

Judicial Council Meeting Minutes

JUDICIAL COUNCIL: MEETING MINUTES

May 22, 2000 - 9:00 a.m.
 Judicial Council Room - Matheson Courthouse
 450 South State - Salt Lake City, Utah

Chief Justice Richard C. Howe, Presiding

Members Present:

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

Staff Present:

Daniel J. Becker
 Myron K. March
 Diane E. Cowdrey
 Brent Johnson (*via telephone*)
 Tim Shea (*via telephone*)
 Jan Thompson
 Ray Wahl
 Cathie A. Montes

Excused:

Hon. Anne M. Stirba

Guests:

Hon. Ben Hadfield, *Chair, Ethics Advisory Committee*
 Hon. W. Brent West, *2nd District Judge*
 Commissioner Scott Hadley, *2nd District Court Commissioner*
 Rick Davis, *2nd District Trial Court Executive*
 Hon. Kim Hornak, *Chair, Standing Committee on Judicial Branch Education*
 Mary Boudreau, *Utah Children*
 Steven Stewart, *Executive Director, Judicial Conduct Commission*
 Jerry Howe, *Office of Legislative Research & General Counsel*
 Nesrine Khashan, *Salt Lake Tribune*

Welcome/Approval of Minutes

Chief Justice Howe welcomed all those in attendance. Judge Anne Stirba was excused from the meeting due to a minor illness. Judge Rodney Page (2nd District) was welcomed as the newest member of the Council, replacing Judge Michael Glasmann.

The minutes of the Council's April meeting were then reviewed, and a correction was made regarding one of the names advanced to the Governor by the Third District Nominating Commission. The name "Eric Christiansen" was corrected to "Terry Christiansen". A motion was then made.

Motion

A motion was made to approve the minutes of the Council's April meeting, as amended. The motion was seconded and carried unanimously.

Update: Ethics Advisory Committee

Judge Ben Hadfield, Chair of the Ethics Advisory Committee, presented to the Council a report on behalf of that committee. Judge Hadfield has been a member of the committee for nearly three years. The committee members are: Judge Pamela Greenwood (appellate court representative); Judge Fred Howard (district court representative); Judge Sharon McCully (juvenile court representative); and Prof. George Harris, of the University of Utah School of Law. The newest member of the committee is Judge Brent Bullock (justice court representative). The committee is staffed by Brent Johnson.

The committee is charged with providing opinions on the application of the Code of Judicial Conduct to given fact situations. However, no opinions are provided on the conduct of a third party unless specific requirements are met. These opinions can be accessed on the courts' website. In the event that the committee is deadlocked on an opinion, either a formal opinion may be requested, or the matter may be referred to the Judicial Council. Meetings are held bi-monthly and are sometimes conducted via teleconference.

Judge Hadfield explained the ethics opinion process: when a request for an opinion is received, staff researches opinions issued by other states with respect to the issue in question, confers with the chair on the research results, and then prepares a draft opinion. The opinion is reviewed, edited, and distributed to the full committee. The committee then discusses the opinion and if a consensus is reached, the opinion is issued. If a consensus cannot be reached, the opinion is discussed by the full committee. Judge Hadfield concluded by saying that the number of meetings scheduled per year does not reflect the number of opinions which have been requested, nor does it affect the turnaround time for issuance.

Report of the Chairman

Chief Justice Howe reported to the Council on his receipt of a letter from the co-chairs of the Judiciary Interim Committee. The committee requests that the Council study information that is made available to the public regarding judges standing for retention election.

He reiterated for the Council the Constitutional Revision Commission's recommendation regarding this same issue. The Commission determined that while the retention rate for judges should not be raised to 65%, it was supportive of the judiciary furnishing to the public additional information regarding judges. The mechanisms which the judiciary currently has in place concerning this matter are: the attorneys' survey; the jurors' survey; and reporting the discipline of judges who stand for retention - the time frame which is reported includes the judges' current and previous terms.

