

Judicial Council Meeting Minutes

JUDICIAL COUNCIL MEETING MINUTES

Monday, October 24th , 2005

West Jordan Courthouse
8080 S. Redwood Rd. West Jordan, UT 84088

Chief Justice Christine M. Durham, Presiding

MEMBERS PRESENT:

Chief Justice Christine M. Durham
Hon. James Davis
Hon. Hans Chamberlain
Hon. Kevin Nelson
Hon. J. Mark Andrus
Hon. William Barrett
Hon. Clair Poulson
Hon. Robert Hilder
Hon. Rand Beacham
Hon. Gary Stott
Hon. Jon Memmott
Hon. Jerry Jensen

STAFF PRESENT:

Daniel J. Becker
Myron K. March
Richard Schwermer
Mark Jones
Ray Wahl
Tim Shea
Holly Frischknecht
Nancy Volmer
Heather Mackenzie-Campbell

MEMBERS EXCUSED:

David Bird, esq.

GUESTS:

Elizabeth Neff, Salt Lake Tribune
Derek Byrne, Legislative Fiscal Analyst

1. Welcome and Approval of Minutes: (Chief Justice Christine M. Durham)

Chief Justice Durham welcomed everyone to the Judicial Council meeting and introduced Judge Jody Petry, Judge William Barrett, and Judge Rand Beacham as new members. Chief Justice Durham welcomed Derek Byrne, the new Legislative Fiscal Analyst and Elizabeth Neff from the Salt Lake Tribune. Chief Justice Durham also excused David Bird who was preparing for back surgery.

After reviewing the minutes the following motion was made.

Motion: Judge Stott motioned to approve the minutes, Judge Andrus seconded the motion and the motion passed unanimously.

2. Chair's Report: (Chief Justice Christine M. Durham)

Chief Justice Durham indicated that she will be making numerous reports throughout the meeting. She also reported on the following:

-The 7th District Nominating Committee has sent three names to the Governor to replace Judge Bryce Bryner who will step down in January. William Brent Langston, George M. Harmond Jr., and Samuel P. Chiara are the individuals under consideration.

-Chief Justice Durham, Dan Becker, Myron March, Rick Schwermer and Mark Jones met with the Governor to discuss the upcoming Legislative Session. The Governor committed to a quarterly meeting with the Chief and administrative staff. The Governor attended a drug court graduation and was very supportive of the program.

3. Administrator's Report: (Daniel J. Becker)

Daniel Becker reported the following:

-The Appropriations Sub-committee met last week in the West Jordan Courthouse to tour the facility and hold an interim budget meeting.

-A group of Jordanian judges met with District Judges and Supreme Court Justices along with court administrators earlier this month to learn more about the state court system. Their visit had been arranged by the BYU Law School and the Federal Courts.

-Chief Justice Durham was recognized as the Public Official of the Year by the YWCA last week.

-The Building Board has met and reviewed the requests for new buildings and additions. The court's two requests, the St. George Courthouse and the purchase of the Ogden Post Office were advanced to the Governor and Legislature as priorities. The St. George Courthouse is ranked as seven and the Ogden request is ranked 14, out of a total of 23 requests.

-Efforts to advance legislation creating a Commission on Racial and Ethnic Fairness within the Commission on Criminal and Juvenile Justice.

-The Conduct Commission is hosting a retreat on November 8th and the Management Committee members and AOC staff will be attending.

-The "Court's Today" magazine has highlighted the West Jordan Courthouse in its monthly publication.

4. Reports:

Management Committee:

Chief Justice Durham reported that the Management Committee reviewed three JAG grant applications that had been submitted. Ray Wahl had reported that the first request will be used to for a law clerk to serve the Juvenile Court state-wide. The second request is for an educational program for presiding judges. The third request is for an assessment instructor for statewide training needed for the protective and risk factor assessment tool.

Chief Justice Durham also noted the Management Committee approved the first request from a specialty court since the new application process began. Judge Royal Hansen will be heading up the new drug court in West Jordan.

The Liaison Committee and the Policy and Planning Committee have not met since the last Council meeting. David Bird will report from the bar at next months meeting.

5. Interim Committee Report: (Rick Schwermer, Mark Jones)

Mr. Schwermer reported that the Interim Committee has been considering an open and public meetings act revision which would require all public meetings to be recorded. Pleas in abeyance for DUI's were also discussed. The argument has been made that pleas in abeyance should not be applied to DUI's. Some prosecutors believe this process sends the wrong message. Justice Court Judges who hold DUI courts use pleas in abeyance as part of the incentive to keep offenders under supervision of a court. Mr. Schwermer indicated that the new process for the specialty courts should also be applied to the Justice Courts and the Council's proposed Rule should be drafted accordingly. The legislation being proposed is likely to provide a role for the Judicial Council in regulating specialty courts.

Mr. Schwermer reported the Committee on Children and Family Law put together a sub-committee that reviewed removal policies and warrants. The committee drafted a compromise consensus bill that deals with removal. The bill will be introduced as a committee bill and Senator Bell recognized the hard work the sub-committee had put into the drafting of the bill.

Mr. Schwermer highlighted proposed fiscal changes. Considerations are being made for the Appropriations Sub-committee to meet before the Legislative Session begins to allow the base budget to be approved within the first ten days of the session. This would move the large on-going budget items forward and then allow time to analyze the individual building blocks requested throughout the session.

6. Communication Plan Report: (Nancy Volmer)

Nancy Volmer reported on the numerous projects the public information office has been working on throughout the year. Ms. Volmer reported that the courts can better utilize media coverage with story ideas, media advisories, news releases and clippings, additional media support, media interviews and the media database, working with editorial boards and the court web site.

