

## Judicial Council Meeting Minutes

### JUDICIAL COUNCIL MINUTES

**April 24, 2000 - 9:00 a.m.**  
**Judicial Council Room - Matheson Courthouse**  
**450 South State - Salt Lake City, Utah**

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*Chief Justice Richard C. Howe, Presiding*

#### **Members Present:**

Chief Justice Richard C. Howe  
 Hon. Lyle Anderson  
 Hon. Russell W. Bench  
 Hon. Lynn Davis  
 Hon. L.A. Dever  
 Hon. Michael Glasmann  
 Hon. Ronald Hare  
 Hon. Scott Johansen  
 Hon. Kay A. Lindsay  
 Hon. Clair Poulson  
 Hon. Anne M. Stirba  
 Hon. Stan Truman  
 Hon. Michael J. Wilkins  
 Scott Daniels, Esq.

#### **Staff Present:**

Daniel J. Becker  
 Myron K. March  
 Marilyn Branch  
 Holly Bullen  
 Peggy Gentles  
 Fred Jayne  
 D. Mark Jones  
 Richard H. Schwermer  
 Tim Shea  
 Jan Thompson  
 Adam Trupp  
 Cathie A. Montes

#### **Guests:**

Hon. David Mower, *Sixth Judicial District Court*  
 David Schwendiman, *U.S. Attorney's Office*  
 Mary Boudreau, *Utah Children*

#### **Welcome/Approval of Minutes**

Chief Justice Howe welcomed all those in attendance. The full Council was in attendance at the meeting. Justice Michael J. Wilkins of the Utah Supreme Court was introduced as the newest member of the Council. He replaces Justice Leonard H. Russon, who is now the Associate Chief Justice on the Utah Supreme Court. Justice Wilkins will serve the remainder of Justice Russon's term on the Council.

The minutes of the Council's March meeting were reviewed, and the following changes were suggested:

- Page 7, the paragraph regarding decriminalization of traffic offenses:

The last sentence should read, "It was also clarified that no other cities may create administrative courts to handle minor moving traffic violations."

- Page 12, first paragraph under "Report From Judicial Conduct Commission":

David Nuffer's name should be removed from the beginning of the second sentence.  
 A motion was made following the suggested changes:

#### **Motion**

A motion was made to approve the minutes of the March meeting, as amended. The motion was seconded and carried unanimously.

#### **Chief's Report**

Chief Justice Howe presented to the Council a report on the following items:

- The Standing Committee on Children and Family Law held its first meeting on April 14<sup>th</sup>. The meeting was chaired by Judge Judith Atherton, and was well attended. Several subjects were discussed, and Chief Justice Howe emphasized that the committee members seemed enthusiastic in both the topics they discussed, and in their charge.

- The Legislative Update was held on April 18<sup>th</sup>. The meeting was well attended by both judges and the legislators who were invited to participate in the panel discussion. Chief Justice Howe opined that the legislative meetings which were held in the fall were beneficial in strengthening the relationship between the judicial and executive branches of government. He recommended that these meetings should be held again following the election, so that new legislators may become better educated and informed about court operations and the judiciary.

- On April 21<sup>st</sup>, the Third District Nominating Commission advanced to the Governor the names of five candidates to be considered to fill the vacancy created by the appointment of Hon. Matthew Durrant to the Utah Supreme Court. The candidates are: Randall Skanchy; Terry Christiansen; Carlos Esqueda; Merrill Nelson; and Miles Holman. The Governor has 30 days in which to make the appointment.

### **Administrator's Report**

Dan Becker reported to the Council the following items:

- Judicial Appointment: The Governor has nominated Paul Lyman to fill the position in the Sixth District Juvenile Court. This position was created by the retirement of Judge Louis Tervort. The confirmation process will be taken up by the Senate next month.

- The Governor will interview the candidates whose names were advanced by the Appellate Nominating Commission for the vacancy on the Court of Appeals. This vacancy resulted from the appointment of Hon. Michael Wilkins to the Utah Supreme Court. The deadline for the nomination is May 3<sup>rd</sup>.

