

JUDICIAL COUNCIL MEETING

Minutes

June 24, 2019

S.J. Quinney College of Law – Level 6

383 South University Street

Salt Lake City, UT 84112

9:00 a.m. – 10:00 a.m.

Chief Justice Matthew B. Durrant, Presiding

Members:

Chief Justice Matthew B. Durrant, Chair

Hon. Kate Appleby, Vice Chair

Hon. Brian Cannell

Hon. Augustus Chin

Hon. Paul Farr

Justice Thomas Lee

Hon. Mark May

Hon. Kara Pettit

Hon. Derek Pullan

Hon. Brook Sessions

Hon. Todd Shaughnessy

Hon. John Walton

Rob Rice, esq.

AOC Staff:

Hon. Mary T. Noonan

Brent Johnson

Jim Peters

Jeni Wood

Guests:

Hon. James Brady, Fourth District

Judge Jennifer Brown, Fourth District

Judge Gregory Orme, Court of Appeals

Tim Shea

Mark Urry, TCE Fourth District

Justice Michael D. Zimmerman

Excused:

Shane Bahr

Cathy Dupont

Hon. Ryan Evershed

Neira Siaperas

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

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

Motion: Judge Kate Appleby moved to approve the Judicial Council minutes from the May 20, 2019 meeting, as presented. Judge Todd Shaughnessy seconded the motion, and it passed unanimously.

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

Chief Justice Durrant stated the Judicial Compensation Committee will meet on July 2. Chief Justice Durrant thanked Ray Wahl for his many contributions in the advancement of the courts.

3. ADMINISTRATOR’S REPORT: (Judge Mary T. Noonan)

Judge Mary Noonan noted Judge Evershed and Cathy Dupont would not be able to join the meeting. Ray Wahl’s last day with the courts was last Friday. Judge Noonan stated Mr. Wahl will be missed and was a tremendous asset. The Online Dispute Resolution Program (ODR) received the Best of State in Technology Award. The “child welfare during court proceedings” performance audit is nearly complete. The next audit will be conducted in the Seventh District Price drug court.

Chief Justice Durrant, Judge Noonan, Cathy Dupont, Judge Kara Pettit, Judge Elizabeth Knight, Brent Johnson, and individuals from the Dept. of Human Services attended the 2019 CCJ/COSCA Sun Valley Summit, which focused on mental health issues.

4. COMMITTEE REPORTS:

Management Committee Report:

The work of this committee is reflected in the minutes.

Liaison Committee Report:

Justice Thomas Lee mentioned the Liaison Committee discussed taking positions on behalf of the Judicial Council. During the legislative session responses are needed quickly, therefore, it may be difficult to contact each Council member in a timely manner. Recently, the committee emailed Council members for input on S.B. 214. The committee voted to support the proposed reduction in 2019, but asked to reassess data in the future.

Policy and Planning Committee Report:

Judge Derek Pullan said the work of the committee is reflected in the minutes.

Bar Commission Report:

Rob Rice said the 2019 Bar’s Summer Convention begins July 18 in Park City with hopes of better attendance. The 2020 Bar’s Summer Convention will also be held in Park City. The Bar may begin a rotation schedule between Utah locations and Sun Valley in the future.

5. APPROVAL OF FOURTH DISTRICT COMMISSIONER: (Judge James Brady, Judge Jennifer Brown, and Mark Urry)

Chief Justice Durrant welcomed Judge James Brady, Judge Jennifer Brown, and Mark Urry. Judge Brown stated that the Fourth District Bench interviewed 7 of the 31 applicants for the open commissioner position. Three applicants interviewed were selected by the committee for consideration and public comment. Following public comment, the committee recommended the same three applicants to the Fourth District judges. After discussion and review of the applicants, the Fourth District bench voted to nominate Marian Ito for review and approval by the Judicial Council, effective August 1, 2019.

Chief Justice Durrant thanked Judge Brady, Judge Brown, and Mr. Urry.

Motion: Judge Kate Appleby moved to approve Marian Ito as the new Fourth District Commissioner, effective August 1. Judge Augustus Chin seconded the motion, and it passed unanimously.