Discussion followed, and it was noted that the Council's Policy and Planning Committee is studying the issue. It was stated that the concept and intended purpose behind the attorneys' survey was for self-improvement by judges. A question was raised regarding an attorney completing the survey in a manner consistent with the intended purpose, if said attorney is biased against one or more judges. Of equal concern in rural areas is the issue of one or more attorneys who may be biased against one or more judges. It was further suggested that if an attorney survey is to be used, it should be meaningful, and fairly restrictive standards should be implemented with regard to disqualification.

Jerry Howe, staff to the Judiciary Interim Committee, was also in attendance at the meeting. He clarified that the Committee's request does not apply to the information which has already been advanced for the 2000 retention election.

Content of Voter Information Pamphlet

Tim Shea discussed this matter with the Council, participating by telephone. The Council received a memorandum from Mr. Shea which contained the following: a brief summary of the issue; information regarding the statement of basis for discipline; and information concerning the inclusion of the results of the general retention question.

Mr. Shea emphasized that virtually all the pamphlet contents are the same as were released two years ago. In addition, he indicated that the Lieutenant Governor may modify the format, solely for purposes of reducing publication costs. He also discussed the following items:

- The statement for reprimand provides for the inclusion of a statement describing the sanction. The Management Committee has reviewed and approved the one statement for reprimand required for the next Voter Information Pamphlet. The Judicial Conduct Commission did not issue a statement which described the sanction. However, the commission received a copy of the draft statement, and reviewed and suggested changes to same.
- Whether to publish the results of the general retention question in the attorneys' survey. Mr. Shea reported that the Policy and Planning Committee, after having discussed the statute and rule, was of the view that the results of this question should be published. The statute requires that the Voter Information Pamphlet contain results of all the questions used for certification. A statement within Rule 3-111 provides that all questions are used for certification. However, the rule then states that the question is used in a much more limited fashion than are the other questions.

Mr. Shea stated that at such time as the Council has acted on this matter, the packet will be forwarded to the Lieutenant Governor for inclusion in the Voter Information Pamphlet, and will be released to the media shortly thereafter. It was clarified that any response to the general retention question contained in the attorneys' survey is subjective. Concern was expressed that inclusion of this question conflicts with the statutory requirements. This requirement is also supported by the Council's rule. Mr. Shea also stated that the general retention question, in and of itself, is not a standard of performance. The standard is successful completion of the survey. He added that

the Policy and Planning Committee, in its discussions, relied on language contained in Utah Code Annotated, § 20A-7-02.

Additional discussion followed, and Mr. Shea then explained the language with respect to proposed language regarding a disciplinary matter. He clarified that in the future, any such language will be drafted at the Council level regarding sanctions of judges standing for retention. That further, the introductory language in § 20A-7-702 clearly states that the Council has the responsibility to prepare for the Lieutenant Governor the entire package to be included in the Voter Information Pamphlet. This includes the statement regarding sanctions. A motion was made upon the conclusion of the discussion.

Motion

A motion was made to approve the packet for the Voter Information Pamphlet to be advanced to the Lieutenant Governor, including the responses to the general retention question. The motion was seconded, and a substitute motion was made.

Substitute Motion

A motion was made to amend the aforementioned motion to delete the references to the general retention question. The motion was seconded and failed.

Second Substitute Motion

A substitute motion was made to separate the vote into two actions: 1) approval of statement of basis for discipline; and 2) approval of the Voter Information Pamphlet, including the general retention question. The motion was seconded. To the first part, unanimous approval was given to the statement of basis for discipline. To the second part, the motion carried with one opposed.

Administrator's Report

Dan Becker reported to the Council on the following items:

- Follow-up information regarding decriminalization of minor moving traffic violations.

