

JUDICIAL COUNCIL MEETING

Minutes

August 17, 2018

Large Conference Room (A)

Matheson Courthouse

450 S. State St.

Salt Lake City, Utah 84111

1:45 p.m. – 3:15 p.m.

Chief Justice Matthew B. Durrant, Presiding

Attendees:

Chief Justice Matthew B. Durrant, Chair
Hon. Kate Toomey, Vice Chair
Hon. Augustus Chin
Hon. Mark DeCaria
Hon. Ryan Evershed
Hon. Paul Farr
Justice Thomas Lee
Hon. David Marx
Hon. Mark May
Hon. Kara Pettit
Hon. Derek Pullan
Hon. Todd Shaughnessy
Hon. John Walton
Rob Rice, esq.

Staff:

Richard Schwermer
Ray Wahl
Jacey Skinner
Shane Bahr
Cathy Dupont
Michael Drechsel
Jim Peters
Dawn Marie Rubio
Nancy Sylvester
Jeni Wood

Excused:

Guests:

Annie Knox – Deseret News

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

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

Motion: Judge Kate Toomey moved to approve the minutes from the July 16, 2018 Judicial Council meeting. Judge Todd Shaughnessy seconded the motion, and it passed unanimously.

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

Chief Justice Durrant thanked the Council for a successful budget and planning meeting.

3. ADMINISTRATOR'S REPORT: (Richard Schwermer)

Richard Schwermer discussed employee appreciation efforts that were discussed at recent TCE meetings. Karl Sweeney is the new Audit Director and Chris Talbot is the new Facilities Director. Mr. Schwermer noted Judge Shaughnessy was commended for his work with his drug

court at the recent Rio Grande press conference. The Lt. Governor will speak at the Annual Conference in September at Snowbird.

Mr. Schwermer reminded the Council that the October meeting will be held in the new Price Courthouse. The dedication of the courthouse will be held the morning of the Council meeting at 10:30 a.m. if anyone is interested in attending. Tours will be available between 11:00 - 12:00.

Mr. Schwermer next stated that the Judicial Compensation Commission meets every two years to discuss compensation for judges and that they will meet later this month. In the past, the courts have requested the Commission keep salaries at an appropriate market level, and then advance the salaries to keep pace with cost of living increases. Mr. Schwermer noted judges' salaries are ranked 18th in the U.S. Justice Lee said he would like to know what caliber of people the courts are finding during the appointment process. Mr. Schwermer discussed data that had been previously reported to the Commission in that regard. Chief Justice Durrant said Senator Lyle Hillyard has been supportive in helping the courts with judicial salaries. Rob Rice asked if an increase could be addressed where trends are measured and added to a COLA. The Council agreed that this year is one in which a request for more than a cost of living adjustment is probably not needed. Mr. Schwermer, Chief Justice Durrant, and Jacey Skinner will be attending the meeting with the Commission.

4. COMMITTEE REPORTS:

Management Committee Report:

The work of this committee is reflected in the minutes.

Liaison Committee Report:

Justice Thomas Lee said the Liaison Committee would meet after the Council meeting. Justice Lee noted he asked Brent Johnson to review the Utah Code for procedural and court rule conflicts.

Policy and Planning Committee Report:

Judge Derek Pullan said the probation consolidation rule is nearly complete. The rule will be presented to the Board of District Court Judges and is anticipated to be addressed with the Council in September. The professional appearance policy is almost done as well.

Bar Commission Report:

Rob Rice said the Bar's Summer convention was an excellent experience. Senator Mike Lee and Senator Cory Booker presented. Chief Justice Durrant stated the convention was the best one he has attended. Next year the convention will be in Park City.

**5. COMMISSIONER AND SENIOR JUDGE ANNUAL RECERTIFICATIONS:
(Nancy Sylvester)**

Nancy Sylvester reviewed the requests for recertification of several individuals. Ms. Sylvester discussed the rule addressing the education requirements for senior judges.

Commissioner

Commissioner Michelle Tack, Third District Court

Active Senior Judges

Judge Judith Atherton, District Court
Judge L. Kent Bachman, Juvenile Court
Judge Russell Bench, Court of Appeals
Judge Judith Billings, Court of Appeals
Judge Wayne Cooper, Justice Court
Judge L.A. Dever, District Court
Judge Clint Judkins, District Court
Judge Michael Lyon, District Court
Judge Frederic Oddone, Juvenile Court
Judge Gary Stott, District Court
Judge Ronald Wolthuis, Justice Court

Inactive Senior Judges

Judge William Bohling, District Court
Judge Gordon Low, District Court
Judge Allan Vail, District Court

Motion: Judge Toomey moved to approve recertification's of Commissioner Michelle Tack, Third District Court; Judge Judith Atherton, District Court; Judge L. Kent Bachman, Juvenile Court; Judge Russell Bench, Court of Appeals; Judge Judith Billings, Court of Appeals; Judge Wayne Cooper, Justice Court; Judge L.A. Dever, District Court; Judge Clint Judkins, District Court; Judge Michael Lyon, District Court; Judge Frederic Oddone, Juvenile Court; Judge Gary Stott, District Court; Judge Ronald Wolthuis, Justice Court; Judge William Bohling, District Court; Judge Gordon Low, District Court; and Judge Allan Vail, District Court, and the certification of Judge Paul Maughan and Judge Scott Waterfall as active senior judges, as presented. Judge Shaughnessy seconded the motion, and it passed unanimously.

6. EXECUTIVE SESSION

An executive session was not held.

7. CONSENT CALENDAR ITEMS

1) Forms Committee Forms. Notice of Voluntary Dismissal; Motion to Appoint a Parent Coordinator; Motion to Waive 30-Day Divorce Waiting Period; Motion to Voluntarily Dismiss; Order on Motion to Waive 30-Day Divorce Waiting Period; Stipulation to Appoint Parent Coordinator; Order on Motion to Voluntarily Dismiss; Memorandum Opposing Motion to Appoint Parent Coordinator; Parent Coordinator Qualification Statement; Order on Motion to Appoint a Parent Coordinator; and Parent Coordinator's Quarterly Report. Approved without comment.

2) Probation Policies. Revisions to 1.4, 2.7, 2.8, and 4.8. Approved without comment.

3) Rules for Public Comment. Code of Judicial Administration rule 1-205 and rule 4-508. Approved without comment.

4) Consideration of VOCA Grant for CASA Coordinator. Approved without comment.

5) Committee Appointments.

- GAL Oversight Committee appointment of Ron Gordon. Approved without comment.
- Outreach Committee appointment of Judge Jill Pohlman, Judge Craig Bunnell, and

Kim Free. Approved without comment.

- Self-Represented Parties Committee appointment of Judge Suchada Bazzelle.

Approved without comment.

- MUJI – Civil Committee reappointment of Joel Ferre. Approved without comment.

8. ADJOURN

The meeting adjourned.