

JUDICIAL COUNCIL MEETING

Minutes

October 26, 2020

Meeting conducted through Webex

9:00 a.m. – 2:30 p.m.

Chief Justice Matthew B. Durrant, Presiding

Members:

Chief Justice Matthew B. Durrant, Chair
Hon. Kate Appleby, Vice Chair
Hon. Brian Cannell
Hon. Samuel Chiara
Hon. Augustus Chin
Hon. David Connors
Hon. Ryan Evershed
Hon. Paul Farr
Hon. Michelle Heward
Justice Deno Himonas
Hon. Mark May
Hon. Kara Pettit
Hon. Derek Pullan
Hon. Brook Sessions
Hon. Todd Shaughnessy
Rob Rice, esq.

AOC Staff:

Hon. Mary T. Noonan
Cathy Dupont
Michael Drechsel
Shane Bahr
Kim Free
Brent Johnson
Larissa Lee
Meredith Mannebach
Daniel Meza Rincon
Zerina Ocanovic
Jim Peters
Clayson Quigley
Neira Siaperas
Keisa Williams
Jeni Wood

Excused:

Guests:

Jim Bauer, JTCE Third Juvenile Court
Kim Cordova, CCJJ
Hon. George, Harmond, Seventh District Court
Hon. Ryan Harris, Court of Appeals

Guests Cont.:

Commissioner Blair Hodson, JPEC
Hon. Jeremiah Humes, Seventh District Court
Kristina King, OLRGG
Hon. Michael Leavitt, Fifth Juvenile Court
Lucy Ricca, Office of Legal Services Innovation
Hon. Rick Romney, Provo Justice Court
Dr. Jennifer Yim, JPEC

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

Chief Justice Matthew B. Durrant welcomed everyone to the meeting. Judge Jeremiah Humes attended on behalf of Judge Samuel Chiara who was only available for a portion of the meeting. Due to the coronavirus pandemic, the Council held their meeting entirely through Webex.

Motion: Judge Derek Pullan moved to approve the September 22, 2020 Judicial Council meeting minutes, as amended to correct section 12. Judge Todd Shaughnessy seconded the motion, and it passed unanimously.

On October 2, 2020 the Judicial Council considered by email two forms 1) modified tenant answer form that includes the CDC Moratorium as an affirmative defense; and 2) COVID eviction declaration form covering the CARES Act and the CDC Moratorium. The Judicial Council voted by email and approved the two form revisions by unanimous vote.

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

Chief Justice Durrant, Judge Mary T. Noonan, and Michael Drechsel met with the Senate Speaker to discuss H.B. 206, concerns about bail and ability to pay factors, and workloads and jury trials.

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

Judge Mary T. Noonan has been addressing jury trials and the complications with rising COVID cases in Utah. Dr. Thomas Miller, Chief Medical Officer, and Dr. Jeanmarie Mayer, Epidemiologist, both from the University of Utah participated in a tour of the Matheson Courthouse to review safety measures and see how the courts have reconfigured the courtrooms to allow for jury trials. The courts will pilot a jury trial including COVID tests for jurors. At this time, the cost cannot be determined due to the uncertainty of the length of trials. Judge Noonan said she is unsure who will administer the tests. A small number of court personnel will address testing in relation to jury trials. Eventually the original jury trial workgroup may be involved.

4. COMMITTEE REPORTS:

Management Committee Report:

The work of this committee is reflected in the minutes.

Budget & Fiscal Management Committee Report:

Judge Mark May mentioned the committee has not met recently.

Liaison Committee Report:

Judge Kara Pettit said the committee will meet on Wednesday.

Policy and Planning Committee Report:

Judge Derek Pullan reviewed the rules the committee is working on.

Bar Commission Report:

Rob Rice said the Bar Commission had been requested to form a task force to evaluate Utah law that governs police use of force in certain situations. The Bar is not allowed to engage in lobbying activities that have to do with anything other than the administration of justice or access to justice issues. The Commission will create CLEs that will address some of these issues.