At the last legislative session, the Legislature called for a committee to study the issue of traffic decriminalization. A committee has been formed, consisting of the following members:

Rep. Glenn Way and Sen. Peter Knudson (co-chairs); Representatives Katherine Bryson, Bryan Holladay, Gary Cox; and Loretta Baca; and Senators Terry Spencer and Joseph Hull.

In addition, Salt Lake City and West Valley City each continue discussions regarding this issue. It is anticipated that one or both cities will present to the Council their notices of intent to file for the creation of a justice court. The Council was informed that these notices may be accompanied by a request for a reduction or waiver of the amount of time to establish these courts. The statute currently provides that a two-year notice should be given to the Judicial Council.

- The nominations of Judges William Thorne (3rd District) and Paul Lyman (6th District) have been confirmed by the Senate. The swearing-in ceremony for Judge Thorne is scheduled for **Monday, June 19th at noon, in the Supreme Court courtroom.** Judge Lyman will be sworn in on or about July 1st. The process is underway to fill the vacancy in the Third District created by Judge Thorne's appointment to the Court of Appeals. It was clarified that the Supreme Court authorized the creation of a short-term pro tem judge position to provide assistance in the Third District for a maximum of six months. Judge Thorne has agreed to hear cases in the district court until through July.

Subcommittee Reports

Management Committee: Judge Bench presented this report on behalf of Judge Stirba. The following items were reported:

- The committee received a report from the Racial and Ethnic Fairness Task Force. The task force has moved to the implementation phase of its work. A budget request is likely to be advanced at the Council's budget and planning session. The task force will seek either one full-time or two half-time positions to coordinate the implementation of the recommendations made by the task force.
- The committee approved the customer service notice as drafted by Judge David Mower (6th District), with a few modifications. This item is on the consent calendar.
- The committee approved the recommendation of Justice Matthew Durrant to replace Justice Michael Wilkins as member and chair of the courts' Technology Committee. As chair of this committee, Justice Durrant will also serve

on the state's Information Technology Commission. This item is also on the consent calendar.

The Council was informed that Judge William Thorne is also a member of the Technology Committee. His appointment to the Court of Appeals has created a vacancy in the committee's district representative position. A process will be initiated to seek a replacement to his position.

Policy and Planning Committee: Judge Johansen reported to the Council the following:

- The committee met on May 5th. Several legislators who serve on the Judicial Conduct Commission were invited to the meeting to offer input and share concerns related to the judicial performance evaluation program/certification process. Senator Michael Waddoups attended the meeting. Judge Johansen offered the following observations: first, that the Commission views the providing of private reprimands to the Council as an opportunity to identify certain "trends" which may be associated with a judge or judges. Any identification of these "trends" could be used for purposes of self-improvement for judges. Second, the commission is supportive of the approach being taken by the Legislature, and feels that the 2000 legislative session addressed most of the concerns regarding judicial conduct. However, some legislators have ongoing concerns about judicial conduct, due to issues brought to them by constituents.

- The committee has resolved to identify those issues which are policy in nature and exercise its authority to act on same, and either advance its recommendations to the Council for approval, or to the Judicial Performance Evaluation Committee, for their review and recommendations.

- The committee will recommend to the Council an amendment to the secondary employment policy. However, this matter will be placed as an agenda item for the Council's June meeting.

Liaison Committee: Judge Kay Lindsay informed the Council that the Liaison Committee has not met since the Council's last meeting.

Bar Commission: Scott Daniels reported to the Council the following items:

- With regard to the Council's budget and planning session, the Bar Commission has requested the opportunity to review, prior to the budget meetings, those recommendations advanced by the boards of judges. The purpose for such a review would be to offer additional input and perspective on said recommendations from the private sector.

- The Courts and Judges Committee will circulate to the local Bar membership a follow-up survey on the Third District. Many improvements were made as a result of the first survey, and it was recognized that many of those problems were attributed to the transition to the new courts building. The second survey will serve to assess any unresolved issues as well as the improvements which were made.