6. APPROVAL OF JUSTICE COURT JUDGES: (Jim Peters)

Chief Justice Durrant welcomed Jim Peters. Jim Peters sought approval from the Council for Katherine Peters, Salt Lake City Justice Court; Lee Edwards, Logan City Justice Court, and Matthew Morz, Hyde Park Justice Court and North Logan City Justice Court. The candidates (all of whom are attorneys) passed their exam, BCI background check, and have completed new judge orientation.

Motion: Judge Appleby moved to approve Katherine Peters be appointed as a new judge in the Salt Lake City Justice Court; Lee Edwards be appointed as a new judge in the Logan City Justice Court, and Matthew Morz be appointed as a new judge in the Hyde Park Justice Court and North Logan City Justice Court. Judge Chin seconded the motion, and it passed unanimously.

7. FY20 JUSTICE COURT TECHNOLOGY, SECURITY, AND TRAINING ACCOUNT EXPENDITURES: (Jim Peters)

Mr. Peters requested this item be deferred until the July Council meeting. The Council approved.

8. JUDICIAL COUNCIL RETREAT.

Motion: Judge Shaughnessy moved that Policy & Planning should draft rules to clarify the roles of the Utah Supreme Court and of the Judicial Council regarding the shared responsibility between the two bodies with respect to the hiring and firing of the State Court Administrator. Judge Appleby seconded the motion.

Motion: Judge Pullan moved to amend the motion to include the creation of a committee to assist both bodies in the evaluation of the performance of the State Court Administrator and other high-level managers and other related duties. Judge Shaughnessy accepted Judge Pullan's amendment. Judge Appleby seconded the motion, and it passed unanimously.

Motion: Judge Shaughnessy moved to ask create an interim ad hoc budget and finance committee that initially would be composed of one member from each of the three Judicial Council executive committees (selected by each committee to serve) and that the Council form a workgroup, chaired by Associate Chief Justice Thomas Lee, to investigate questions concerning the composition of the Council and its executive committees. The workgroup will report its recommendations to the Council. Justice Lee seconded the motion, and it passed unanimously.

Justice Lee requested that volunteers for the workgroup, contact him.

Judge Noonan noted that suggestions to improve communication and transparency within the courts have been forwarded from judges, the Boards, Trial Court Executives, Clerks of Court, and others. The suggestions are compiled in her memorandum to the Council, dated June 17, 2019, and attached to the retreat materials. Some of the suggestions have already been implemented, others require consideration by the Council.

The Council determined that it will consider the memorandum at a future meeting.

Chief Justice Durrant thanked everyone involved with their work on the retreat.

9. EXECUTIVE SESSION

Motion: Judge Appleby moved to go into an executive session to discuss personnel character issues. Judge Shaughnessy seconded the motion, and it passed unanimously.

Motion: As to the first executive session item, Judge Pullan moved to refer the current complaint and the prior complaint to the Judicial Conduct Commission. Judge Chin seconded, and it passed with Rob Rice abstained.

Motion: As to the second executive session item, Judge Pullan moved that the Presiding Judge meet during an executive session with the Management Committee at the July 9, 2019 meeting, and that the judge attend an executive session with the Judicial Council at the July 18, 2019 meeting. Judge Shaughnessy seconded the motion, and it passed. Justice Lee recused from discussion and voting.

10. CONSENT CALENDAR ITEMS

a) Forms for Final Approval. 1) Stipulation to Enter Judgment Modify Custody; 2) Motion to Waive Fees and Statement Supporting; 3) Order on Motion to Waive Fees; 4) Order on Motion to Waive Fees Inmates; 5) Memorandum Demonstrating Inability to Pay Fees; 6) Motion to Set Aside Judgment; 7) Order on Motion to Set Aside Judgment; 8) Motion to Delay Enforcement of Judgment; and 9) Order on Motion to Delay Enforcement of Judgment. Approved without comment.

b) Committee Appointments. 1) Professor James Hedges was appointed to the Education Committee. Justice John Pearce and Shane Bahr were reappointed to the Technology Committee. Approved without comment.

11. ADJOURN

The meeting adjourned.