

JUDICIAL COUNCIL MEETING

Minutes

December 16, 2019

Matheson Courthouse

Council Room

450 S. State St.

Salt Lake City, Utah 84111

9:00 a.m. – 2:00 p.m.

Chief Justice Matthew B. Durrant, Presiding

Members:

Chief Justice Matthew B. Durrant, Chair
Hon. Kate Appleby, Vice Chair
Hon. Brian Cannell
Hon. Ryan Evershed
Hon. Paul Farr
Justice Deno Himonas
Hon. Mark May
Hon. Kara Pettit
Hon. Derek Pullan
Hon. Brook Sessions
Hon. Todd Shaughnessy
Hon. John Walton
Rob Rice, esq.

Excused:

Hon. Augustus Chin
Michael Drechsel
Neira Siaperas

AOC Staff:

Hon. Mary T. Noonan
Cathy Dupont
Shane Bahr
Larissa Lee
Jim Peters
Nathanael Player
Karl Sweeney
Chris Talbot
Keisa Williams
Jeni Wood

Guests:

Krista Airam, TCE Second District Juvenile
Judge James Blanch, Third District Court
Randy Dryer
Travis Erickson, TCE Seventh District
Sr. Judge Dennis Fuchs
Judge Christine Johnson, Fourth District Court
Judge David Mortensen, Court of Appeals
Alex Petersen, Judicial Conduct Commission
Judge Sharon Sipes, Second District Juvenile
F. Richards Smith, Fourth District Juvenile
Judge Douglas Thomas, Seventh District Court
Mark Urry, TCE Fourth District

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

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

Motion: Judge Derek Pullan moved to delay the approval of the Judicial Council minutes from the November 25, 2019 meeting until January to allow for additional edits. Amendments that were addressed: 1) Section 6 add “Judge Appleby and Judge Farr abstained,” 2) Section 19 changed “continued” to “to be stated on the record,” 3) Section 4 in the Policy & Planning report

add after gang-related clothing “or they appear in a substantial state of undress.” Judge Appleby seconded the motion, and it passed unanimously.

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

Chief Justice Durrant noted he, Judge Noonan, Judge Appleby, and Cathy Dupont will meet with Governor Herbert.

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

Jeremy Humes has been nominated by Governor Herbert as a Seventh District Court judge to replace Judge Thomas who is retiring at the end of the month. Mr. Humes is awaiting Senate confirmation.

“The Well-Being of Women in Utah in 2019” study provided that the ratio in Utah of earnings of women to men, ages 16 and older is 69.8%. Human Resources will review and prepare a report for the Council of any judicial gender salary gaps in both the state and justice courts.

Judge Noonan attended a CCJJ meeting where the implementation of JRI and other initiatives were addressed. Due to the lack of data available, the courts, along with the Department of Corrections and the Department of Public Safety will work together to address these issues.

4. COMMITTEE REPORTS:

Management Committee Report:

The work of this committee is reflected in the minutes.

Ad Hoc Budget & Finance Committee Report:

After reviewing a request from the District Board to increase Judicial Operations Budget base amount from \$500 to \$1,000, the committee decided the rule may be outdated and needed to be further studied.

Liaison Committee Report:

They will begin meeting weekly in January.

Policy and Planning Committee Report:

The committee is nearing completion of their proposed edits to CJA rule 4-411. Courthouse Attire. A recommendation was made for the committee to consider hiring a consultant to conduct a study on attire. Judge Derek Pullan respectfully declined the offer as the committees work on the rule is nearly complete. The committee is addressing CJA rule 4-403. Electronic Signature and Signature Stamp Use as it relates to authority to automatically add judges’ signatures on documents. The committee will meet again in February.

Bar Commission Report:

Rob Rice said the Bar is scheduled to meet this week.

5. SECOND DISTRICT FAMILY RECOVERY COURT CERTIFICATION: (Judge Sharon Sipes, Krista Airam, and Sr. Judge Dennis Fuchs)

Chief Justice Durrant welcomed Judge Sharon Sipes, Krista Airam, and Sr. Judge Dennis Fuchs. The Family Recover Court will serve children and families to prevent foster care placements under circumstances in which drug-endangered children whose parents use illegal drugs around their children. The target participation is expected to be at the most 20 participants. Stakeholders include: Davis Behavioral Health, DCFS, vocational rehabilitation, workforce services, Davis County Public Defenders, Attorney General’s Office, and the Office of Guardian ad Litem.