5. PRETRIAL RELEASE AND SUPERVISION COMMITTEE REPORT: (Judge George Harmond and Keisa Williams)

Chief Justice Durrant welcomed Judge George Harmond and Keisa Williams. They received a UCJJ grant that assisted with the creation of the matrix, which is now being used in Utah courts. Keisa Williams said judges and staff are working through the adjustments of the new process. They are focusing on communication with the public. Ms. Williams said the court system is set up to send a robotic reminder call to defendants two days prior to a hearing and are

discussing the possibility of sending texts rather than phone calls. Judge Brook Sessions noted that although accurate phone numbers may be an issue, this process has made a difference.

Chief Justice Durrant thanked Judge Harmond and Ms. Williams.

6. COURT COMMISSIONER CONDUCT COMMITTEE REPORT: (Judge Ryan Harris and Keisa Williams)

Chief Justice Durrant welcomed Judge Ryan Harris and Keisa Williams. Judge Harris became Chair to this committee earlier this year. The committee processed five complaints over the past fiscal year, four of which were dismissed by the committee and one was addressed with the Council. They have two complaints pending. The rule amendments are out for public comment at this time. Judge Harris said complaints are sometimes referred by JPEC and the JCC. Ms. Williams said they are working on public awareness of the committee and the process. The Council recommended having the public website identify the direction for commissioner complaints and detailing the types of complaints allowed.

Chief Justice Durrant thanked Judge Harris and Ms. Williams.

7. CJA RULES FOR FINAL APPROVAL: (Keisa Williams)

Chief Justice Durrant welcomed Keisa Williams. The Judicial Council approved the CJA Rules 3-104, 3-111, 4-202.02, 6-507, 3-407, 4-609, 10-1-404, 4-401.01, and 4-401.02 for public comment. During the 45-day comment period, one comment was received on Rule 4-401.02 and two comments were received on Rule 6-507. Policy and Planning reviewed the comments and made a few minor amendments. The committee recommends the following rules to the Judicial Council for final approval with an effective date of November 1, 2020.

Rule 3-104. Presiding judges (amend)

Rule 3-111. Performance evaluation of senior judges and court commissioners (amend)

Rule 4-202.02. Records classification (amend)

Rule 6-507. Court visitor (new)

Rule 3-407. Accounting (amend)

Rule 4-609 Procedure for obtaining fingerprints and OTNs on defendants not booked in jail (amend)

Rule 10-1-404 Attendance and assistance of prosecutors in criminal proceedings (amend)

Rule 4-401.01. Electronic media coverage of court proceedings (amend)

4-401.02. Possession and use of portable electronic devices (amend)

Chief Justice Durrant thanked Ms. Williams.

Motion: Judge Pettit moved to approve Rules 3-104, 3-111, 4-202.02, 6-507, 3-407, 4-609, 10-1-404, 4-401.01, and 4-401.02 with an effective date of November 1, 2020, as presented. Judge David Connors seconded the motion, and it passed unanimously.

8. JUDICIAL NOMINATING COMMISSION PROCESS: (Kim Cordova)

Chief Justice Durrant welcomed Kim Cordova. Judge Noonan noted one of the responsibilities of the Council is to serve as the Chief Justice designee on various nominating

commissions. The Council has not in the past invited the commission to attend a Council meeting. Ms. Cordova noted the commission valued the partnership with the Judiciary. The Constitution, Code, and administrative rules guide the commission.

Commission members are on four-year rotations. The commission includes four attorneys (from that district) with a diversity of practice and geographic location and three citizens with diversities in political beliefs. The Governor appoints the commission members. Ms. Cordova thanked Judge Noonan for her recommendations and the Council for their guidance. Judge Appleby enjoyed her experience recently with the commission.