- The Judiciary Interim Committee held its initial meeting on April 19<sup>th</sup>. Among the items to be discussed:

1) the definition of "law", which relates to the rulemaking authority of the Utah Supreme Court. The committee will consider whether the definition should be modified.

2) peremptory challenge of a judge

3) a specific issue related to the Voter Information Pamphlet: results tabulated from questions in the attorney survey and subsequently presented as "yes" or "no" responses. This issue is currently being examined by both the Policy and Planning Committee and the Judicial Performance Evaluation Committee, and their findings will be reported in the fall.

- Personnel changes: Eric Leeson, Director of Information Technology, has left the AOC to work in the private sector. Kim Allard will serve as that department's acting director until the position is filled.

- An update regarding the cooperative agreement with the Office of Recovery Services: On or about April 10<sup>th</sup>, the courts entered into a cooperative agreement with the Office of Recovery Services (ORS). This agreement, which is retroactive to January 1, 2000, was reviewed by the federal government. The agreement was entered into pursuant to the Council's authorization for AOC staff to proceed in seeking for the courts, as an alternative funding source, Title IV-E (child support enforcement) federal reimbursement funds. No projections can be made until the process has been more firmly established.

### **Subcommittee Reports**

The Council's subcommittees presented their respective reports to the Council, as follows:

**Management Committee:** Judge Stirba reported that the committee, at its last meeting, discussed the matter of judges who are represented by attorneys before the Judicial Conduct Commission (JCC), and subsequently have these attorneys appear before them on other matters. Because this practice raises concerns with respect to impartiality, the committee voted to request a formal opinion from the Ethics Advisory Committee.

She reiterated that Justice Michael Wilkins will serve out the term of Justice Leonard H. Russon on the Council, since Justice Russon is now the Associate Chief Justice of the Utah Supreme Court. The committee has assigned Justice Wilkins to the Policy and Planning Committee, and this assignment will be reviewed in the Fall by the Chief Justice.

The committee is aware that Judge Michael Glasmann plans to retire from the bench. Judge Stirba expressed gratitude, on behalf of both the Management Committee and the Council, to Judge Glasmann for his efforts and work during his term of service on the Council. The Council was informed that Judge Glasmann would prefer to

serve out his term as a member of the Policy and Planning Committee, rather than its chair. Accordingly, the committee designated Judge Scott Johansen as the new committee chair. Judge Rodney Page will succeed Judge Glasmann on the Council and the committee for the duration of Judge Glasmann's term. Judge Kay Lindsay was appointed to chair the Liaison Committee.

The Committee received and discussed a letter from Judge Peggy Acomb, expressing concern regarding the lack of uniformity throughout the justice courts in the disposition of traffic tickets. Following some discussion of the matter, the committee voted to

- 1) identify the various methods in which traffic tickets are being processed in the various courts;
- 2) direct counsel to prepare a memo for the committee regarding statutory procedures for disposition of traffic tickets, and for discussing the options available to dispose of same.

The memorandum should also distinguish between excessive authority - methods beyond those provided for by statute - and legitimate discretion in disposition and resolution of traffic tickets.

The Council was informed that the term of Judge Timothy Hanson on the Judicial Conduct Commission will soon expire, and he has elected not to serve another term. The committee, following a brief discussion, requested that the Boards of District and Juvenile Judges respectively submit the names of at least two judges for the Council to advance to the Conduct Commission for its consideration.

Judge Stirba noted items which were acted on by the committee and subsequently placed on the consent calendar, as follows: committee and panel appointments, re-certification of a senior judge, and approval of the salaries for court commissioners and the appellate mediator. Judge Davis reiterated a concern he raised with the committee regarding the issue of the appellate mediator's salary. He was of the view that the salary for the appellate mediator position, when initially set, was set too high. The committee discussed and approved the four-percent increase in salary for this position, as it was not inclined to modify the salary in a way which would be inconsistent with the increase approved for court employees.

The budget plan was discussed with the committee, and will be discussed with the Council later in the meeting. A question was raised concerning whether the full Council should approve the appointments of the subcommittee chairs. Clarification was provided that, pursuant to the Rules of Judicial Administration, the full Council is required to vote on said appointments.