Anticipated impact on court staff includes:

- Minimal and temporary front desk staff for those seeking directions
- One judge will conduct business for the recovery court in accordance with best practices, with in-court time anticipated to be ½ day every other week.
- One JA for in-court record maintenance and dissemination of reports, approximately ½ day every 2 weeks. Hearing preparation, minutes and orders is expected to be an additional ½ day.

Chief Justice Durrant thanked Judge Sipes, Ms. Airam, and Judge Fuchs.

Motion: Judge Appleby moved to approve the Second District Family Recovery Court certification, as presented. Judge Kara Pettit seconded the motion, and it passed unanimously.

6. SEVENTH DISTRICT MENTAL HEALTH COURT CERTIFICATION: (Judge Douglas Thomas, Travis Erickson, and Sr. Judge Dennis Fuchs)

Chief Justice Durrant welcomed Judge Douglas Thomas, Travis Erickson, and Sr. Judge Dennis Fuchs. The Mental Health Court will serve those who have demonstrated a pattern of violations of the law that result from poor adherence to or insufficient self-management of mental health treatment. The target participation will be approximately 20 people. Stakeholders include: Four Corners Behavioral Health, AP&P, Carbon and Emery County Prosecutor’s Office, and the Public Defender’s Office. Judge Fuchs recommended a liaison from the local jail to assist with medications for inmates. Jeremy Humes is expected to replace Judge Thomas with this court.

Mental Health Court will be held twice monthly and require time and preparation from the judge and JA. Additionally, the judge will dedicate time to the study, program design, and organization of resources.

Chief Justice Durrant thanked Judge Thomas for his extraordinary service to the courts. Chief Justice Durrant thanked Mr. Erickson and Judge Fuchs.

Motion: Judge Appleby moved to the Seventh District Mental Health Court certification, as presented. Judge Pettit seconded the motion, and it passed unanimously.

7. **PROBLEM-SOLVING COURT RECERTIFICATIONS: (Sr. Judge Dennis Fuchs)**
Chief Justice Durrant welcomed Sr. Judge Dennis Fuchs. Judge Fuchs sought renewal of the following problem-solving courts and identified non-compliant courts.

Adult Drug Courts non-compliant with sections listed below:

Heber, Wasatch County (Judge Brown)

- (P) Monitors historically disadvantaged groups (Waiting for IT program).
- (B) Contact with participants within first 90 days of completion (They do not).
- (B) Provide medical and dental treatment (They do not).
- (P) More than 15 but less than 125 participants (not consistent in numbers).
- (P) Monitor new arrests in the first 3 years (only follow local arrests).

Moab, Grand County (Judge Manley)

- (P) Monitors historically disadvantaged groups (waiting for IT program).
- (P) Each member of team attends up-to-date training on cultural bias (Court does not require but each agency takes care of the training).
- (P) Drug tests available within 48 hours (Most are but some take 72 hours especially over the weekends).
- (B) Court provides a continuum of care (Not available in the area).
- (B) Treatment groups no more than 12 with 2 facilitators. (Staffing issues).
- (P) Training on trauma informed services (Each agency responsible not the court).
- (B) Immediate medical and dental treatment (Not available in locality).
- (P) New arrests monitored for 3 years (Only local arrests).

Adult Mental Health Courts non-compliant with sections listed below:

Salt Lake City, Salt Lake County (Judge Trease)

- (B) Contact after completion in the first 90 days (Do not do).

Salt Lake City, Salt Lake County (Judge Brereton)

- (P) Clients placed within the first 90 days (Takes longer to get mental health records).

Veterans Court non-compliant with sections listed below:

Salt Lake City, Salt Lake County (Judge Hansen)

- (R) Current or prior offenses disqualify (Bad wording, they do not).
- (R) Clients placed within 90 days of arrest (Sometimes takes longer to determine VA eligible).
- (R) Treatment fees based on sliding scale (There are no treatment fees).
- (P) New arrest monitored for 3 years. (Do not have the personnel).

DUI Court non-compliant with sections listed below:

Ogden, Weber County (Judge DiReda)

- (P) Placed within 50 days (Does not occur all of the time).
- (P) New arrests monitored for 3 years (Only follow local arrests).
- (B) Contact made within first 90 days after completion (Not done).