Ron Gordon, General Counsel to Governor Gary Herbert, authored a letter to the nominating commission members. Mr. Gordon provided:

The foundation of the merit selection process for judges is found in the Utah Constitution, Article VIII, Section 8(4): "Selection of judges shall be based solely upon fitness for office without regard to any partisan political consideration." Utah Code 78A-10-102 . . . "Judges for courts of record in Utah shall be nominated, appointed, and confirmed as provided in Utah Constitution Article VIII, Section 8, and this chapter."

The role of judicial nominating commissions is clear, albeit challenging: "certify to the governor a list of the [five or seven] most qualified applicants per vacancy." Utah Code § 78-10-103(3)(a). "In determining which of the applicants are the most qualified, the nominating commissions shall determine by a majority vote of the commissioners present which of the applicants best possess the ability, temperament, training, and experience that qualifies them for the office." Utah Code § 78-10-103(2) . . .

A few considerations have been problematic during Governor Herbert's tenure: geographic location of the applicant's residence, geographic location of the applicant's employment, so-called "ties to the community," and confirmability. . .

- The Utah Constitution requires district and juvenile court judges to reside in the judicial district for which they are selected. The Utah Constitution does not require applicants to reside in the district at the time of application; nor does any statute or rule. The location of an applicant's residence and employment are unrelated to the qualifications for judicial office.
- While "public service" is specifically identified in rule as an evaluation criterion, an applicant's ties or connections to any specific area or community is also unrelated to the qualifications for judicial office.
- Finally, confirmability is beyond the scope of a judicial nominating commission if it means anything other than the qualifications and evaluation criteria identified in statute and rule.

Ms. Cordova explained that a recent First District nomination practiced in the federal courts, but not directly in the First District. The nominee was prepared to relocate if approved. Judge Appleby wondered if rural areas would have a more difficult time getting qualified candidates. Judge Connors expressed his appreciation for Ms. Cordova and the team at the

nominating commission and believed it would be acceptable for an applicant to reside at the time of application outside the district but that may be harder to justify in an urban area. Mr. Rice felt Mr. Gordon's letter could be equally appropriate to address with the Bar Commission. Ms. Cordova will forward the letter to the Bar Commission. Judge Shaughnessy said if this is a merit-based system, perhaps seeking attorneys from outside the district may be beneficial. Judge Pettit felt the commission has worked extremely well. Chief Justice Durrant stated Council members play an important role to focus on the established criteria and appreciated Ms. Cordova's work. Chief Justice Durrant conveyed his appreciation for Governor Herbert's dedication to ensure the very best candidates are selected for the Judiciary.

Chief Justice Durrant thanked Ms. Cordova.

9. JUDICIAL PERFORMANCE EVALUATION COMMISSION REPORT: (Dr. Jennifer Yim and Commissioner Blair Hodson)

Chief Justice Durrant welcomed Dr. Jennifer Yim and Commissioner Blair Hodson. Commissioner Hodson was appointed to JPEC in 2018 and is the Executive Director of the Rocky Mountain Innocence Center. Commissioner Hodson thanked the Council members for their commitment to justice. Justice Deno Himonas and Judge Connors thanked JPEC for their work. Dr. Yim noted the implementation of the new data system will help with implicit bias.

Dr. Yim said there are 50 observers conducting courtroom observations of mid-level judges via Webex. They are receiving feedback from the observers and may transfer that information to the Council. JPEC will consider the Council's input on evaluations when amending their rules. They are conducting a basic-level evaluations for justice courts. The retention elections are a referendum of the trust and confidence in the merit and retention selection process. The number of visits to judges.utah.gov has increased as elections near.

Chief Justice Durrant thanked Dr. Yim and Commissioner Hodson.

10. REGULATORY REFORM INNOVATION OFFICE UPDATE: (Lucy Ricca)

Chief Justice Durrant welcomed Lucy Ricca. Staffing includes Executive Director - Lucy Ricca (contractor, part time, SJI funded), Project Manager - Helen Lindamood (employee, part time, court funded), and Data Analyst - Dr. James Teufel (pending contract signing, contractor, part time, SJI funded). A website is pending grant modification request to increase funding for the website redesign and rebuild using Utah Interactive and hosted outside of utcourts.gov. Ms. Ricca reviewed the pending, authorized, and denied applications. They have five external regulators who will evaluate and make recommendations on regulatory reform. The office is focused on identifying and responding to incidences of consumer harm.

