

Judicial Council Meeting Minutes

JUDICIAL COUNCIL MEETING MINUTES

Thursday, August 26, 2004
Large Conference Room (W-19A)
450 South State Street
Matheson Courthouse
Salt Lake City, Utah

Chief Justice Christine M. Durham, Presiding

MEMBERS PRESENT:

Chief Justice Christine M. Durham
Justice Matthew Durrant
Hon. James Davis
Hon. Jon Memmott
Hon. J. Mark Andrus
Hon. Jerald Jensen
Hon. Clair Poulson
Hon. Robert Hilder
Hon. Lee Dever
Hon. Gary Stott
Hon. K.L. McIff
Hon. Ronald Hare
Hon. Scott Johansen
David Bird, esq.

STAFF PRESENT:

Daniel J. Becker
Myron K. March
Richard Schwermer
Mark Jones
Ray Wahl
Tim Shea
Matty Branch
Mary Boudreau
AnNicole Faeth

GUESTS PRESENT:

Hon. Lynn Davis, *Chair, Interpreter
Advisory Panel*

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

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

Motion: Judge Poulson made a motion to approve the minutes. Judge Hare seconded the motion. The motion carried unanimously.

2. CHAIR= S REPORT: (Chief Justice Christine M. Durham)

Chief Justice Durham reported that she was recently invited to participate at a recent conference which dealt with the mental health needs of children in foster care. Also, the Conference of Chief Justices and State Court Administrators recently adopted a resolution supporting the recommendations of the Pew Commission, which had studied the needs of these children. Chief Justice Durham also reported that Judge Sharon McCully had recently become the president of the National Council of Juvenile and Family Court Judges, and that Daniel Becker recently took office as president of the Conference of State Court Administrators and vice-chair of the Board of Directors of the National Center for State Courts.

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

Daniel J. Becker reported the following items:

- At a recent Council meeting discussion took place regarding a planning retreat. The Management Committee recommends holding the retreat November 22nd, immediately following the Council meeting November 21st.
- The Executive Offices, Courts, Corrections Appropriations Subcommittee will meet September 14th.
- Mr. Becker is part of a group that is developing procedures related to asset forfeiture.

4. REPORTS:

Management Committee: (Chief Justice Christine M. Durham)

Chief Justice Durham reported that Governor Walker will be visiting the Matheson Courthouse December 15th from 3:00 - 3:15 p.m. Chief Justice Durham then reported that the Management Committee heard a report from Brent Johnson regarding Court Referees, and she reported that the issue may be coming before the Council at a future meeting. It was also reported that John Morris, jr. was recently confirmed by the Senate to fill a judicial vacancy in the Second District.

Policy and Planning: (Hon. Lee Dever)

Judge Dever reported that the Policy and Planning Committee recently considered a number of rule amendments.

Liaison Committee: (Hon. Jerald Jensen)

Judge Jensen reported that he had nothing to report, and that the Liaison Committee would meet following the Council meeting that day.

Bar Commission: (David Bird, esq.)

David Bird reported that the Annual Bar Conference recently took place, and that attendance at the conference by judges was very much appreciated and is encouraged in the future. Mr. Bird then reported that discussion is taking place regarding whether or not lawyers should be required to disclose if they have insurance. It was also reported that George Daines has replaced Debra Moore as president of the Bar.

5. REQUEST: INTERPRETER ADVISORY PANEL: (Hon. Lynn Davis)

Judge Lynn Davis, chair of the Interpreter Advisory Panel, reported that the panel requests that the Council grant it standing committee status. Judge Davis shared advantages of this change in status with the Council. Some of these include increased oversight by the Council, and recognition of the important role interpreters play in the court system. It was mentioned that this would be added to the Council's September meeting agenda for action.

6. RULE AMENDMENTS: (Tim Shea)

Tim Shea reported that he presented several rules at the Council's July meeting. It was reported that a few rules were delayed, and are now before the Council for its consideration. These include CJA 3-401 Judicial Branch Education, and CJA 9-103 Certification of Education Requirements. After discussion took place, the following motion was made.

Motion: Judge Dever made a motion to the aforementioned rules. Judge Poulson seconded the motion. The motion carried unanimously.

7. DIVERSITY PLEDGE: (Hon. K.L. McIff)

Judge McIff reported that he agreed to review a diversity pledge that was discussed at the Council's July Meeting. A revised pledge was distributed to the Council for its review. Judge McIff reported that it was felt that this revised diversity pledge reflected the views of the Judiciary. After discussion took place, the following motion was made.

Motion: Judge McIff made a motion to adopt the revised diversity pledge as presented. The motion was seconded and carried unanimously.

8. REQUEST: IVINS JUSTICE COURT: (Richard Schwermer)

Richard Schwermer reported that the Ivins City Council has submitted a letter requesting that the Ivins City Justice Court be dissolved, and that cases begin being sent to the Washington County Justice Court effective August 27, 2004. After discussion took place, the following motion was made.

Motion: Judge Poulson made a motion to dissolve the Ivins City Justice Court, the interlocal agreement be approved, and that any applicable waiting period be waived. Judge Hare seconded the motion. The motion carried unanimously.

9. OTHER BUSINESS:

- Daniel Becker reported that he received a letter from Colin Winchester, Director of the Judicial Conduct Commission (JCC), outlining newly proposed JCC rules. Chief Justice Durham asked Council members to review the rules and that they will be discussed at the Council's September meeting. Additionally, the rules will be sent to all judges for their comment.

- Judge Hilder presented preliminary information on behalf of the Judicial Compensation Committee. It was mentioned that a formal report would be made by the committee in September.
- Richard Schwermer distributed a redraft of the court= s housekeeping bill considered by the Council the previous day which reflect changes suggested by the Council. After discussion took place, the following motion was made.

Motion: Judge Dever made a motion to change line 167 of the legislation to read A ...is eligible to receive credit@ and to approve the legislation as redrafted. Judge Hare seconded the motion. The motion carried unanimously.

10. ADJOURN:

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