Family Dependency Courts non-compliant with sections listed below:

Ogden, Weber County (Judge Dillon)

(P) Regularly monitors historically disadvantaged groups (Waiting for IT program).

(P) Clients placed within 90 days (A lot but not all).

Ogden, Weber County (Judge Heward)

(P) Regularly monitors historically disadvantaged groups (Waiting for IT program).

(B) Formal training before implementation (State and federal training).

Provo, Utah County (Judge Bazzelle)

(B) Length of program is a minimum of 12 months (Based on unification, some graduate earlier).

(B) Formal training before implementation (State and federal training).

(P) More than 15 less than 125 participants (Not always).

Moab, Grand County (Judge Manley)

(P) Regularly monitors historically disadvantaged groups (Waiting or IT program).

(P) Drug tests available within 48 hours (Not always especially tests on weekends).

(B) Offers continuum of care (Not available in locality).

(B) Treatment groups have no more than 12 and 2 facilitators (Do not have personnel).

(B) Immediate dental and medical treatment (Not available in locality).

(P) Clients placed within 50 days (Not all of them).

(B) More than 15 but less than 125 participants (fluctuates, sometimes more than the 15).

Adult Mental Health Court compliant with sections:

Brigham City, Box Elder County (Judge Cannell)

Veterans Court complaint with all sections:

Provo, Utah County (Judge Powell)

Family Dependency Court compliant with all sections:

Spanish Fork, Utah County (Judge Smith)

Judge Fuchs will have new forms prepared and sent to Policy & Planning for review at their February meeting. The Council discussed having courts that do not meet the minimum criteria present an explanation as to any deficiencies.

Chief Justice Durrant thanked Judge Fuchs.

Motion: Judge Pettit moved to approve the following problem-solving courts 1) Veterans Court Provo, Utah County (Judge Powell); 2) Adult Mental Health Court Salt Lake City, Salt Lake County (Judge Trease); 3) Adult Mental Health Court Brigham City, Box Elder County (Judge Cannell); and 4) Family Dependency Court Spanish Fork, Utah County (Judge Smith). Judge Brook Sessions seconded the motion, the motion passed with Judge Cannell abstaining as to the Adult Mental Health Court Brigham City, Box Elder County.

Motion: Judge Pullan moved to inform problem-solving courts in writing that they are not in compliance with the presumptive criteria and invite them to provide a written explanation of sufficient compensating measure. Judge Shaughnessy seconded the motion, and it passed unanimously.

Judge Noonan will assist with creating a form template for responses from the courts regarding deficiencies. Judge Noonan recommended the Council review the infrastructure support needed to help with the growing problem-solving courts throughout the state.

8. FORMS COMMITTEE REPORT: (Randy Dryer and Brent Johnson)

Chief Justice Durrant welcomed Randy Dryer.

Primary highlights the committee report include the following:

1. The committee updated numerous forms due to recent court rule changes or legislative enactments in the 2019 legislative session.
2. The majority of the forms needed for use by LPPs to practice in the areas of landlord-tenant and debt collection have been updated.
3. Approximately 90% of the OCAP provisions relating the family law have been reviewed and approved. There are numerous other general family law practice forms that the committee will be reviewing well into 2020.
4. The committee welcomed the addition of a new committee member, Amber Alleman (pending final Council approval). Ms. Alleman is a member of the inaugural graduating class of four LPPs.
5. The committee received a request from Representative Walt Brooks to revise the current subpoena form which specifically requires that three particular documents (Notice to Persons Served with a Subpoena, Objection to Subpoena, and Declaration of Compliance with Subpoena) be attached with any court subpoenas served pursuant to Rules of Civil Procedure rule 45. The request was to eliminate the requirement to physically attach the documents to the subpoena and instead provide a link on the subpoena to the court's web page where the forms may be accessed electronically. The committee deemed the matter to be a policy question beyond the purview of the committee's mandate and requested guidance from the Council. Committee members expressed concern that such a change would have a negative impact on access to justice since not all Utahns, including those who are economically disadvantaged or who live in rural areas, have ready and reliable access to the internet.

Chief Justice Durrant thanked Mr. Dryer.