Ms. Ricca said the office is relying very little on the AOC. They will work with a state vendor for the website. Justice Himonas noted the office is focused on narrowing the access to justice gap, which includes individuals of all financial levels. Ms. Ricca stated one of the pieces of data they are collecting is outcomes, depending on the category.

Chief Justice Durrant thanked Ms. Ricca.

11. BOARD OF JUSTICE COURT JUDGES REPORT: (Judge Rick Romney and Jim Peters)

Chief Justice Durrant welcomed Judge Rick Romney and Jim Peters. Judge Romney thanked Mr. Peters for all of his work with the Board and the Bench. There are 115 courts served by 81 judges (63 male, 17 female). Last year the Board worked to improve communication between the Board and the Bench, developed a proposal for Justice Court Reform (Justice Court Reform Task Force was created), and studied judicial and clerical salaries. The justice courts created a justice court education coordinator, justice court judges participated in the Annual Judicial Conference, and presented their annual awards. New goals include the continuance of the Justice Court Reform, eliminating de novo appeals, and expanding jurisdiction to include Class A misdemeanors.

Chief Justice Durrant thanked Judge Romney and Mr. Peters.

12. APPROVAL OF INTERLOCAL AGREEMENT BETWEEN PAROWAN AND IRON COUNTY: (Jim Peters)

Chief Justice Durrant welcomed Jim Peters. Mr. Peters presented a signed Interlocal Agreement between Parowan and Iron County. The agreement would allow for cited Class B Misdemeanors or lesser criminal matters related to a section of I15 are sent to Parowan City Justice Court, effective November 1, 2020. Mr. Peters noted the 180 days is required by statute, however, the timeline can be waived, as confirmed with Brent Johnson.

Chief Justice Durrant thanked Mr. Peters.

Motion: Judge Connors moved to approve the Interlocal Agreement between Parowan and Iron County, as presented, effective November 1, 2020. Judge Farr seconded the motion, and it passed unanimously.

13. DISSOLUTION OF SMITHFIELD JUSTICE COURT: (Jim Peters)

Chief Justice Durrant welcomed Jim Peters. Smithfield City intends to seek legislative approval at the next legislative session to dissolve the Smithfield City Justice Court, effective April 1, 2021. Mr. Peters presented Resolution 20-05, which explains the dissolution. Mr. Peters said there were other options identified; however, the city determined the best course of action was to dissolve. There are neighboring justice courts within a short distance. This will add cases to the district court. Mr. Peters said this has happened in the past with other district courts.

Judge Connors had reservations of any substantial size city moving their cases to a district court rather than a county justice court. Cache County is the only county that does not have a county courthouse. Cathy Dupont noted the Justice Court Reform Task Force is studying restructuring of justice courts. Judge Farr said they are discussing several models which would resolve this problem. Judge Appleby proposed concerns could be conveyed with Judge Farr (Chair of the Task Force) and Mr. Peters (staff to the Task Force). Judge Farr welcomed input from Council members.

Chief Justice Durrant thanked Mr. Peters.

Motion: Judge Farr moved to approve the dissolution of Smithfield Justice Court effective April 1, 2021 with approval from the legislature, as presented. Judge Sessions seconded the motion, and it passed with Judge Cannell opposed.

14. Senior Judge Certifications : (Cathy Dupont)

Chief Justice Durrant welcomed Cathy Dupont. The senior judge evaluation and appointment processes are governed by Rule 311 and Rule 11-201 of the Code of Judicial Administration. None of the senior judge applicants has complaints pending before the Utah Supreme Court or the Judicial Conduct Commission. Ms. Dupont noted the senior judges spent this year reviewing and editing the senior judge rules. The senior judges were not in favor of increasing the requirements for benefits. The rules will be sent to Policy & Planning soon. Ms. Dupont noted once the courts are more active, there will be an increased need for senior judges.

