

# JUDICIAL COUNCIL MEETING

**Minutes**  
**October 3, 2017**  
**Zermatt Resort**  
**784 Resort Drive**  
**Midway, UT 84049**  
**12:30 p.m. – 4:00 p.m.**

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

**ATTENDEES:**

Chief Justice Matthew B. Durrant, Chair  
Hon. Kate Toomey, Vice Chair  
Hon. Marvin Bagley  
Hon. Ann Boyden  
Hon. Mark DeCaria  
Hon. Paul Farr  
Justice Deno Himonas for Justice Lee  
Hon. David Marx  
Hon. Mary Noonan  
Hon. Reed Parkin  
Hon. Derek Pullan  
Hon. Todd Shaughnessy  
Rob Rice, esq.

**EXCUSED:**

Justice Thomas Lee

**STAFF PRESENT:**

Richard Schwermer  
Ray Wahl  
Jeni Wood  
Heidi Anderson  
Shane Bahr  
Tom Langhorne  
Jim Peters  
Dawn Marie Rubio  
Jacey Skinner  
Keisa Williams

**GUESTS:**

Diana Allison, JPEC Commissioner  
Hon. Suchada Bazzelle  
Hon. James Brady  
Hon. Reuben Renstrom  
Hon. Andrew Stone  
Hon. Doug Thomas  
Jennifer Yim, JPEC

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

Chief Justice Durrant welcomed everyone to the meeting.

Judge Derek Pullan recommended the following changes to the September 11, 2017 minutes: 1) in the Policy & Planning update section, change to “the work of the Policy & Planning meeting was reflected in the minutes;” 2) in the budget items section, change to the “Fourth District court law clerks has been a priority of the Judicial Council.”

**Motion:** Judge Kate Toomey moved to approve the minutes from the September 11, 2017 Judicial Council meeting, as amended. Judge Mark DeCaria seconded the motion, and it passed unanimously.

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

Chief Justice Durrant mentioned Judge Jennifer Valencia is a new judge with the Second District Court and Judge Diana Hagen is a new Court of Appeals judge.

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

Richard Schwermer discussed an audit of the Office of Professional Conduct, which was conducted by the American Bar Association. The newly comprised committee (ABA/OPC) consisting of people from the State Bar as well as the courts and others have met once and will review the ABA report recommendations and forward its assessment of those recommendations to the Supreme Court next spring. There was a press release last week that announced the committee.

Mr. Schwermer introduced Jacey Skinner as the new Deputy State Court Administrator. Mr. Schwermer noted Ms. Skinner will be attending the grand jury panel scheduled for October 12. Ms. Skinner has an expected start date of November.

**4. COMMITTEE REPORTS:**

***Management Committee Report:***

Chief Justice Durrant said he is delighted that Ms. Skinner will join the courts. Ms. Skinner has extensive legal experience and experience working with the Legislature.

***Liaison Committee Report:***

Judge Farr said the committee will meet November 3.

***Policy and Planning Meeting:***

Judge Derek Pullan reported the committee is working on amending the rule on performance evaluations for court commissioners and senior judges. The proposals will be addressed at the next Judicial Council meeting.

***Bar Commission Report:***

Rob Rice said a legislative representative approached the State Bar regarding bail bonds. Mr. Rice said this is of interest to the Bar therefore they are evaluating their participation on this issue. Mr. Rice said John Lund is participating in the ABA/OPC committee.

**5. BOARD OF JUSTICE COURT JUDGES UPDATE: (Hon. Reuben Renstrom and Jim Peters)**

Chief Justice Durrant welcomed Judge Reuben Renstrom and Jim Peters. Judge Renstrom thanked the Council for its approval of the new rule authorizing Presiding Judges at the justice court level. Judge Renstrom said the justice court judges will be making changes to training for new judges. The Board is also recommending that new justice court judges no longer be allowed to count new judge orientation towards the required education.

Judge Renstrom next discussed examples of recent issues with various courts, such as judges not receiving required raises and court personnel reporting to the executive branch rather than the judge.

**6. EDUCATION COMMITTEE UPDATE: (Tom Langhorne)**

The update will be moved to the next meeting.

**7. JUDICIAL PERFORMANCE EVALUATION COMMISSION: (Jennifer Yim and Commissioner Diana Allison)**

Chief Justice Durrant welcomed Jennifer Yim and Commissioner Diana Allison. Jennifer Yim introduced Commissioner Allison and noted Commissioner Alison has taken a lead on courtroom observation. Commissioner Allison said it has been her honor to serve on JPEC over the past four years. She noted that JPEC is improving their website so voters will have easier access to information regarding judicial performance.

Ms. Yim said Curtis Jensen, a past president of the Utah State Bar, has been appointed to JPEC. Ms. Yim next stated the 2018 retention judges and mid-term evaluation judge's surveys are going well so far. JPEC may need the assistance of the Administrative Office of the Courts and Judicial Council in the future to encourage more court employees to complete the surveys. Ms. Yim described the process of how court employees are selected for the surveys. With certain criteria being met, JPEC receives a list of court employees from the TCE's throughout the state. Ray Wahl addressed the user ID that JPEC uses. Mr. Schwermer asked if JPEC has thought of removing the identifiers so judges are not able to determine who submitted the survey. Ms. Yim noted some of the comments received made it easy for a judge to identify who completed the survey. In the past, there were seven sections for comments in the survey and now there are only three, therefore, hopefully reducing the possibility of determining who the author of the survey is.