**Policy and Planning Committee:** Judge Glasmann reported on one item which was discussed by this committee, that of the judicial performance evaluation program. The committee is currently considering and attempting to prioritize certain issues related to the process and the chronological order in which they should be addressed. The committee elected to invite comments from those outside the judiciary, including members of the legislative branch of government. Judge Glasmann clarified that some of the issues will likely be referred to the Judicial Performance Evaluation Committee. The committee was of the view that some prioritization and focus would remain with the Policy and Planning Committee. It was further stated that the list of items under consideration appeared to have a variety of central policy questions. As such, the goal of the Policy and Planning Committee is to advance to the Council recommendations which reflect those policy choices and provide any direction as may be sought by the Performance Evaluation Committee.

Tim Shea clarified that any change in the way scores from the attorney surveys are reported would not be fair to those judges standing for retention during this calendar year. Such changes would also be difficult to achieve, and any decisions to change this method would need to be made by July, when the Voter Information Pamphlet is prepared for publishing.

**Liaison Committee:** Judge Kay Lindsay informed the Council that the Liaison Committee has not met since the Council's last meeting, and therefore had nothing new to report.

**Bar Commission:** Scott Daniels reminded the Council that the 2000 Annual Bar will meet in San Diego, California in July. The Bar Commission is hopeful that judges will be encouraged to attend the meeting, despite the fact that neither the Council nor the Boards of Judges will hold their meetings in conjunction with the annual meeting.

The Bar Commission plans to hold a retreat within the next few weeks, to discuss the topic of the practice of law in the next decade. The Commission will examine issues surrounding the practice of law, self-represented litigants, and how the justice system will respond to the needs in the 21<sup>st</sup> century.

The Bar Commission has received the draft report from the Task Force on Law and Government. The Utah Supreme Court will review the report, and Mr. Daniels indicated that the commission's executive committee would like to meet with the court to discuss the report. Chief Justice Howe clarified that the Court is discussing with the Bar Commission the possibility of meeting later in the year to discuss the recommendations contained within the report.

Mr. Daniels then informed the Council that he is a candidate for the state Legislature. In the event he is elected, he will be unable to serve out his term on the Council. He stated that, after discussing this matter with David Nuffer, it

was decided that Mr. Daniels should be replaced by another member of the Bar Commission.

Mr. Daniels was asked about the reaction from the Bar to the keynote speech given by Chief Justice Thomas Zlaket of the Arizona Supreme Court at the State Bar's midyear meeting. He reported a favorable response from Bar members; that further, some attorneys felt they were given much to consider regarding pro se litigation. Mr. Daniels concluded by saying he reported to the Bar Commission an equally positive response from the Council.

Following Mr. Daniels' report, it was clarified that appointments to the Council's subcommittees require a vote of the full Council. A motion was subsequently made.

### **Motion**

A motion was made to approve Judge Kay Lindsay as chair of the Liaison Committee, and Judge Scott Johansen as chair of the Policy and Planning Committee. The motion was seconded and carried unanimously.

### **Update: Interactive Voice Response System**

Kim Allard presented to the Council an update on two projects which have been implemented by the Information Technology department: the interactive voice response system (IVR), and the online court assistance project (OCAP). The IVR system was installed in the Matheson Courthouse in August of 1998. The system enables court users to obtain information about their cases by touch-tone telephone. Ms. Allard reported that 99,000 calls were logged in the system's first year of operation. The system has since been installed in Ogden, with the added feature of accessing information regarding child support payments. The system is also available in Spanish in both locations. This program will soon be installed at the Fourth District, Provo court location. She added that another available feature is for payments (e.g., for traffic tickets) to be made by credit card.

Judge Davis expressed a concern regarding the latter feature as it relates to the payment of fines and restitution. The potential exists for payments by credit card to be included in bankruptcy, where normally these could not be discharged. Similar concern was expressed about child support payments being made to the courts by credit card. Several Council members shared the observation that payment by credit card was no different than a party taking out a loan from a bank and that credit balances were a matter between the bank and their customer. The use of these features on the system will be monitored, and Ms. Allard will report back to the Council on the system in the next six months.