Senior judge certifications

Judge James R. Taylor, Fourth District Court. Retiring January 1, 2021

Judge Edwin T. Peterson, Eighth District Court. Retiring January 15, 2021

Judge Mary Kate Appleby, Court of Appeals. Retiring January 1, 2021

Active senior judge recertifications

District

Judge Michael Allphin

Judge G. Rand Beacham

Judge Glen R. Dawson

Judge L.A. Dever

Judge Gordon J. Low

Judge Michael D. Lyon

Judge Gary D. Stott

Juvenile

Judge Frederic M. Oddone

Judge Sterling B. Sainsbury

Inactive senior judge recertifications

District

Judge Robert W. Adkins

Juvenile

Judge Arthur Christean

Judge Thomas M. Higbee

Justice

Judge Lee Bunnell

Judge Jack Stevens

In January, 2020 the Council approved the suspension of all applications pending further information.

“The Council would like to understand the need for and costs associated with active senior judges for each bench, and would like to evaluate the need for changes to senior judge rules before the Council approves additional applications for active senior judge status. Judges may continue to apply for active senior judge status, but the Council will suspend action on applications until the Council has fully identified the issues and made changes if necessary. Judges should be notified of the study of the senior judges and the suspension of approving applications.”

Ms. Dupont will collect the data requested, including the budget, service, and projections of backlog cases to send to Policy & Planning with the proposed rule amendments. Chief Justice

Durrant believed it is within the Council's authority as to the qualifications of senior judges and to address the financial implications of the program broadly. Chief Justice Durrant recommended the rules address a minimum work contribution of senior judges.

Judge Pettit wondered if the number of times TCEs have requested assistance with no responses from senior judges was tracked. Ms. Dupont explained senior judges attended a TCE meeting to address this issue. TCEs often send an email to all senior judges for work, the first to respond typically is assigned. Therefore, it is difficult to determine if there is a refusal to take an assignment. Ms. Dupont noted senior judge appointments are for 2 years until they reach the age of 75, then it's every year. There was concern about having enough courtrooms to cover the backlog of cases for senior judges. Ms. Dupont stated the courts have used very little of the senior judge budget this year. Depending on when jury trials begin will depend on the funds available.

Chief Justice Durrant thanked Ms. Dupont.

Motion: Judge Shaughnessy moved to approve the certifications and recertifications of all active and inactive senior judges listed above, as amended to lift the moratorium to allow the new senior judges to work. The motion was withdrawn.

Motion: Judge Pullan moved to leave the moratorium in place, refer this to Policy & Planning, and review this in December with the Council. Justice Himonas seconded with an amendment to notify the Bench the program is suspended after the discussion in December. The motion passed with Judge Appleby abstaining.

15. COMMISSIONER EVALUATIONS: (Cathy Dupont)

Chief Justice Durrant welcomed Cathy Dupont. Ms. Dupont reviewed annual commissioner evaluations for the following:

- Commissioner Catherine S. Conklin – Second District
- Commissioner Thomas R. Morgan – Second District
- Commissioner Christina Wilson – Second District

Chief Justice Durrant thanked Ms. Dupont.

16. OATH OF OFFICE AND SELECTION OF EXECUTIVE COMMITTEE – JUDGE SAMUEL CHIARA: (Chief Justice Matthew B. Durrant)

Chief Justice Durrant administered the Oath of Office to Judge Samuel Chiara and noted Judge Chiara will begin attending Council meetings in January 2021.

17. LEGISLATIVE AUDIT REPORTS: (Michael Drechsel)

Chief Justice Durrant welcomed Michael Drechsel. Mr. Drechsel reviewed the audit recommendations and noted some of the recommendations are not directed at the courts.