- A commission representative from Cache County has requested the opportunity for the local Bar membership to be included in discussions on the design phase of the Cache County courthouse. Mr. Daniels was informed that this project remains in the land purchase phase. It was clarified that those individuals involved in the design phase are: several of the district's judges, including the presiding judge; the State Division of Facilities and Construction Management (DFCM); and AOC facilities staff. This request will also be noted for the Tooele court location.

Recommendation for Vacancy on Judicial Conduct Commission

Dan Becker presented this item for the Council's action. The Management Committee reported to the Council at its April meeting that Judge Timothy Hanson's term of service on the Conduct Commission will expire on July 1st. When judicial vacancies have occurred in the past, the Commission has invited the Council to submit names for consideration. These recommendations are advisory in nature. The Management Committee requested that the Boards of Judges advance to the Council the names of judges from their respective court levels. The District Board advanced the names of Judge William Barrett (3rd District) and Judge Gary Stott (4th District). The Board of Juvenile Judges, after issuing a notice to all juvenile judges, made no recommendation per se; however, the Third District Juvenile bench advanced the name of Judge Joseph Anderson. The Council briefly discussed the matter and a motion was then made.

Motion

A motion was made to submit to the Judicial Conduct Commission for its consideration the following names: District Judges William Barrett and Gary Stott, and Juvenile Judge Joseph Anderson. The motion was seconded and carried unanimously.

Records Quality Control Issues

Paula Carr, Second District Clerk of Court, presented this item to the Council for informational purposes. Her presentation was preceded by a brief summary from Dan Becker of the genesis of this issue. Mr. Becker stated that records quality is one of the most important responsibilities of the courts. This is especially critical with the evolution of recording and storage of court records from a manual to an electronic process. He gave a number of examples of the importance of accurate and complete court records for the public, agencies, and the

administration of the courts. He also cited examples wherein records quality had slipped and reiterated the importance of giving this issue attention. A meeting was held with the court executives to discuss this issue, and a committee was formed to examine the issue of court records quality. The committee met, studied the issue and prepared a report, a copy of which was received by the Council.

Ms. Carr outlined for the Council the committee's efforts in studying this issue. The following factors were noted as areas for improvement: training, technical solutions; and monitoring. Specific recommendations were made in these areas, and it was also recommended that the records quality elements should be incorporated into employees' performance plans. The committee also recommended that supervisors need to begin routine evaluations of records quality.

Ms. Carr pointed out an existing perception that the data entered on the CORIS system is data requested by the Administrative Office of the Courts (AOC). It was clarified that ownership and responsibility for the accuracy of this data rests with the individual clerks' offices, not the AOC. The AOC does not record case information. It is important for the courts to work with ancillary agencies to ensure data accuracy which affects many areas, e.g., jury management.

The committee made the following recommendations with respect to maintaining focus on the issue of records quality: 1) an ongoing records quality committee, comprised of court managers, judges, administrative staff, and clerks. This would be an informal committee, as opposed to a standing committee. 2) data targets, or input from the Information Services department with respect to which areas should be focused upon first. 3) performance plans, as mentioned above. Both the Records Quality Committee and AOC staff are of the view that maintaining the quality of court records, particularly as these records are stored and updated electronically, are an important component of public trust and confidence in the courts. The Council expressed its support for this effort and the recommendations advanced in the report.

There was discussion of the problems recently encountered by the Second District as a result of a malfunction in their computer equipment, due to the flooding of a computer room. A recommendation was made to consider a contingent emergency plan. Mr. Becker stated that work had begun on providing for such plans.

Second Language Guidelines

Myron March recalled for the Council that this program was previously presented as part of the budget planning process. The Council approved of the concept and voted to set aside \$50,000 in one-time money, to be used as a stipend for those employees with demonstrated second language skills. He reiterated that this money is available, in part, due to the following: 1) the authority which the Legislature granted to the courts to carry forward money from one fiscal year to the next; and 2) a part of the two-percent set-aside amount generated in turnover savings. Mr. March reviewed the criteria, procedures, and application form as prepared by staff for awarding this stipend.