The second project on which Ms. Allard reported was the online court assistance program (OCAP). This project was formerly known as QuickCourt, and was accessible through kiosks housed in various court locations. While the kiosks were widely used, many problems were encountered, e.g., printer problems, access and service problems, etc. The Information Technology staff ultimately began working with Utah Legal Services to prepare forms which were to have been generated by QuickCourt. Since that time, the courts have received funding to develop the program for online assistance. The only fees which are charged are when forms are generated and filed. Fees will be waived if users are filing impecunious; a final determination of impecuniosity will be made by the judge. Most of the forms which are generated are divorce and landlord/tenant documents. Currently, there are no plans to make blank forms available to the public through establishment of "self-service" centers within court locations.

Ms. Allard added that Judge Barrett and Commissioner David Dillon are reviewing the documents for correctness and proper format. A suggestion was made to include additional judges in the review process. The Council was informed that data will be tracked regarding the number of Spanish-speaking users of the IVR system.

Judge Davis was asked whether the need may arise in the future for a Spanish-speaking judge in each district. He indicated that this might be beneficial, although not as related to court records. He added that he has used his Spanish-speaking skills in traffic cases, when no court interpreters are available.

A motion was made following Ms. Allard's presentation.

### **Motion**

A motion was made for the Council to convene in Executive Session. The motion was seconded and carried unanimously, at which time the Council met in Executive Session.

### **Update: Board of Justice Court Judges**

Judge Jerald Jensen, outgoing Chair of the Board of Justice Court Judges, presented to the Council an update from the Board. He informed the Council that Judge John Sandberg is the new Board chair, having been elected to this position at the Board's March meeting in St. George.

Judge Jensen expressed the Board's appreciation to the Council for its continued support, particularly for the Board's request for an auditor for the justice court. This request was approved by the Council, advanced to the Legislature, and an appropriation was subsequently made for this position.

He also discussed the issue of decriminalization and echoed the sentiments expressed by Judge Peggy Acomb, with regard to the lack of uniformity in the disposition of traffic tickets throughout the system. Some of the concerns

are issues such as equal protection, and the inconsistency in categorizing these matters as either criminal, non-criminal, or civil offenses. The justice court judges have expressed interest in offering their input to the task force which the Legislature has formed to study this issue. The Board requests that the aforementioned issues be studied closely in order for a more uniform process to be established and followed.

### **2002 Olympics/Court Operations**

David Schwendiman, Assistant United States Attorney and member of the Utah Olympic Public Safety Command, presented to the Council information on planning for the 2002 Olympics in Salt Lake City. The planning efforts result from the June, 1995 announcement that the city was awarded the XIX<sup>th</sup> Olympic winter games, as well as the VII<sup>th</sup> Paralympic winter games. A total of 40 days will be devoted to the competitions. The dates for the both games are:

**Olympic games: February 8<sup>th</sup> through February 24<sup>th</sup>, 2002**

**Paralympic games: March 7<sup>th</sup> through March 16<sup>th</sup>, 2002**

The 2002 winter games are the largest number of winter games to be staged. It is anticipated that the winter games will be one-third the size of the games being held in Sydney, Australia. A total of ten competitions are scheduled, to be divided equally between indoor and outdoor venues. These venues cover the following seven-county area: Morgan, Weber, Davis, Salt Lake, Summit, Wasatch, and Utah counties.

Mr. Schwendiman presented to the Council the following projections:

- 3500 athletes from 80 nations will compete in 70 events in 7 sports and 14 disciplines. This does not include family and other support members who will accompany the athletes.
- 1.6 million tickets for 153 ticketed events will be sold.
- 9,000 accredited members of the media will arrive to report on the games; many more unaccredited broadcast and print media representatives will cover the games from Salt Lake City, many from the foreign media.
- Over 133,000 people will be involved, to some extent, in games activities each of the 17 days, 70,000 of whom will be from outside Utah.
- The Paralympic games will involve 1100 competitors from 35 nations, contesting in 35 events in four sports. This does not include their family or other support members. However, fewer spectators and media personnel are expected.
- Most of the people mentioned in the above projections will be housed or located in the Salt Lake area.

