

Judicial Council Meeting Minutes

JUDICIAL COUNCIL MEETING MINUTES

February 25, 2002

Council Room, Matheson Courthouse
450 South State
Salt Lake City, Utah

Chief Justice Richard C. Howe, Presiding

MEMBERS PRESENT: STAFF PRESENT:

Chief Justice Richard C. Howe
Justice Michael Wilkins
Hon. James Z. Davis
Hon. Ben Hadfield
Hon. Jerald Jensen
Hon. Clair Poulson
Hon. Lee Dever
Hon. Robert Hilder
Hon. Andrew Valdez
Hon. Lynn Davis
Hon. Lyle Anderson
Hon. Ronald Hare
Hon. Scott Johansen
Debra Moore, esq.

Daniel J. Becker
Myron K. March
Ray Wahl
Tim Shea
Holly Bullen
Matty Branch
AnNicole Faeth

GUESTS PRESENT:

Elizabeth Neff, *Salt Lake Tribune*

1. WELCOME/APPROVAL OF MINUTES: (Chief Justice Richard C. Howe)

All members and staff were welcomed to the meeting. The minutes of the Council's January meeting were discussed. A motion was then made.

Motion: A motion was made to approve the minutes. The motion was seconded and carried unanimously.

2. CHAIRMAN'S REPORT: (Chief Justice Richard C. Howe)

Chief Justice Howe reported on the status of revenue projections and the Legislative Session. Chief Justice Howe mentioned that those items will be discussed in more detail later in the meeting. Chief Justice Howe also reported that no major problems occurred in the courts during the Olympics, and he expressed appreciation to court staff for their efforts in helping the court system run smoothly during the Olympics.

3. ADMINISTRATOR'S REPORT: (Daniel J. Becker)

Daniel J. Becker reported the following items:

- Court operations during the Olympics went very smoothly. It appears that crime was down the first week of the Olympics by 18%. A report listing crime rates during the second week of the Olympics has not yet been received.
- New Judge Orientation is being held this week.
- A request has been received from the National Center for State Courts, for the Utah Judiciary to host a delegation from Mongolia. The delegation, which consists of approximately 16 people, has identified Utah's Judicial Council as a strong council model. The delegation would likely visit in April or May and would like to attend a Judicial Council meeting.

- The next Council meeting will be held March 21, 2002 at noon at the Holiday Inn in St. George, in conjunction with the Mid-Year Bar Conference.

4. REPORTS:

Management Committee: (Hon. Lyle Anderson)

Judge Anderson reported that the Management Committee approved two items which have been placed on the consent calendar: the re-appointments of George C. Harris and Hon. Pamela Greenwood to the Ethics Advisory Standing Committee; and, the appointment of Ronald O. Hyde, Boyd Bunnell, Floyd Gowans, Don V. Tibbs, Raymond Uno and Homer Wilkinson to inactive senior judge status. Most other items discussed by the Management Committee are listed on the Council's agenda.

Policy and Planning: (Hon. Scott Johansen)

Judge Scott Johansen reported that Policy and Planning had not met since the Council's January meeting.

Liaison Committee: (Justice Michael Wilkins)

Justice Michael Wilkins reported that the Liaison Committee had not met since the Council's January meeting.

Bar Commission: (Debra Moore, esq.)

Debra Moore reported that the Bar Commission hadn't met since the Council's January meeting. Ms. Moore also reported that elections for the president-elect of the Utah State Bar will take place at the Mid-Year Conference.

5. REPORT: TRIAL COURT EXECUTIVES: (Rick Davis)

Rick Davis, the Trial Court Executive of the Second District Court, expressed appreciation to the Council on behalf of the TCE's for allowing the involvement of the TCE's in the budget reduction process. Mr. Davis reported that the reductions affected the juvenile courts by allowing for fewer contracts, and by reducing the number of Deputy Probation Officers. The reductions have also offered an opportunity, however, to re-evaluate how business is conducted in the districts. Mr. Davis also expressed that it has been extremely helpful for there to be good communication between the Council and the TCE's.

Mr. Davis discussed the following programs:

- The Public Outreach Program: has offered an opportunity to share what's going on in the districts and to educate the public about the judiciary
- Customer Service: has offered an opportunity to improve services to the public
- Data Quality: ensures better collection of information, improving the quality of information that can be generated
- Cultural Competency Training: has been very beneficial to the court system

Mr. Davis also reported that, at the conclusion of the Olympics, 221 Olympic related cases were filed statewide; none of the cases were in the juvenile court. Court staff were very well prepared for the Olympics through various training sessions and meetings. Mr. Davis expressed that preparing for the Games offered a nice opportunity for the counties within the Second, Third, and Fourth Districts to get together and communicate with others in the Criminal Justice System.

Daniel Becker commended the TCE's for their efforts in responding to budget reductions in a professional manner.