9. BOARD OF DISTRICT COURT JUDGES REPORT: (Judge Christine Johnson and Shane Bahr)

Chief Justice Durrant welcomed Judge Christine Johnson and Shane Bahr. Judge Johnson reviewed the Board membership. The Board has been working on documents that are required to be signed either by a commissioner and/or a judge and are waiting for the accompanying IT fix. The Board has also made the recommendation to eliminate the requirement that the Military Service Order be signed when a defendant is not in military service. The Board is working on better communication with the Council. The Board recommended an

increase to the Judicial Operations Budget to the Budget & Finance Committee. Judge May provided a brief status update to Judge Johnson of the recommendation.

The Board created a searchable link for judges to upload orders, allowing for a resource to judges. The Council welcomed members of the Board to attend Council meetings either in person or telephonically.

Chief Justice Durrant thanked Judge Johnson and Mr. Bahr.

10. APPELLATE E-FILING GRANT APPROVAL: (Judge David Mortensen and Larissa Lee)

Chief Justice Durrant welcomed Judge David Mortensen and Larissa Lee. Grant funds would allow the appellate courts to begin studying requirements to implement an appellate e-filing system through a hired consultant, to determine the appropriate software for appellate e-filing.

This grant requires the courts to match 50% (\$25,000), but only 10% (\$5,000) would be required. The remaining funds would represent the hourly rate of employees' working on the project. The E-Filing Appellate Task Force estimated that e-filing would most likely result in the elimination of 1 FTE. Heidi Anderson noted fully funded, it would take IT approximately 18 months to build the program. Ms. Lee said the appellate courts will split the \$5,000 cash required between the Supreme Court and Court of Appeals.

Chief Justice Durrant thanked Judge Mortensen and Ms. Lee.

Motion: Judge Shaughnessy moved to approve the grant in the amount of \$50,000 with the courts match of \$25,000; of that \$5,000 cash is required to be paid for by the appellate courts, as presented. Judge Appleby seconded the motion, and it passed unanimously.

11. APPOINTMENT OF CO-CHAIRS TO THE JUSTICE COURT REFORM TASK FORCE: (Justice Deno Himonas)

The Management Committee approved creating two co-chairs, one justice court judge and one Court of Appeals judge to the Justice Court Reform Task Force. Judge Paul Farr volunteered as the justice court judge representative. Judge Appleby respectfully declined a request to co-chair the task force.

If the task force was limited to removing the de novo appeal, the Supreme Court would primarily oversee the task force, however, the Management Committee requested a broader review of justice courts including fines and fees, salary caps, and qualifications for judges. Therefore, the committee concluded that justice court reform is predominantly within the exclusive authority of the Judicial Council. The task force will therefore be a Judicial Council Task Force. The Supreme Court will designate one member of the task force because part of the review will address de novo appeals, an area over which the Supreme Court has exclusive authority.

The Council discussed task force composition which could include Judge Paul Farr, an appellate judge representative as co-chair, a district court judge, Cathy Dupont and Michael Drechsel, plus additional members as determined by Judge Farr and the Administrative Office of the Courts.

Motion: Judge Appleby moved to establish the Justice Court Reform Task Force and appoint Judge Paul Farr as co-chair, and have the Supreme Court, Court of Appeals, and the Board of District Court Judges identify members to the task force. Judge Shaughnessy seconded the motion, and it passed with and Judge Farr abstaining.

12. JUDICIAL CONDUCT COMMISSION REPORT: (Alex Petersen)

Chief Justice Durrant welcomed Alex Petersen. Mr. Petersen reviewed the current members of the Commission and noted Jim Jardine will be leaving as Chairman of the Commission in the spring. Mr. Petersen will seek a replacement at that time. In 2019, the Commission attended conferences where e-filing of complaints was addressed. Complaints have increased with e-filing however the ratio of complaints with action taken has remained the same. The Commission is conducting a five-year review of their administrative rules.

Mr. Petersen noted nationally common complaints are dealing with subordinates and sexual harassment.

Caseload Update:

- a. 64 cases in FY19 compared to 58 cases in FY18. Currently at 24 cases in FY20.
- b. To date in FY20, have had 1 public disposition and 1 Dismissal with warning disposition for 1) Indecorous treatment of subordinates and 2) Abuse of prestige of judicial office.
- c. No cases are pending before Utah Supreme Court.

Chief Justice Durrant thanked Mr. Petersen.