The Utah Olympic Public Safety Command was created in 1997, partly in response to what was learned from the 1996 Atlanta Centenary Games. The Command is comprised of federal, state, and local law enforcement and public safety entities. This group is currently developing a public safety plan designed to maximize public safety issues efficiently, and with minimal disruption to the city. The Command divided the areas to be examined into 25 areas of potential concerns, and subgroups were formed to study these areas. One such subgroup is the Olympic Legal Affairs Working Group, which addresses public legal issues related to the games; specifically, civil, criminal, and administrative matters. Judge Robin Reese, Third District Associate Presiding Judge, and Myron March are the state court members of the working group, and Magistrate Ronald Boyce is the federal court member of said group. The group has drafted a plan of operations for managing law-related matters in connection with the games.

Mr. Schwendiman recognized that Salt Lake City's crime rate is not high in comparison to the rate in other major cities. That further, statistics show a decline in the crime rate. However, he indicated that there are criminals who specifically target Olympic games. The group is discussing and examining ways to halt or curtail such activity. He informed the Council that 3500 law enforcement personnel are currently employed at the various levels of government, 2000 of which will be needed to assist with operations during the games. Additional law enforcement personnel will be recruited from other jurisdictions for additional assistance. It is expected that the majority of the problems which will be handled are traffic, transportation, and other safety matters. Further, it is likely that there will be difficulty in obtaining jurors for trials. Some schools are planning to close during the 17-day period.

After meeting with the federal judges to discuss these issues, Mr. Schwendiman informed the Council that the federal courts will close, and all but essential operations will cease. The U.S. District Court for the District of Utah, with one judge so designated, will handle all essential court operations, including Olympic-related crimes and offenses, and time-sensitive and necessary hearings and appearances. This includes criminal, domestic violence, essential civil matters, etc., and will be established as a "designated Olympic court" (DOC). It is recommended that the Judicial Council and the Administrative Office of the Courts likewise consider suspending, to the greatest extent possible, court operations for the seven-county area. Mr. Schwendiman indicated that district and justice court judges are needed to participate on the district criminal justice teams which are being formed to plan day-to-day operations and scheduling, and decide on how best to implement the draft plan in and for their respective

jurisdictions. Direction was sought from the Council regarding the feasibility of the draft plan for the seven-county area. If it is determined that this plan is not feasible, or in the event the courts remain open, the Legal Affairs Working Group will need to adjust their planning efforts.

Other issues which are addressed in the draft plan are language issues, and victim/witness services. A pool of interpreters and translators will be made available for dispatch from the Olympic Coordination Center to locations as needed. Additionally, victim/witness services will be coordinated, particularly for those who are from outside the United States.

Myron March suggested that the Council may wish to consider establishing a statewide policy whereby courts, particularly those within the seven-county Olympic theater, do not schedule civil or criminal trials if at all possible during the 17-day period. This would be done to: 1) avoid security problems if law enforcement personnel, e.g., bailiffs, are recruited to assist in safety operations related to the games; 2) avoid possible problems in obtaining jurors; and any other issues which would affect or impact court operations. Mr. Schwendiman added that, at such time as the Legal Affairs Working Group has a better idea of the courts' workload and a more definite schedule of Olympic events, a proposal will be drafted for the Council's information, review, consideration, and action. It was determined that the Council will need to identify essential services necessary for the courts during this period in order to determine how best to proceed. There are issues - such as domestic violence matters - which federal courts do not hear, adjudicate, or otherwise grant relief. Juvenile justice matters have also been included for consideration. Mr. Schwendiman also clarified that justice courts have been included in the planning processes and jurisdictional issues, since the largest number of law enforcement officials is likely to be drawn from these courts.

The Council took no formal action.

