

Judicial Council Meeting Minutes

JUDICIAL COUNCIL MEETING MINUTES

Monday, June 23, 2003

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

Chief Justice Christine M. Durham, Presiding

MEMBERS PRESENT:

Chief Justice Christine M. Durham
Justice Matthew Durrant
Hon. James Davis
Hon. Ben Hadfield
Hon. Jerald Jensen
Hon. Clair Poulson
Hon. Robert Hilder
Hon. Andrew Valdez
Hon. Gary Stott
Hon. K.L. McIff
Hon. Ronald Hare
Hon. Scott Johansen
David Bird, esq.

MEMBERS EXCUSED:

Hon. Lee Dever

STAFF PRESENT:

Daniel J. Becker
Myron K. March
Richard Schwermer
D. Mark Jones
Ray Wahl
Matty Branch
Kristin Brewer
AnNicole Faeth

GUESTS PRESENT:

Susan Verhoef
Rick Coleman
Louise Lindorf

• **WELCOME & APPROVAL OF MINUTES: (Chief Justice Christine M. Durham)**

All in attendance were welcomed to the meeting. The minutes of the Council's May meeting were discussed. The following motion was then made.

Motion: Judge Hadfield made a motion to approve the minutes. Judge Hilder seconded the motion. The motion carried unanimously.

• **CHAIR'S REPORT: (Chief Justice Christine M. Durham)**

Chief Justice Durham reported that the Supreme Court has appointed a special master to take in additional facts for the Court in a judicial conduct case regarding Judge Joseph Anderson. It was mentioned that this is being handled under the Court's constitutional authority to evaluate conduct commission matters.

Chief Justice Durham also reported that the Fourth District Nominating Commission met recently to consider applicants for two judicial vacancies in that district.

• **ADMINISTRATOR'S REPORT: (Daniel J. Becker)**

Daniel J. Becker reported the following items:

- Nancy Volmer has been hired as the court's new Public Information Officer by a selection committee which included a number of judges and members of the AOC. It was reported that Ms. Volmer previously served with the Salt Lake Organizing Committee (SLOC), the Salt Lake Chamber of Commerce, and the Park City Chamber of Commerce. Ms. Volmer will begin July 7th.

- The Management Committee established dates for the Council's budget planning meeting. The meeting will take place August 27th and 28th at the Matheson Courthouse.

- Peggy Gentles has been hired as the new Trial Court Executive in the Third District, replacing Larry Gobelman. Ms. Gentles will begin August 25th.

- Rick Davis, Court Executive in the Second District, has been hired to fill the Court Executive vacancy in the Fifth District. An announcement of the resulting vacancy in the Second District will be issued shortly.
- The CASA program is the recipient of a \$60,000 grant from National CASA.
- The Logan courthouse opened recently. It was reported that the dedication has been schedule for August 22nd, and that the Council may meet in Logan in October.
- The city of Fairview has submitted a letter asking for permission to dissolve their justice court.
- Michael Westfall has been appointed by the Governor to fill a judicial vacancy in the Fifth District. He will be considered for confirmation by the Senate when they next meet.
- Kristin Brewer recently received Utah Children's "Child Advocate of the Year" award.

- **REPORTS:**

Management Committee: (Chief Justice Christine M. Durham)

Chief Justice Durham reported that the Management Committee discussed a significant change in the budget planning process for next year. This would be a long term strategic planning process using "zero based budgeting". Chief Justice Durham mentioned that this would be discussed in greater detail later in the meeting.

Chief Justice Durham then reported that a discussion took place regarding whether Salt Lake City Justice Court pro tem judges had been appointed contrary to the Rules of Judicial Administration. It was also reported that additional information will come to the Council regarding a "Lawyers Helping Lawyers" program, and possible applicability to Utah's court system. Chief Justice Durham mentioned that Richard Uday may be invited to attend a future Council meeting.

Policy and Planning: (Hon. Ronald Hare)

Judge Hare reported that Policy and Planning looked at the question "What should be the transition for those senior justice court judges appointed under the current rule?" The committee determined that senior justice court judges who are presently in office and over the age of 75 may continue to serve in that capacity for no longer than three years from the implementation date of this rule change.

Liaison Committee: (Hon. Jerald Jensen)

Judge Jensen reported that the Liaison Committee had not met

Bar Commission: (David Bird, esq.)

David Bird, esq. reported that the Bar Commission met Friday, June 6th. Mr. Bird reported that the Commission discussed the following items:

- George Daines will be the next president-elect of the Bar.
- A tentative report on delivery of legal services was distributed to the Commission.
- The Commission reviewed the Case Maker project, which provides online legal resources for each state that is also available to other states. It was mentioned that this is a type of legal research system.
- Admissions is looking at numbers of attorneys admitted in Utah, and at the present difficulty level of Utah's Bar Exam, as compared with exams in other states.
- A report has been issued on the "lawyers helping lawyers" program. The report recommends an increase in funding for this program within the Bar, to \$120,000.