13. FOURTH DISTRICT COMMISSIONER ASSIGNMENT: (Judge F. Richards Smith and Judge James Brady)

Chief Justice Durrant welcomed Judge F. Richards Smith and Judge James Brady. Judge Smith and Judge Brady requested on behalf of the Fourth District and Juvenile Court Benches approval of a change in allocation of Commissioner Sean Petersen's workload from the current allocation of .8 to the district court and .2 to the juvenile court to 100% of his time allocated to the district court, effective January 1, 2020. The Juvenile Bench created a plan to distribute Commissioner Petersen's workload.

Chief Justice Durrant thanked Judge Smith and Judge Brady.

Motion: Judge Appleby moved to approve transitioning Commissioner Sean Petersen to only the district court, effective January 1, and dividing his current juvenile workload to the current juvenile team, as presented. Judge Farr seconded the motion, and it passed unanimously.

14. CJA RULES 1-303, AND 5-101 FOR FINAL ACTION: (Cathy Dupont)

Chief Justice Durrant welcomed Cathy Dupont. CJA Rules 1-303 and 5-101 public comment period closed on January 31, 2019. No comments were submitted. Ms. Dupont now seeks a final approval for these rules.

Chief Justice Durrant thanked Ms. Dupont.

Motion: Judge Shaughnessy moved to approve CJA Rules 1-303 and 5-101 for final approval, effective December 16, 2019, as presented. Judge Appleby seconded the motion, and it passed unanimously.

15. SENIOR JUDGE CERTIFICATION: (Cathy Dupont)

Chief Justice Durrant welcomed Cathy Dupont. Judge Kimberly Hornak is scheduled to retire on March 1, 2020 and has applied for active senior judge status. Judge Hornak meets all requirements. Ms. Dupont noted she is working with the senior judges to review senior judge rules.

Chief Justice Durrant thanked Ms. Dupont.

Motion: Judge May moved to approve Judge Kimberly Hornak as an active senior judge upon her retirement, March 1, 2020 as presented. Judge Appleby seconded the motion, and it passed unanimously.

16. JUDICIAL COUNCIL PRESENTATION GUIDELINES AND COUNCIL NORMS: (Cathy Dupont)

Chief Justice Durrant welcomed Cathy Dupont. Ms. Dupont presented Council Presentation Guidelines and amendments to Council Norms proposed by Ms. Dupont, Judge Appleby, and Judge Shaughnessy. The Guidelines were developed for committees and groups that regularly report to the Judicial Council, to inform them of the Council's expectations for the reports. The proposed amendments to Council Norms include formatting changes and clarification of the roles of Council members.

Changes discussed:

- Delete Council norm number 10
- Modify Council norm number 14 to include the expectation that Council members will attend Council meetings in person or electronically before sending a judge in their absence.
- Include in the guidelines a request for an executive summary if the materials are voluminous.
- Include in the guidelines an introductory appreciation for their presentation.
- Include in the guidelines a request to explain how their work advanced the core mission of the court.

Chief Justice Durrant thanked Ms. Dupont.

Motion: Judge Appleby moved to accept the scheduled reports from external groups, Boards and committees, the Council Presentation Guidelines, and the Council Norms, as amended with the changes as listed above. Judge Sessions seconded the motion, and it passed unanimously.

17. NCSC SYSTEM REVIEW PHASE 2 CONTRACT & TIMELINE: (Cathy Dupont)

Chief Justice Durrant welcomed Cathy Dupont. The same project team that conducted the initial assessment, Patti Tobias, Principal Court Management Consultant with the National Center for State Courts and James D. (J.D.) Gingerich, Director of the State Courts Partnership will serve as the project team for Phase 2.

Plan:

- Project Initiation – Teleconference – week of January 13, 2020
- Develop & distribute employee and judicial officer surveys – February 5, 2020
- Compile survey results and report to the Steering Committee – March 2020
- Structured group discussions – May 2020
- Submit final report to the Steering Committee – May 2020
- On-site presentation of final report – August 2020

Ms. Dupont explained the consultants' cost \$50,000 included travel time, visits to districts, meetings, and compilation of the survey results. Funding would come from Council reserves that have been set aside.

Chief Justice Durrant thanked Ms. Dupont.

Motion: Judge Pullan moved to approve Phase 2 of the NCSC System Review, as amended to reserve the on-sight presentation for the steering committee to make that determination at a later date and email the Council a draft report once completed. Judge Shaughnessy seconded the motion, and it passed unanimously.