It was emphasized that this is a one-year pilot project, and is a stipend only. Staff will report to the Council the results of the project upon its completion. Any continuation of the project will require Council approval.

A twofold concern was expressed: first, in some districts, e.g., Tooele, there are non-court employees housed within the court who are able to speak Spanish. These individuals periodically render assistance to the clerk staff with Spanish-speaking court patrons. Second, a change was suggested to one portion of the language in the criteria, to read, "Employees receiving the stipend should NOT be used to interpret . . ." It was clarified that this project is geared specifically to court employees; that further, another purpose it serves is to acquire individuals who possess second language skills. It was also stated that Rule 3-306, CJA provides for the use of qualified interpreters in courtroom situations, and differs from the proposed project in that the project is for front counter staff, not in court interpretation.

For those districts with a need for second language skills other than Spanish, e.g., Navajo, it was emphasized that court executives and clerks of court have the latitude to authorize alternate language where justified. It was recommended that the form should be changed to clarify that employees with second language skills will not be expected to serve as court interpreters. That further, those questions regarding court interpreting should be removed from the form. Staff was asked about the allocation of this stipend between one or more employees who speak a second language. It was explained that the number of clerk staff eligible for the stipend will be based on a pro rata distribution derived from the number of employees in each district. The program will be implemented on July 1st.

Drug Court Funding

Dan Becker presented to the Council a brief update on the allocation of the \$1.5 million which the Legislature appropriated for drug courts. The Utah Department of Human Services received approximately \$1.3 million of the appropriation for testing, case management, and treatment in support of drug courts. The balance was directed for use by the courts for staffing associated with traditional court functions associated with drug courts.

The Council received two documents: first, a memo summarizing the proposed use of the \$193,700 which was allocated to the courts. The second document was a Request For Proposals (RFP). The RFP was drafted by staff and

was distributed to all presiding judges and judges affiliated with drug courts, trial court executives, service providers, and prosecutors. Mr. Becker emphasized that the funds are available for both existing and new programs. However, under the conditions of the RFP, new programs are required to have completed a planning process. The deadline for responses on the RFPs is June 9th. The \$193,700 appropriated for direct court support will allow the creation of either five or six clerk positions. The allocation decisions will take into consideration the needs expressed by individual districts, as well as a district's relative need for staffing in the clerical weighted caseload.

Mr. Becker reported on his attendance at a conference regarding therapeutic justice which was held in Denver. He stated that there are now about 600 drug courts nationwide. Discussions were held regarding funding available for these courts. While many of these courts were initiated with federal drug court funds, the focus may move toward federal funding available generally for substance abuse treatment programs. Drug courts could be recognized as possible recipients of these funds; however, this can only be done through continued joint efforts with the State. For example, the State of Florida has negotiated with its Department of Human Services and has identified as much as \$100,000,000 in these funds which may be targeted toward the criminal population in terms of treatment.

Update: Standing Committee on Judicial Branch Education

Judge Kimberly Hornak and Dr. Diane Cowdrey provided to the Council a brief update on the activities of the Judicial Branch Education Committee. The Council received a report prepared by Dr. Cowdrey. The report summarized the past year's education budget and detailed the number of classes, conferences, out-of-state and local education programs, and total participants to all. The report also listed information on: classes for employees; additional funding resources; the Legal Institute; and budgetary concerns. Specific mention was made of a long-range planning retreat which the committee held in March for the purpose of developing a set of goals as a guideline for the next several years.