A Performance Audit of Court Fines and Surcharges
October 2020

Key Findings

- Some judges order fines below statutory minimums.
- Monitoring and reporting of sentencing will improve judicial transparency.
- Inconsistencies across courts for determining indigency, use of credits, and payment plans.

Judges Do Not Consistently Follow Guidelines for Imposing Fines.

“The degree to which judges have discretion to determine fine amounts is a policy set by the Legislature. For example, driving under the influence violations have a statutory minimum set by the Legislature. Other violations do not have statutory minimums but guidelines established by the Sentencing Commission and the Uniform Fine Schedule. We found that some judges do not follow statute when sentencing in both district and justice courts and that average fine amounts vary by court location. Monitoring and reporting of sentencing can improve judicial transparency.”

Recommendations

1. The Judicial Council should track compliance with statutorily required minimum fines.
2. The Judicial Council should monitor the suspension of fines and track and publish aggregate sentencing data.
3. The Judicial Council should instruct the AOC to develop uniform processes for determining indigency and adopt standards for community service credits.

A Performance Audit of Information Sharing in the Criminal Justice System

October 2020

Key Findings

- Judges, police officers, the Commission on Criminal and Juvenile Justice (CCJJ), Legislators, local mental health authorities, and others in the criminal justice system frequently do not have timely or reliable access to credible information.
- Information is often “siloeed” in agency databases, making it difficult to share.
- When information sharing improves, so does the efficiency and effectiveness of the system. We believe the creation of an Information Sharing Environment can facilitate information sharing.
- When considering these findings, privacy concerns are important and must be taken seriously. The need for communication, efficiency, and public safety must be balanced with privacy and security considerations.

Recommendations

- The Legislature should consider creating an Information Sharing Environment (ISE) in legislation, including key elements such as:
 - Comprehensive privacy policy
 - Data as a public good
 - Statewide data dictionary
 - ISE board
- If the Legislature chooses to form an ISE Board, this Board should be tasked with overseeing the development and maintenance of the ISE, including key elements such as:

- A gap analysis
- A long-term plan
- ISE standards
- A technology committee

A Performance Audit of the Justice Reinvestment Initiative

October 2020

Key Findings

The Justice Reinvestment Initiative has not been fully implemented

Focus Prison Beds on Serious and Violent Offenders	Completed
Ensure Oversight and Accountability	Not implemented
Support Local Corrections System	Not implemented
Improve and Expand Reentry/Treatment Services	Partly implemented
Strengthen Probation and Parole Supervision	Partly implemented

Recommendations

To Improve Accountability the Legislature should:

- Consider creating a criminal justice information governing body to guide the creation of an integrated criminal justice information system.
- Require the DSAMH and CCJJ to collect the data needed to track recidivism rates.

To Support Local Corrections Systems the Legislature should:

- Consider creating local criminal justice coordinating councils.

To Improve the Quality of Offender Treatment Services and Community Supervision:

- DSAMH should help treatment providers improve their quality of treatment and performance outcomes.
- AP&P can enhance the use of evidence-based practices.

Mr. Drechsel said the court system is automatically designed to add a surcharge if a fine is ordered and not to add a surcharge if a fine is not ordered. Judge Shaughnessy questioned if the Council should have a group review the fine audit, specifically as to why they focused on class B midemeanor cases in the district court and preferred an audit focus on common patterns. Mr. Drechsel said approximately 400 of the 56,000 cases in district courts failed to meet the standards. Mr. Drechsel will create a proposal and report back to the Council.

Chief Justice Durrant thanked Mr. Drechsel.

18. JUVENILE FILINGS REPORT: (Judge Mary T. Noonan, Neira Siaperas, and Judge Michael Leavitt)

Chief Justice Durrant welcomed Judge Mary T. Noonan, Neira Siaperas, and Judge Michael Leavitt. The filings reports alone do not reflect the workload of juvenile court judges or staff. The filings reports count new delinquency episode referrals, child welfare petitions, and certain other incidents in juvenile court. The workload studies include the filings reports as one of the components, but additional documents and data are gathered to account for and reflect the workload on a case.