Additionally, Ms. Yim said she has been conducting outreach throughout the state with attorneys to help them understand the importance of the surveys.

Ms. Yim believes JPEC may have their online CLE prepared soon, which will provide CLE credit to attorneys who complete the surveys and the CLE component. The CLE will also inform attorneys about JPEC. Ms. Yim thanked Chief Justice Durrant for his time and assistance with recording the online CLE introduction.

**8. TECHNOLOGY UPDATE: (Heidi Anderson)**

Chief Justice Durrant welcomed Heidi Anderson. Mr. Schwermer said he spoke with Justice Pearce who was unable to attend the meeting today, but wanted to express his gratitude for Ms. Anderson's work. Ms. Anderson first addressed the accomplishments of the technology department. Recent efforts with e-filing include server migration, a reduction in response time by 50%, and adding justice courts to e-filing. Ms. Anderson said CORIS has had three major releases.

Ms. Anderson discussed her method for organization direction includes structuring the business process, technical design, and then rolling out the product. As for the technology department, the organization development will include improving security; aligning the organization towards SDLC; project/program management; transparency in development; maintenance schedules; and training.

Ms. Anderson next addressed the two-factor identification security feature. The two-factor identification in Google is simple and cost-free. Chief Justice Durrant said this should be done immediately. Chief Justice Durrant thanked Ms. Anderson for her efforts as the new CIO.

**9. BOARD OF DISTRICT COURT JUDGES UPDATE: (Judge Andrew Stone and Shane Bahr)**

Chief Justice Durrant welcomed Judge Andrew Stone and Shane Bahr. Judge Stone welcomed Shane Bahr as the district court administrator. Judge Stone said the Board of District Court Judges will have a large turn-over of members. Judge Stone said this will allow for a new look at existing topics. One of the Board's recent activities is exploring a rule to consolidate probation cases for an offender who has multiple probation cases. Judge Stone said AP&P is enthusiastic with this recommendation. Judge Stone said Judge Taylor will continue this effort even though his term will be expiring on the Board.

Judge Stone said the new probable cause system is now live in the Second District. Judge Stone said Clayson Quigley has been updating the Board each month with the continuing efforts on this program. Judge Stone said domestic violence bench cards have been distributed throughout the state.

Judge Stone mentioned he will take over as Chair of the Board of District Court Judges. The Board will be addressing both long term and short term projects, including bringing a proposed rule to the Judicial Council for the probation case consolidation.

**10. STANDING COMMITTEE ON CHILDREN AND FAMILY LAW UPDATE: (Judge Doug Thomas and Ray Wahl)**

Chief Justice Durrant welcomed Judge Doug Thomas and Ray Wahl. Judge Thomas reviewed the current member list of the committee. Judge Thomas thanked Ray Wahl for staffing this committee for several years and the considerable amount of time Mr. Wahl contributes to the committee. Judge Thomas said the committee sunsets this year. Judge Thomas is requesting the Council approve the committee's continuation. This issue will be put on a future agenda for action. Judge Thomas presented a power point presentation updating the Council on Standing Committee activities and the implementation of recommendations made by the Domestic Case Process Improvement subcommittee and assigned to the Standing Committee for implementation.

**11. COMMISSIONER VACANCY FOURTH DISTRICT: (Judge James Brady and Judge Suchada Bazzelle).**

Chief Justice Durrant welcomed Suchada Bazzelle. The Council discussed various options on how best to serve both courts.

**Motion:** Judge DeCaria moved to approve filling the Fourth District commissioner position with an 80/20 split, giving the district court 80% and the juvenile court 20% of available commissioner time, with a caveat that this can be revisited at a later date. Judge Toomey seconded the motion, and it passed unanimously.

**12. APPROVAL OF 2018 MEETING DATES: (Ray Wahl)**

Mr. Wahl addressed both the Management Committee and Judicial Council 2018 proposed dates. Mr. Wahl noted the January 2018 meeting will coincide with the State of the Judiciary address. Mr. Wahl stated the new Carbon County Courthouse will be complete next September so the October Council meeting will be held in Price.

**Motion:** Judge DeCaria moved to approve the Management Committee and Judicial Council 2018 meeting dates as presented. Judge Toomey seconded the motion, and it passed unanimously.

**13. EXECUTIVE SESSION**

**Motion:** Judge Toomey moved to go into executive session to discuss the character or confidence of an individual. Judge Shaughnessy seconded the motion, and it passed unanimously.

An executive session was held.

**14. RECOGNITION OF OUTGOING COUNCIL MEMBERS: (Chief Justice Durrant)**

Chief Justice Durrant presented Judge Marvin Bagley, Judge Ann Boyden, and Judge Reed Parkin with a Judicial Council plate and thanked them for their service. Each of the judges expressed their gratitude for their experience on the Council.

**15. ADJOURN**

The meeting was adjourned.