AWARD PRESENTATION:

An award was presented to former senior judge Raymond Uno in recognition of his service in the judiciary.

LEGISLATIVE UPDATE: (Daniel J. Becker, Myron K. March)

Daniel Becker reported that prior to the legislature's recess during the Olympics, they adopted a new FY 02 budget in which the court's budget was reduced by \$3.1 million, and they adopted a budget for FY 03. Before the recess the following actions took place:

- \$319,000 of new money in leases and contracts was appropriated to the courts. That amount will be reduced to \$179,000 in the first year, however, to allow the State to match a federal grant for election equipment.
- Intent language for the creation of a commissioner position in the Second and Third District Juvenile Courts was approved by the subcommittee.
- Intent language which allows court facility fees to be used for design costs in Sandy was approved.
- The subcommittee recommended that any pay increase that is awarded to employees, judges should receive the same increase.
- During the recess, new revenue projections were received. The projections point to a 25% greater shortfall than earlier projections, indicating a \$256 million budget shortfall in the current year, and an additional \$50.7 million shortfall in FY 03. A third budget will be adopted for FY 02 before the legislature adjourns.

Myron March provided a status report on the following bills:

- SB 17 S2 is on hold due to the attached fiscal note
- HB 66, a "housekeeping" bill, has passed
- HJ 17, the resolution to close the Murray courthouse, passed the House and is in the Senate rules committee
- SB 140 authorizing the moving of two judges from the Third District Court to the Fifth District and the Third Juvenile Court passed the Senate and is in the House judiciary committee
- SB 177, which discusses jury trials for parental rights, is on hold waiting for a fiscal note
- HB 136, which addresses the Judicial Conduct Commission will likely be adopted with changes recommended by the Council

8. REPORT: ETHICS ADVISORY STANDING COMMITTEE: (Brent Johnson)

Brent Johnson distributed a list of current members of the Ethics Advisory Standing Committee. The members currently are: Hon. Sharon McCully, Chair, Hon. Pamela Greenwood, George Harris, Hon. Brent Bullock, Hon. John Anderson, and Hon. Gary Stott.

Mr. Johnson also distributed a synopsis of opinions issued in the last calendar year. Mr. Johnson reported that Informal Opinion 01-1 which addresses the issue of judges contacting legislators on their own was raised with the Council a while ago. The Ethics Advisory Committee determined that a judge may contact legislators on issues that directly and primarily involve the law, the legal system, and the administration of justice. Mr. Johnson also mentioned that Informal Opinion 01-3 was significant as well, because prior to the opinion, a fund raising prohibition was in place which disallowed any association with fund raising activities by judges. The Ethics Advisory committee's opinion may open the door for additional opportunities.

9. COMMISSIONER BENEFITS: (Tim Shea)

Tim Shea provided a report on discussions which took place with the Boards and Commissioners in which their observations and recommendations were obtained concerning commissioners' retirement benefits. The discussions took place as a result of a recommendation by the Board of District Court Judges to improve commissioners' retirement benefits. Currently, commissioners are members of the same state retirement system as most other state employees.

The Policy and Planning Committee developed the option of a periodic contribution to a commissioner's individual retirement account, and considered four implementation options. These options were discussed by the Council. The Council also discussed the current budget situation, and considered deferring action. A motion was then made.

Motion: Judge Johansen made a motion to table the aforementioned issue until the April meeting when the budget situation is more clear. The motion was seconded and carried unanimously.

10. STATEWIDE CORIS ACCESS: (Tim Shea)

Tim Shea reported that, a few months ago, Justice Durrant presented information concerning sharing court data bases. This information has now been presented to the Boards of Judges. It was noted that justice courts would like to be included in this technology. The technology is limited, however, to justice courts utilizing the CORIS system.

Motion: Judge Lynn Davis made a motion to approve step 1 of the implementation process, which would include the juvenile court and civil records on the district court level (criminal records are already available). Judge Lynn Davis further moved to approve, in concept, a proposal to bring justice courts on once the details of bringing them on line have been worked out. Judge Anderson seconded the motion. The motion carried unanimously.

11. EXECUTIVE SESSION:

Motion: A motion was made to go into executive session to discuss personnel matters. The motion was seconded and carried unanimously.

Motion: A motion was made to come out of executive session. The motion was seconded and carried unanimously.

12. OTHER BUSINESS:

Motion: Justice Wilkins made a motion to adopt a resolution to show appreciation to court staff and volunteers for their participation and efforts both prior to and during the Olympics, and that Daniel Becker be responsible for drafting the language. Judge Lynn Davis seconded the motion. The motion carried unanimously.

- It was noted that, in regards to the application form for senior judge status, "expiration of term" should be added as an explanation of an individual's active judge term ending.

13. ADJOURN:

Motion: A motion was made to adjourn the meeting. The motion was seconded and carried unanimously.