On August 21, 2020, the annual filings reports for all court levels were presented to the Judicial Council. The annual reports are prepared by Court Services and the reports run automatically without intervention by a data analyst. The juvenile court filings report indicated a 55% increase in child welfare (CW) filings in FY20 as compared to FY19. Following the presentation, Court Services researched the cause of such a remarkable increase in CW filings. It was subsequently discovered that the CW filings report was written incorrectly when converted from the Access to the Cognos platform and had the FY19 filings hardcoded and embedded in the filings report. This resulted in the FY20 report counting both the FY19 and FY20 CW filings which produced the inaccurate report of a 55% increase in CW filings.

The Juvenile Justice Reform (HB 239) requires annual reporting of delinquency filings to the Commission on Criminal and Juvenile Justice (CCJJ). This report has traditionally been generated by the juvenile court data analyst and is separate from the annual delinquency filings report produced by Court Services. The comparison of the CCJJ and the annual delinquency filings reports indicated a discrepancy of 1,150 referrals with the FY20 annual filings report showing 14,709 delinquency referrals and the CCJJ report showing 15,859 referrals.

Juvenile Court administrators and the Court Services team reviewed the categories of filings, discrete filings, and the parameters/filters written into the child welfare, delinquency, adult violations, and domestic/probate juvenile court filings reports. Several issues were discovered, such as, inaccuracies in counting delinquency referrals and filings that have not been counted in prior reports. The analysis and actions taken thus far have been specific to the reporting of juvenile court filings which include initial referrals, petitions filed, and incidents created. The next phase of the review and revision of juvenile court data reporting processes will include the creation of reports based on dispositions.

Judge Michael Leavitt appreciated the work that went into this study. Neira Siaperas reviewed the report and felt more individuals should be involved with the reports to ensure better accuracy.

Chief Justice Durrant thanked Judge Noonan, Ms. Siaperas, and Judge Leavitt.

Motion: Judge Michelle Heward moved to approve the changes to the report, as presented. Judge May seconded the motion, and it passed unanimously.

19. OLD BUSINESS/NEW BUSINESS

Mr. Drechsel presented the Council with revised eviction form due to a recent Supreme Court Administrative Order amendment. Judge Pettit reviewed the form and proposed an amendment to either mirror the CDC order or remove the language. Chief Justice Durrant thanked Judge Pettit for her careful review of the form.

Motion: Judge Pettit moved to approve the eviction form, as amended to mirror the CDC order in paragraph 7 and striking paragraph 8. Judge Shaughnessy seconded the motion, and it passed unanimously.

Judge Noonan stated the Council photo will not be taken due to the pandemic; rather the current photos on file will be used.

Final interviews for the Director of Office of Fairness and Accountability are scheduled before Thanksgiving. Nathanael Player will be the Interim Law Librarian. The Appellate Court Administrator position will be vacant at the end of 2020. Tom Langhorne, Education Director will retire in January.

Larissa Lee said the Council approved the record on appeal process at their August meeting. Tybera Solution can offer automated record on appeal for the district and juvenile courts. The original request was for \$21,000. Their proposal is \$22,500 which will include a binder of every record with hyperlinks and Bates numbering. They are looking for \$32,500 in carry-forward funding. Ms. Lee will discuss this with the Budget & Finance Committee and either vote through email or address at the next Council meeting.

20. EXECUTIVE SESSION

Motion: Judge Appleby moved to go into an executive session to discuss a personnel matter and/or pending litigation. Judge Shaughnessy seconded the motion, and it passed unanimously.

21. CONSENT CALENDAR ITEMS

a) Probation Policies. Probation Policies 2.1 and 4.2. Approved without comment.

b) Committee Appointment. Forms Committee appointment of Judge Su Chon.
Approved without comment.

c) Rules for Public Comment. CJA Rules 4-202.02 and 4-403. Approved without comment.

22. ADJOURN

The meeting adjourned.