. Court Visitor Program (GRAMPS)	
5. Contracts and Leases	325,700
6. CORIS Re-write	549,100 (one-time)
7. Juror, Witness, Interpreter FY 2017 Supplemental	919,900 (one-time)

Other Funds Appropriated

Compensation Related

2% increase for judges and staff	\$1,844,200
Compensation Funding Exceptions	\$219,600
Judicial Retirement Cost Increase	\$100,100
401K Match for Employees	\$511,100

Fiscal Notes

HB 239 – Juvenile Justice Reform	\$1,000,000
912,800 on going	
87,200 one-time	
HB 155 – DUI - .05 (funding delayed until 7/1/2018)	\$248,600
HB 202 – Trespass	\$10,600
HB 206 – Domestic Violence Weapons Restrictions	\$33,600
HB 208 – Jail Release Orders	\$98,200
HB 235 – Automated Traffic Enforcement	\$20,000 (one-time)
HB 286 – Essential Treatment	\$11,900
HB 289 – Grandparent Visitation	\$24,000

BILLS CONSIDERED BY THE JUDICIAL COUNCIL'S LIAISON COMMITTEE - 2017 LEGISLATIVE SESSION

BILL #	BILL TITLE	FISCAL NOTE	LIAISON'S POSITION	PASSED/ FAILED
HB 19	Civil Asset Forfeiture Reform Amendments		No position but note the procedural issue on line 213	FAILED
HB 72	Child Welfare Proceedings Amendments		Oppose - procedure	FAILED
HB 73	Child Placement Amendments		No position	
HB 77	Fifth District Court Judge	433,000	Support	PASSED
HB 79	Private Attorney General Doctrine		No position	
HB 93	Judicial Nominating Process Amendments		No position but to the extent that the amendment restricts the nominating commission's ability to do what is clearly part of their purpose, than the courts have a concern.	SUBBED
HB 101 1 st Sub	Adoptive Studies And Evaluations Amendments		No position	PASSED
HB 102	Cohabitant Abuse Act Amendments		No position but convey potential concerns and implications	FAILED
HB 116	Child Support Amendments		No position	FAILED
HB 123	Juvenile Offenses Amendments		No position	SUBBED, PASSED
HB 129	Adult Protective Services Amendments		No position	PASSED
HB 131	Child Placement Revisions	225,000	No position	FAILED
HB 139	Criminal Intent Amendments		No position	SUBBED, PASSED
HB 145	Foster Children Visitation Amendments		No position	PASSED
HB 155	Driving Under The Influence And Public Safety Revisions	248,600	No position	SUBBED, PASSED

HB 233 2 nd Sub	Driving Under The Influence Program Amendments		No position but clarify line 356	PASSED
HB 254	Bail Forfeiture Amendments		No position but	FAILED
HB 259	Duty To Retreat Amendments		No position but	SUBBED
HB 321	Parenting Plan Amendments		No position	FAILED
HB 332 1 st Sub	Criminal Procedure Revisions		OPPOSE	FAILED
HB 235 1 st Sub	Automated Traffic Enforcement Safety Devices		No position	PASSED
HB 259 1 st Sub	Duty To Retreat Amendments		No position but	FAILED
HB 274	Human Trafficking Modifications		No position but	SUBBED, PASSED
HB 284	Student Right To Active Counsel		No position	FAILED
HB 286	Essential Treatment And Intervention Act	11,900	No position but	SUBBED, PASSED
HB 289	Grandparent Visitation Amendments	24,000/5,800	No position	FAILED
HB 197 1 st Sub	Custody And Adoption Amendments		No position	PASSED
HB 248 1 st Sub	Domestic Violence Related Amendments		No position but	PASSED
HB 286 1 st Sub	Essential Treatment And Intervention Act		No position	PASSED
HB 332	Criminal Procedure Revisions		No position	FAILED
HB 350	Motor Vehicle Insurance Amendments		No position	FAILED
HB 376	Landlord-Tenant Rights		No position but	SUBBED, PASSED
HB 380	Sex Offender Registry Amendments		No position but	SUBBED, PASSED
HB 381	Law Enforcement Body Camera Footage Amendments		No position	PASSED
HB 111 1 st Sub	Election Law- Filing Amendments		Support in Concept but include justice court judges	FAILED/ MERGED

SB 54 1 st Sub	Adoption Amendments		No position but	PASSED
SB 71 1 st Sub	Criminal Accounts Receivable Amendments		No position	PASSED
SB 90	Vehicle Inspection And Registration Amendments		No position	SUBBED, PASSED
SB 111	Unmanned Aircraft Amendments		No position	SUBBED, PASSED
SB 115	Compulsory Education Revisions		No position	FAILED
SB 12 1 st Sub	Expungement Amendments		No position	PASSED
SB 54 2 nd Sub	Adoption Revisions		No position	PASSED
SB 101 1 st Sub	Sales And Use Tax Modifications		No position but	FAILED
SB 110 1 st Sub	Sales Tax Collection Amendments		Oppose , jurisdiction issue	FAILED
SB 134	Indigent Defense Commission Amendments		Support	SUBBED, PASSED
SJR 7 1 st Sub	Joint Resolution Amending Rules of Criminal Procedure		No position	FAILED
SB 90 1 st Sub	Vehicle Inspection And Registration Amendments		No position	PASSED
SB 167	Bail Amendments		No position if low cash bail oppose if limits cash only bail	PASSED
SB 169	Judiciary Amendments		Support	PASSED
SB 193	Judicial Performance Evaluation Commission Modifications		Oppose	FIXED, SUBBED, PASSED
SB 200	Law Enforcement Peer Counseling Amendments		Oppose the privilege interferes with the administration of justice	FAILED
SB 230	Solicitation Amendments		No position	PASSED
SB 134 1 st Sub	Indigent Defense Commission Amendments		Support	PASSED
SB 273	Energy Development Amendments		No position	PASSED