Judge Hornak outlined for the Council the seven goals established by the committee. These projects are proposed to be conducted in addition to the regular programming conducted by the Education Division. The seven goals are:

- 1) to integrate education
- 2) expand education
- 3) foster self-directed learning
- 4) embrace mediation
- 5) court clerk education
- 6) Utah Judicial Institute, the purpose of which is to create better visibility for the educational services provided by the AOC, and to enable the Education Division to provide a more consistent look for all educational programs, as well as to help unify programs offered to judicial and non-judicial staff.
- 7) additional "stand-alone" programs

Judge Hornak explained that the committee's efforts to expand education include working with the courts' Public Information department, e.g., use of staff-produced videos such as "Parent to Parent" and "The Judges". These efforts enhance public outreach without taxing the limited education budget. She concluded by informing the Council that a building block request would be advanced for the education program. Judge Hornak was commended for her continued efforts in working with juveniles and drug courts.

Council Site Visits/Location of Annual Budget Planning Session

Myron March presented this item to the Council for informational purposes. Earlier in the year, the Council authorized site visits to Tooele and Junction. However, no dates were firmed for these visits. At its last meeting, the Management Committee agreed on the following dates:

- **Tooele: June 26th**
- **Junction: October 23rd**

The Council will tour the Tooele location prior to receiving recommendations concerning the building from the Capital Facilities Committee. The Junction location is a new courthouse which was built to conform with standards established in the Americans with Disabilities Act (ADA). Judge John Yardley (Junction Justice Court) has offered to host the Council's visit.

Mr. March also discussed the Council's August budget and planning session, to be held

Wednesday, August 23rd thru Friday, August 25th, with the business meeting being held on

the 25th. Staff obtained bid information from various locations in the Salt Lake City and Park City areas. After some discussion, the Management Committee voted to hold these sessions away from a court location. The Radisson Hotel and Conference Center in Park City, Utah, was selected because it offered the lowest rate and is in conformance with state rates. Judge Stirba has offered to host a dinner for the Council on Wednesday evening, August 23rd.

Proposed Budget Amendment

Dan Becker discussed with the Council three items related to the budget. At the last meeting, the Council received the proposed budget plan which was reviewed and approved by the Management Committee. A question was also raised regarding the appropriate body to approve the proposed plan. Subsequent to the last meeting, Mr. Becker researched and attempted to reconcile the Council's established rule with the process which the Council -- in August of 1998 -- authorized staff to develop concerning the budget.

In discussing the first item, Mr. Becker recalled that in August of 1998, the Council delegated to its Management Committee the responsibility to review and approve future proposed budget plans, and report same back to the Council. He recommended that, in order to be consistent with Council rules, the Management Committee would advance a proposed plan which will be subject to adoption by the full Council. The Management Committee was in agreement with this recommendation.

There being no further discussion on this item, a motion was made.

Motion

A motion was made to treat the Management Committee's review of the budget plan as a recommendation to the Council, subject to approval by the full Council. The motion was seconded and carried unanimously.

Mr. Becker recommended deferring discussion of the second item to later in the meeting. He then raised the third matter, which concerns the allocation of the anticipated federal IV-D funds. This item was also discussed during the Council's August, 1999, budget planning session.

At that time, staff presented a proposal to seek federal funding for reimbursement of work done by the courts in the area of child support enforcement. This concept was presented as a possible alternative revenue source. This item became linked with discussions regarding the Fifth District's request for a judgeship. As part of the Court Administrator's budget recommendations he suggested a commissioner position instead of a judgeship, in the event that the proposed alternative revenue source was approved and enough funding was available. It was further recommended that any discussion of a judgeship be deferred for one year. The Council subsequently approved the proposal regarding federal IV-D reimbursement, and authorized staff to proceed accordingly, with a presumption that the commissioner for the Fifth District would be the top priority for the use of such funds.

At its last meeting, the Management Committee received early projections regarding IV-D funds. Staff estimated that the reimbursement, once received, would be sufficient to fund a commissioner position. Mr. Becker sought direction from the Council at this meeting as to whether it would still support the use of this funding for a commissioner position. The Council received a transcription of the August, 1999, discussion with respect to this matter, as well as a copy of the recommendation made by staff concerning this matter. A motion was made following additional discussion.