18. MODEL UTAH CRIMINAL JURY INSTRUCTIONS COMMITTEE REPORT: (Judge James Blanch and Michael Drechsel)

Chief Justice Durrant welcomed Judge James Blanch. Judge Blanch reviewed the committee composition as well as instructions the committee has completed. The committee is currently working on DUI and related traffic instructions. Once completed, the committee will focus on burglary & robbery offenses, homicide offenses, use of force & prisoner offenses, and wildfire offenses instructions.

Chief Justice Durrant thanked Judge Blanch.

19. APPROVAL OF MEMBERSHIP TO THE PRETRIAL REFORM SUBCOMMITTEE: (Keisa Williams)

Chief Justice Durrant welcomed Keisa Williams. Ms. Williams noted the Management Committee approved moving the task force to a subcommittee reporting to the Pretrial Release Standing Committee with a composition of Ms. Williams (staff), Judge Todd Shaughnessy (district court judge), Heidi Anderson (Information Technology), Doug Thompson (public defender), Sheriff Brian Nielson (law enforcement) and Chris Allred (prosecutor).

Chief Justice Durrant thanked Ms. Williams.

Motion: Judge Appleby moved to approve amending the joint task force to a subcommittee reporting to the Standing Committee with the composition of Ms. Williams (staff), Judge Todd Shaughnessy as Chair (district court judge), Heidi Anderson (Information Technology), Doug Thompson (public defender), Sheriff Brian Nielson (law enforcement) and Chris Allred (prosecutor), as presented. Justice Himonas seconded the motion, and it passed with Judge Shaughnessy abstaining.

20. CJA RULES 4-403 AND 4-503 FOR FINAL ACTION: (Keisa Williams)

Chief Justice Durrant welcomed Keisa Williams. The proposed amendments to CJA 4-403 address an issue created by the implementation of a new Utah Rule of Civil Procedure, Rule 109, which becomes effective January 1, 2020. Rule 109 provides that a standard injunction shall be issued by the court immediately upon the filing of certain domestic relations cases. The proposed amendments to rule 4-503 require Licensed Paralegal Practitioners to file documents electronically. Policy and Planning recommends that the Judicial Council approve the amendments to CJA Rules 4-403 and rule 4-503 on an expedited basis with a January 1, 2020 effective date, pursuant to its authority under CJA 2-205.

Judge Cannell was concerned approving rule 4-403 would create a substantive rule that would not allow for judicial discretion, but some discretion could be created by presiding judges' standing orders in the districts. Judge Pullan noted the rule states unless otherwise ordered by the courts the injunction shall issue. Judge Pullan stated "we if go this direction, the minutes should reflect that the Council is saying we do this only in the narrowest circumstances." Judge Pullan was concerned that IT had already put measures in place to implement the rule before it was approved.

Chief Justice Durrant thanked Ms. Williams.

Motion: Judge Shaughnessy moved to approve amendments to CJA Rules 4-403 and 4-503 for final action, as presented, with an effective date of January 1, 2020. Judge Appleby seconded the motion, and it passed unanimously.

21. SELF-HELP CENTER FUNDING INCREASE: (Nathanael Player)

Chief Justice Durrant welcomed Nathanael Player. At the August budget meeting before the Judicial Council the Self-Help Center (SHC) requested 1) \$98,155 in ongoing funds to provide permanent funding to make the five existing SHC staff attorneys full-time; and 2) \$96,909 in ongoing funding for one additional full-time staff attorney. The first request was sent to the ad hoc Budget & Finance Committee to see if they could find internal funding, and the second request was prioritized by the Judicial Council as a budget request for the legislature.

Currently, the temporary funding for the five part-time attorney positions for full-time work will expire on June 30, 2020. The Ad Hoc Budget & Finance Committee decided not to use projected savings based on clerical weighted caseload numbers to fund this request.

Possible solutions:

1. Instead of requesting ongoing funding for an additional staff attorney from the legislature, ask the legislature for ongoing funding to keep existing staff attorneys full-time; or
2. Do not send any request for funding to the legislature during the 2020 session, and resubmit the request for the Council's consideration next year.

