

# JUDICIAL COUNCIL MEETING

## Minutes

Friday, August 18, 2017  
Large Conference Room A  
Matheson Courthouse  
Salt Lake City, Utah 84111

**Chief Justice Matthew B. Durrant, Presiding**

### **ATTENDEES:**

Chief Justice Matthew B. Durrant, Chair  
Hon. Kate Toomey, Vice Chair  
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  
Rob Rice, esq.

### **STAFF PRESENT:**

Richard Schwermer  
Ray Wahl  
Jeni Wood  
Jody Gonzales  
Jim Peters  
Nancy Sylvester

### **GUESTS:**

Hon. Dennis Fuchs  
Hon. Kara Pettit  
Hon. Randall Skanchy  
Noella Sudbury

### **EXCUSED:**

Hon. Mary Noonan

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

Chief Justice Durrant welcomed everyone to the meeting.

**Motion:** Judge Kate Toomey moved to approve the minutes from the June 26, 2017 meeting. Judge Todd Shaughnessy seconded the motion, and it passed unanimously.

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

Chief Justice Durrant said he had a great experience at the recent CCJ/COSCA conference. Chief Justice Durrant noted that Jody Gonzales will be leaving the courts and thanked Ms. Gonzales for her hard work over the past nine years. Richard Schwermer thanked Ms. Gonzales for her time and dedication to the courts.

### **3. ADMINISTRATOR'S REPORT: (Richard Schwermer)**

Mr. Schwermer reported on the following items:

Operation Rio Grande. Mr. Schwermer briefly discussed this project, and the caseload impact to state and justice courts.

JPEC. Mr. Schwermer reported on Management Committee's review of proposed changes to the JPEC survey instrument.

Chief Information Officer. Mr. Schwermer announced Heidi Anderson is the new Chief Information Officer. Mr. Schwermer noted Ms. Anderson's experience and skills.

November retreat. Mr. Schwermer discussed having a Council all-day retreat on November 20, with the morning being an informal discussion retreat and the afternoon holding the Council meeting. Mr. Schwermer said it would begin at 9:00 a.m. and end around 4:00 p.m.

ICE. Mr. Schwermer reported on discussions with CCJ and Homeland Security regarding detaining people when they appear for court. Mr. Schwermer said Homeland Security said detaining people in courthouses is an effective practice. Mr. Schwermer said the concern is that this practice might result in an increase of defendants failing to appear for court. Judge Shaughnessy noted it is not always defendants that are detained, there have also been witnesses and victims who were detained, including one person seeking a protective order.

#### **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:***

The committee met this morning and reported earlier.

##### ***Policy and Planning Meeting:***

Judge Pullan had nothing new to report.

##### ***Bar Commission Report:***

Mr. Rice said he is looking forward to being on the Council. Mr. Rice said the Bar Convention was a success and he appreciated having judges in attendance.

#### **5. APPLICATION FOR INITIAL PROJECT PLANNING APPROVAL FOR PROPOSED PROBLEM SOLVING COURT PROJECT: (Hon. Dennis Fuchs and Noella Sudbury)**

Chief Justice Durrant welcomed Judge Fuchs to the meeting. Judge Fuchs explained that Salt Lake County is requesting another drug court in Salt Lake. Judge Fuchs said they are striving for a 7-10 day turnaround with early screening, additional treatment personnel, and additional treatment slots for both inpatient and outpatient.

Judge Fuchs introduced Noella Sudbury, who works for Salt Lake County. Ms. Sudbury thanked the Council for their time. Ms. Sudbury said the Legislature agreed to provide funding. Judge Randall Skanchy noted this had been discussed and agreed to at their bench meeting. Judge Fuchs said screening will be taking place in jails for mental health courts as well. Ms. Sudbury noted some of the funds currently being used are coming from the JRI grant. Mr. Schwermer explained the Council's role in this process.

Judge Fuchs and Ms. Sudbury were thanked for their time.

**Motion:** Judge Shaughnessy moved to accept the proposal as explained. Judge Toomey seconded the motion, and it passed unanimously.

#### **6. NOTICE OF INTENT TO DISSOLVE A JUSTICE COURT: (Jim Peters)**

Chief Justice Durrant welcomed Jim Peters to the meeting. Mr. Peters said he is seeking the Council's approval to dissolve Lewiston Justice Court. Mr. Peters provided the Council with

the Notice of Intent as well as the proposed Resolution with the effective date of January 23, 2018. The Council briefly discussed the transferring of the caseload as well as the current judge's retirement date. They also discussed the possibility of having a senior judge hold court after the current judge retires at the age of 75 in February. The committee agreed that April 1 should be the effective date to give time to provide public notice.

Jim Peters was thanked for his time.

**Motion:** Judge Higbee moved to accept the dissolution of Lewiston Justice Court effective April 1, 2018 subject to legislative approval. Judge Toomey seconded the motion, and it passed unanimously.

**7. COMMISSIONER AND SENIOR JUDGE CERTIFICATIONS: (Nancy Sylvester)**  
Ms. Sylvester discussed the senior judge certifications.

An executive session was requested.

**8. NEW JUSTICE COURT JUDGE CERTIFICATIONS: (Jim Peters)**  
Mr. Peters provided the Council with Judge Bryan Memmott's information. Judge Memmott, if approved, would be a part-time judge for the Plain City Justice Court and will continue his private civil practice.

**Motion:** Judge Farr moved to certify Judge Bryan Memmott. Judge Parkin seconded the motion, and it passed unanimously.

**9. EXECUTIVE SESSION**

**Motion:** Judge Toomey moved to go into executive session. Judge Shaughnessy seconded the motion, and it passed unanimously.

An executive session was held.

After an executive session was held, the Council went back on the record.

**Motion:** Judge Toomey moved to reappoint Commissioner Michelle R. Blomquist, Commissioner Thomas R. Patton, senior judges Judge Dennis Frederick (inactive senior judge), and Judge Floyd Gowans (inactive senior judge), and to approve Judge Scott Hadley as an active senior judge. Judge DeCaria seconded the motion, and it passed unanimously.

The committee discussed changing next year's budget & planning session from one-day to one and a half days. The general consensus was to keep the meeting with one-day to accommodate long-distance travelers.

**10. ADJOURN**  
The meeting was adjourned.