Motion

A motion was made to reconfirm the decision made by the Council in August of 1999 with respect to staff's recommendation for both the proposal to seek federal IV-D reimbursement funds, and to use those funds received for a commissioner position in the Fifth District. The motion was seconded and carried unanimously.

Second District Case Manager Proposal

Judge Brent West, Commissioner Scott Hadley, and Rick Davis presented this matter to the Council. The concept was initiated as a result of the case management project and based on a project observed during a visit by some members of the Second District court staff to the Maricopa County court in Phoenix, Arizona. The project involved case management and delay reduction. Pursuant to this visit, the Second District felt that this concept could be applied to its domestic caseload.

Commissioner Hadley and Mr. Davis made a similar presentation to the Management Committee at an earlier meeting. They proceeded to detail for the Council the concept of a case manager. The intended objective for the case manager position is threefold: first, to reduce case time from filing to disposition. Second, it provides an opportunity to educate pro se litigants in established court procedures and the case process while using existing clerk staff members. Third, it incorporates a mediation component. The case manager may provide informational background on and possible subsequent referral to mediation to parties in domestic disputes.

Mr. Davis noted the following as the most important factors to be considered: creation of the position, selection of an individual best suited to such a position, and support from the State Bar membership.

The cost for the project is estimated to be approximately \$35,000. Mr. Davis stated that this was the amount which the District requested to fund the project on a one-year, pilot basis. It was proposed that beyond that time, funding may be established through time savings. Alternatively, other internal funding would be explored. The district is hopeful that other districts might find this concept useful in improving its domestic case management process. Commissioner Hadley opined that this concept might be beneficial in assisting to reduce the number of contested matters simply by educating parties about the option of mediation.

Dan Becker explained that the Management Committee discussed the proposal at its last meeting. The Committee approved use of \$35,000 from the courts' budget as funding for a one-year pilot project, with any continuation dependent on the use of existing resource within the district. The Council supported the action taken by the committee, and supports the concept as a potential for saving additional money in the future. It was further suggested that the court system will need to examine similar concepts and explore additional innovative methods to meet the needs of court users.

Mr. Becker continued by informing the Council that this was the remaining issue with respect to the budget. He echoed the aforementioned view expressed by Judge Page, and the Second District was commended for its initiative in its approach to this concept. He reiterated that action taken by the Management Committee, and made the same recommendation to the full Council. A motion was made without further discussion.

Motion

A motion was made to approve the recommendation made by the Management Committee with respect to Second District's proposal for a case manager position. This motion includes transferral of \$35,000 in one-time funding from the courts' budget reserve for use by the Second District, effective July 1, 2000. The motion was seconded and carried unanimously.

Another motion was then made.

Motion

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

The following motion was made pursuant to the Council's Executive Session:

Motion

A motion was made to direct staff to make a referral to the Judicial Conduct Commission. The motion was seconded and carried.

Additional discussion ensued, and another motion was made.

Motion

A motion was made to include in the Council's referral to the Judicial Conduct Commission a letter which includes essentially the same information considered by the Council and notes that the Council has conducted only a limited inquiry. The motion was seconded and carried.

An additional motion was then made.

Motion

A motion was made for the Council to inform and advise judges of the problem discussed in the Council's Executive Session, and to discuss the matter with the affected judge. The motion was seconded. The motion failed following two calls for a vote.

A final motion with respect to the Executive Session was made pursuant to additional brief discussion.

Motion

A motion was made to refer to the Ethics Advisory Committee a request that the committee consider, and report back to the Council as expeditiously as possible, a method for raising the sensitivity of judges statewide to the requirements of the Canons to include and not be limited to the matter discussed by the Council at its Executive Session herein. The motion was seconded and carried unanimously.

There being no further business, a motion was made to adjourn the meeting. The motion carried unanimously, at which time the meeting was adjourned.