- **REPORT: GUARDIAN AD LITEM PROGRAM: (Kristin Brewer)**

Kristin Brewer, Director of the Guardian ad Litem Office, reported that the Guardians ad Litem usually handle dependency, neglect, and abuse cases. It was reported, however, that there is also a private Guardian ad Litem program in which attorneys handle custody dispute cases on a pro bono or fee basis, depending on the parties' ability to pay. Ms. Brewer reported that Craig Bunnell trains the private GAL attorneys throughout the state to handle these cases.

Ms. Brewer also reported that they are looking at increasing the diversity of CASA volunteers. It was reported that the majority of volunteers are currently female and Caucasian, and that it can be helpful for volunteers to share similar cultures, gender, and backgrounds with their clients.

It was also mentioned that the GAL program received authorization from the legislature this year to spend money received from the sale of CASA license plates. The proceeds of these license plates are distributed equally between

GAL/CASA and the Children's Museum.

- **FY 2004 BUDGET: (Daniel J. Becker)**

Daniel J. Becker reported that in the Council's May meeting, they established a budget plan for FY 2004 and reduced the budget by \$832,000. It was mentioned that the Council decided that \$280,000 would be reduced from personnel, but that no decision had been made yet regarding where these reductions would be taken from.

Mr. Becker then reported on a "zero based budgeting" approach which was shared with the Management Committee, in the context of the FY 2005 budget. It was reported that this approach would identify system priorities, look at where money is currently being spent, and then see what changes could be made in order to allow for the funding of those priorities. It was mentioned that any entity that has a substantial budget would go through this exercise, including the boards, standing committees, the Administrative Office of the Courts, and the Guardian ad Litem program. These groups would present recommendations to the Council prior to the Council's FY 2005 budget planning meeting. It was mentioned that the Trial Court Executives would be involved in this process, and that this would be done in addition to usual building block requests. It was also mentioned that it would be important for the Council to pay a large amount of deference to the recommendations submitted. The Council expressed support for this approach, which will be discussed in more detail at the August meeting.

Discussion then took place regarding where personnel reductions in the amount of \$280,000 will be taken. Updated clerical weighted caseload information from the Clerical Weighted Caseload Committee was shared with the Council. It was mentioned that discussions have taken place with the Third District Court regarding the results of the clerical weighted caseload study, which indicates that they are currently overstaffed by 8 positions. It was reported that the Third District has looked at a number of vacant positions which, between salary and benefits, are more than \$35,000 each. This would allow 6 positions instead of 8 to be eliminated in order to reach approximately \$280,000.

Motion: Judge Hilder made a motion to take 6 FTE's from Third District, which equates to \$275,000. Judge Jensen seconded the motion. The motion carried unanimously.

Myron March then urged the Council to wait on taking action on the remaining 2 positions in the Third District that the clerical weighted caseload study indicates are excess. This request was made since the Third District is still experiencing many changes as the result of cases shifting to justice courts, and they've been without a court executive for some time and are waiting for their new court executive to begin.

Discussion then took place regarding the current practice of the courts paying bar dues for judges. It was suggested that the courts only pay bar dues for judges on an inactive status basis in order to save money. The possibility of eliminating the \$400 per year that is available to judges to attend bar conferences was also discussed.

Mr. Becker and Mr. March then reported that in the Council's May meeting, the Council determined that one vacant court reporter position would be eliminated as part of the court's FY 2004 budget reduction. It was reported that the Council still needed to identify where that position would be taken from. Information regarding court reporter to judge ratios was then shared with the Council. After discussion took place, the following motion was made.

Motion: Judge Hadfield made a motion to eliminate a court reporter vacancy in the Third District. The motion was seconded and carried unanimously.

- **APPOINTMENT OF TWO JUSTICE COURT JUDGES: (Richard Schwermer)**

Richard Schwermer reported that two justice court judges need to be considered by the Council for appointment. Application information, exam scores, and other information, including whether a BCI check was successful, was included. After discussion took place, the following motion was made.

Motion: Judge Hare made a motion to appoint Thomas Lee Robertson, Jr. and Grant W. Bean as justice court judges. Judge Davis seconded the motion. The motion carried unanimously.

- **EXECUTIVE SESSION:**

Motion: A motion was made to go into executive session. 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.

- **CERTIFICATION OF JUSTICE COURT JUDGES: (Daniel J. Becker)**

After discussion took place regarding the certification of justice court judges, the following motions were made.

Motion: Judge McIff made a motion to certify Judge Daniel Bertch. Judge Valdez seconded the motion. Six votes were cast in favor of the motion, and six were cast in opposition to the motion. The motion carried with a tie breaking vote by Chief Justice Durham.

Motion: David Bird, esq. made a motion to authorize the Management Committee to gather information and take action related to the re-certification of Judge Louis Tervort for active senior judge status. The motion was seconded and carried unanimously.

- **ADJOURN:**

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