### **Proposed FY2001 Budget Plan**

Dan Becker and Myron March presented this item to the Council, having previously presented same to the Management Committee at its April 11<sup>th</sup> meeting. Last year, staff presented an alternative method for the courts' budget planning process, which was approved by both the Management Committee and the Council. The process involves a review of money appropriated by the Legislature; identifying funding requirements; identifying projected discretionary funds; demands without appropriated funds; and attempting to address those priorities approved and advanced by the Council with discretionary funds. The base budget amount at that time was \$93,706,000. A total of \$2,136,500 in building block requests was advanced to the Legislature. The total amount which the Legislature appropriated was \$2,716,300.

Estimates of funds for the 2001 fiscal year were reviewed. The amounts appropriated by the Legislature were outlined as follows:

Leases and Contracts \$1,200,000

Juror/Witness 500,000

Deputy Clerks No appropriation

Base Budget No new funding

Career Ladder 185,000

Electronic Filing 400,000

Child Welfare/Mediation 150,000

Guardian ad Litem No funding

Law Clerks No funding

Justice Court Auditor 68,000

Salary Selectives 250,300

Juvenile Court/DYC Research 30,000

Internal Service Fund Adjustment (181,600)

In-State/Out-of-State Travel (62,400)

Mr. Becker continued by reviewing the amount of available funds and presented an itemization of same. He noted in particular the two-percent set-aside amount. Because of obligations from prior years, this fund will have approximately \$45,000 to be used for Council objectives. The Legislature authorized a carry-forward amount for the courts, estimated at \$400,000. This estimate will be carried forward into the next fiscal year.

The committee was informed that near the conclusion of the recent legislative session, an error was discovered in the budgets of four state agencies, one of which was the courts' budget. The legislative fiscal analyst failed to include the amount of benefits costs associated with the four-percent salary increase for state employees. The amount of this cost, for the courts, was \$424,600. However, the error was discovered too late in the session to be addressed. The Legislature then passed intent language providing for the Legislature to restore this funding during next year's legislative session. The courts have the authority to spend the money; however, it is technically not in the budget. The total amount of available funds is slightly less than \$3.5 million. Mr. Becker suggested the following assumptions in reviewing how the available funds might be spent. First, that all existing programs would be funded at their existing level, or as expanded or reduced by the fiscal year 2001 appropriation. Second, that there will be a maintenance budget in current expenses, with the exception of motorpool, travel, and data processing rates. Third, that the courts will not look to internally fund any type of market analysis, but that any such analysis would be included as part of the salary package advanced by the Department of Human Resource Management, as was done this year.

Mr. Becker also reviewed required allocations, unobligated funds, and funding recommendations. It was proposed that of ongoing money which is available, the seven deputy clerk positions which will expire on June 30, 2000, should be made permanent. It was also proposed that as many as five additional positions might be created for allocation with money which was appropriated for the drug courts. He indicated he will ask the court executives to prepare and submit their recommendations on allocation of these positions, based on the extent to which their districts are currently using court clerk staff to support drug courts. He also suggested examining the allocation, or weighted caseload formula to compare staffing in each court.

Mr. Becker also reviewed required allocations, unobligated funds, and funding recommendations. It was proposed that of ongoing money which is available, the seven deputy clerk positions which will expire on June 30, 2000, should be made permanent. It was also proposed that as many as five additional positions might be created for allocation with money which was appropriated for the drug courts. Proposed amounts were also presented for out-of-state travel education expenses, and in-state travel expenses. These amounts were proposed due to: the reduction by the Legislature in the travel budgets of all state agencies, and intent language passed during this legislative session requiring the Legislature itself, the courts, and higher education to adhere to the reduced private vehicle mileage reimbursement amount of 25 cents per mile. A new policy is being developed which is in keeping with the intent language, and will be presented to the Council at a later date for its review and consideration.

It was proposed that one-time funds should be used for the following items: contract sites should be funded at three and four percent in FY2000 and FY2001, respectively; a match for the Racial/Ethnic Fairness Grant; incentive awards/bonus; second language incentive; reserve; Lexis-Nexis; district/juvenile file folders; juvenile mental health program; UNIX server; and capital expenses. Mr. Becker informed the Council that contract court sites have been notified of the statutory requirement for their budget requests to be submitted to the Council as proposals for consideration and advancement. These court sites have not, in recent years, maintained compliance with the statutory requirement.