Ms. Volmer indicated that increased training for the judges will be done to better educate them on responding to media inquiries. Mr. Becker reported that Ms. Volmer's report regarding committees went hand in hand with the access to fairness CORE measure the Council passed recently. Chief Justice Durham thanked Ms. Volmer for all her hard work and for the progress being made.

7. CourTools Presentation: (Heather Mackenzie-Campbell)

Mr. Becker reviewed the role that CourtTools plays in helping the court evaluate its performance and their relation to the and strategic agenda of the judiciary. The CourtTools is a measurement tool developed by the National Center for State Courts. The Judicial Council has reviewed and adopted measures for case management tools, access and fairness, and an employee satisfaction survey.

Ms. Mackenzie-Campbell reviewed the proposed measure on collection of monetary penalties. She reviewed the data reporting analysis that is currently being done within the District and Juvenile Courts. AOC finance and administrators receive an automated monthly report of collection of monetary penalties for monitoring purposes.

Ms. Mackenzie-Campbell recommended changing the format for reporting this data to make it more readable and helpful to the TCE's and those collecting monetary penalties. This data is currently available, it is just a matter of presenting it in a manner that is most understandable and consistent with the presentation on data format for other court measures.

Chief Justice Durham reported that showing this data indicates to the public and the legislators that the courts are effective at enforcing their orders.

Ms. Mackenzie-Campbell answered questions surrounding the information on the monetary penalties report. After discussion took place, the following motion was made.

Motion: Judge Hilder motioned to adopt a measure on collection of monetary penalties and approve the proposed changes in the reporting process, Judge Barrett seconded the motion, the motion passed unanimously.

8. Preliminary Hearings: (Rick Schwermer)

Mr. Schwermer reported that in the past Justice Court judges have been able to handle preliminary hearings for District Court Judges and compensation was provided for those Justice Court Judges who conducted such hearings. As part of the budget reduction measures taken several years ago, all payments were stopped except to one Justice Court in Sanpete County.

A recommendation was made to discontinue this exception and treat this matter consistently state-wide.

Motion: Judge Jensen motioned to terminate compensation for the Justice Court Judge hearing preliminary hearings in Sanpete County, Judge Stott seconded the motion and the motion passed unanimously.

9. Application for New Justice Court: (Rick Schwermer)

Mr. Schwermer reported that Eagle Mountain has made a request to establish a Justice Court. Mr. Schwermer reviewed the approval process for a new Justice Court for the benefit of the new Council members. In the case of Eagle Mountain request, the city is claiming there is a need because the cases cited in the city are now heard 30 miles away.

Mr. Schwermer indicated that Eagle Mountain's original request from two years ago provided an insufficient amount of information for the request to be considered.

Motion: Judge Andrus motioned to approve the request for the Eagle Mountain Justice Court, Judge Hilder seconded the motion, the motion passed unanimously.

Mr. Schwermer reported that the Eagle Mountain Justice court is currently scheduled to open July 1, 2007.

10. Citizen's Committee Report: (Chief Justice Christine M. Durham)

Chief Justice Durham reviewed the background of the court's compensation review process that led to a reinstatement of an independent Citizen Compensation Committee. After the committee met earlier this month, they determined a request for a 19% increase should be made to the Executive and Judicial Compensation Commission.

Chief Justice Durham reported that the members of the Judicial Compensation Committee have assumed the responsibility of acting as liaison's with the legislature and Governor on this issue.

Judge Memmott reported that the Citizen Compensation Committee was able to step back and analyze the needs of the judiciary in the future with particular attention on the possibility of a significant number of retirements over the next seven years. The Executive and Judicial Compensation Commissions next meeting is October 31st.

11. Council Committee Appointments: (Chief Justice Christine M. Durham)

Chief Justice Durham reported after the newest additions to the Council, a revision to the Liaison, Policy and Planning and Management Committee has become necessary. She reported on the following changes recommended by the management committee:

Management Policy and Planning: Liaison Committee:

Committee:

Chief Justice Christine Durham	Judge Gary Stott	Justice Ron Nehring
Judge Jim Davis	Judge Jon Memmott	Judge Jerry Jensen
Judge Robert Hilder	Judge Rand Beacham	Judge Mark Andrus
Judge Hans Chamberlain	Judge Kevin Nelson	Judge Bill Barrett
Judge Jody Petry	David Bird, Esq.	

Motion: Judge Chamberlain motioned to approve the new committee assignments. Judge Stott seconded the motion and the motion passed unanimously.

12. Executive Session:

Motion: Judge Memmott motioned to move into executive session, Judge Hilder seconded the motion, the motion passed unanimously.

Following the Executive Session, the following motion was made.

Motion: Judge Hilder motioned to approve Judge Phillip Eves as a Sr. Judge, Judge Chamberlain seconded the motion, the motion passed unanimously.

14. Adjourn

Motion: Judge Andrus motioned to adjourn the meeting, Judge Hilder seconded the motion and it passed unanimously.

Consent Calendar

The consent items in this section are approved without discussion if no objection has been raised with the Admin. Office (578-3806) or with a Council member by the scheduled Council meeting or with the Chair of the Council during the scheduled Council meeting.

1. Standing Committee on Children and Family Law Appointment Tim Shea
(Tab 9)
2. Standing Committee on Technology AppointmentTim Shea
(Tab 9)
3. Standing Committee on Ethics Advisory Appointment Tim Shea
(Tab 9)
4. Standing Committee on Judicial Outreach Appointment.Myron K. March
(Tab 9)
5. 2006 Council Meeting Schedule Daniel J. Becker
(Tab 10)