Substituting the funding request to the legislature would mean asking for \$109,315, instead of \$96,909. This is \$12,406 more. The Council approved market comparability adjustments for four staff attorneys, so the cost for funding request number one went up. If this change is too difficult to accomplish then Mr. Player requested that the courts not send any request to the legislature this session.

Judge May noted the Budget & Finance Committee approved switching the legislative request from one Self-Help attorney to ongoing funding for the current attorneys. Ms. Dupont stated the Council appropriates one-time savings and reserve funds each year, the request for ongoing funding for the current attorneys was originally approved with one-time funding.

Chief Justice Durrant thanked Mr. Player.

Motion: Judge Shaughnessy moved to amend the legislative request from one Self-Help attorney to ongoing funding for the current attorneys with an additional \$7,000, as presented. Judge Appleby seconded the motion, and it passed unanimously.

22. 2020 PROPOSED AUDIT SCHEDULE: (Karl Sweeney)

Chief Justice Durrant welcomed Karl Sweeney. Mr. Sweeney reviewed the 2020 audit schedule, as approved by the Management Committee pursuant to CJA Rule 3-415. Mr. Sweeney is working with the TCEs to have their support services coordinators assist with audits in their districts.

Chief Justice Durrant thanked Mr. Sweeney.

23. SELF-ASSESSMENT OF AUDIT SERVICES WITH EXTERNAL VALIDATION: (Karl Sweeney)

Chief Justice Durrant welcomed Karl Sweeney. The Department of Workforce Services (“DWS”) Director of Internal Audit conducted an independent validation of the self-assessment performed by Internal Audit Department. The primary objective was to verify the assertions and conclusions. The validation, concluded on December 3, 2019, consisted of a review and a test of the procedures and results, and included interviews with the Chair of the Management Committee and senior managers.

Chief Justice Durrant thanked Mr. Sweeney.

24. OLD BUSINESS / NEW BUSINESS

Judge May noted the Budget & Finance Committee discussed the need to address the court's career ladder and market comparability salary adjustment process and policies. . The

Council requested the Budget & Finance Committee review career ladder increases and the market comparability process used by the courts.

Justice Himonas recommended the Council create a subcommittee to address recent press coverage of debt collection practices and state statute that permits the use of bench warrants as a tool to collect judgements. He mentioned three individuals arrested last week on civil bench warrants due to non-appearance at sup-order hearings. The Council recommended addressing this with the Rules of Civil Procedure Committee. In addition, the Board of District Court Judges and the Board of Justice Court Judges will address this issue.

Ms. Dupont noted part of the Domestic Violence Program Coordinator positions salary, Amy Hernandez, comes from the VAWA grant. The grant has increased this year with what is anticipated to be one-time funding from \$75,000 to \$150,000. Ms. Hernandez will prepare a proposal for spending the additional funds, to which, the Council determined the Administrative Office of the Courts shall determine how the additional funds should be spent.

Judge Mortensen reminded the Council of the discussion regarding the federal courts request to expand the Fifth District Court. The federal courts are unable to pay \$15,000 for a feasibility study. The courts have funds available through the Facilities Department to pay for the study. The current lease ends in 2024 and with the current population growth the courts will need the space currently housed by the federal courts. The Council requested Judge Mortensen return to the Council after speaking with the federal courts again regarding the cost of the feasibility study.

25. EXECUTIVE SESSION

An executive session was not held.

26. CONSENT CALENDAR ITEMS

a) Committee Appointments. Education Committee – appointment of Judge Y.C. Ynchausti and Bart Olsen; GAL Oversight Committee – appointment of Brittany Randall; MUJI Civil Committee – appointment of Randy Andrus, Ricky Shelton, and Samantha Slark; Technology Committee – reappointment of Mikelle Ostler and the appointment of Judge Debra Jensen, Judge Don Torgerson, and Erin Boyington; Uniform Fine & Bail Committee – appointment of Judge Jennifer Valencia and Judge Patrick Corum. Approved without comment.

b) Probation Policies. Amendments of sections 2.13, 4.2, 4.16, and the deletion of section 5.6. Approved without comment.

c) Forms Committee Forms. Petition to Modify Child Custody, Parent-time and Child Support; Findings of Fact and Conclusions of Law on Petition to Modify Child Custody, Parent-time and Child Support; and Order on Petition to Modify Custody. Approved without comment.

27. ADJOURN

The meeting adjourned.