The following proposals were detailed for the Council:

- Incentive award/bonus proposal: This program would be restored for the purpose of recognizing and encouraging superior employee performance. The program would apply to all employees. Any amounts will be distributed on a prorata basis.
- Second-language policy proposal. This would involve the allocation of a set number of slots to each district as an incentive to reward existing employees, or to hire employees who deal directly with those members of the public who speak a second language. It is presumed that this language would be Spanish; however, discretion could be left to the individual districts, based on their specific needs. A recommendation was made for a one-year pilot program which would provide \$50,000 to be used as a salary stipend. The stipend would be added to the incomes of these employees, so long as they are in a position in which they directly deal with the public. Mr. Becker emphasized that this would be a one-year pilot project, and that an evaluation could be conducted at the end of one year. Holly Bullen is working with the Court Interpreter Committee to develop a test by which employees may demonstrate a basic proficiency in the second language. It is presumed that this language would be Spanish; however, court executives would have the discretion to determine the language needs in their respective districts.

Mr. Becker discussed the higher amount placed in reserve. The reason for the increased amount is because of his recommendation to the Management Committee regarding a case manager for Second District, as presented by that district. The district has proposed an alternate method for domestic case management through use of a case manager, while targeting the issues of case management and the family law initiative. It was proposed that this be tried as a one-year pilot project, until the position could be integrated into existing staff. The Management Committee was of the view that funding for this item should be held until it was determined whether alternative funding was available.

A comparison was made of those items which the Council approved, with the funding which was appropriated by the Legislature. The following adjustments were made: the four-percent funding for contract sites was moved to one-time funding; and the in-state travel budget of \$14,700 was reduced.

Mr. Becker was asked about the possibility of applying a portion of the one-time funds toward an increase in data processing staff, in the same manner as the seven deputy clerk positions were funded. He explained that the difference with respect to the clerk positions is that the funding was generated from a sufficient amount of fiscal note money, rather than an appropriation. He noted that fiscal note funding should be used for the purpose set out in the justification, that being the deputy clerks. He concluded by expressing that he could not recommend the use of one-time money to increase AOC staff, particularly at the expense of the court system as a whole. Any such increases would likely not be considered until an assessment can be made of the needs of the districts.

The Council took no further action on this matter, since the Management Committee approved the budget proposal with the adjustments heretofore mentioned.

### **Customer Service Presentation**

Sixth District Judge David Mower presented this item to the Council for its information, consideration, and action. The Council received a handout which Judge Mower developed, in part, from his desire to assist in empowering court clerk staff to better assist the public, and in part from his attendance at the conference on pro se litigation last November.

The handout is a notice, consisting of the courts' mission statement as well as a listing of the types of assistance which court staff may and may not render. Judge Mower originally presented the notice to his colleagues in the Sixth District. They were supportive of the notice and suggested that it be posted in the courthouses for the public's information. However, he expressed his desire to follow the proper channels to ensure approval of the notice before it is displayed. He subsequently made a presentation to the Board of District Judges, and the Board was equally supportive. Judge Mower has since been made aware that the notice may have been circulated to some judges in the Third District. In view of this, he expressed his desire to present the notice to the Council for its review and information.

Judge Mower emphasized the importance of limiting the notice to one page. He added that this handout compliments both those matters which were discussed at the pro se conference and those efforts which the Council has already discussed and approved for further examination. The Council was of the view that this notice will provide uniformity for court clerk staff in defining the extent to which they may assist court users. A motion was made upon the conclusion of Judge Mower's presentation.

### **Motion**

A motion was made to commend Judge Mower for his initiative in this effort, and to direct staff to coordinate the distribution of this notice, pursuant to any clarification or refinement of the contents of this notice. The motion was seconded and carried unanimously.

### **Motion**

A motion was made to convene in a second Executive Session. The motion was seconded and carried unanimously, at which time the Council once again met in Executive Session.

The Council adjourned following its Executive Session.