

**JUDICIAL COUNCIL MEETING**

**Minutes**  
**Monday, June 25<sup>th</sup>, 2007**  
**Judicial Council Room**

**Chief Justice Durham, Presiding**

**ATTENDEES:**

Chief Justice Christine Durham  
Hon. James Davis  
Hon. Kevin Nelson  
Hon. Gary D. Stott  
Hon. Michael Lyon  
Hon. Michael Kwan  
Hon. Mark Andrus  
Hon. William Barrett  
Hon. Ronald Nehring  
Scott Sabey, esq.  
Hon. Hans Chamberlain  
Hon. Jody Petry  
Hon. Rand Beacham

**STAFF PRESENT:**

Daniel J. Becker  
Myron K. March  
Rick Schwermer  
Carol Price  
Ray Wahl  
Holly Frischknecht  
Nancy Volmer  
Debra Moore  
Ron Bowmaster  
Carol Price

**ABSENT:**

Hon. Robert Hilder

**GUESTS:**

Elka Ermkova, Bulgarian Judge

**1. WELCOME AND APPROVAL OF MINUTES: (Chief Justice Durham)**

Chief Justice Durham welcomed everyone to the meeting. After reviewing the minutes, the following motion was made.

**Motion:** Judge Petry motioned to approve the minutes, Judge Barrett seconded the motion, the motion passed unanimously.

**2. CHAIR'S REPORT: (Chief Justice Durham)**

Chief Justice Durham reported the following:

- The first Selection and Retention Task Force met last week and the bulk of the meeting was spent hearing information from legislative staff and discussing how the voter information pamphlet can be more informative.
- Judge Gordon Low and Judge Darwin Hanson's judicial vacancies have been announced. Judge Low will retire in September and Judge Hanson will retire in December.

-Elka Ermkova was introduced to the Council. Ms. Ermkova is a judge in Bulgaria, and is a student at the University of Denver in Legal Administration on scholarship. Judge Ermkova has traveled throughout the U.S. and has heard many positive things about the Utah Court System and also the operation of the Judicial Council. She is attending the Council meeting to learn more about Utah's administrative system.

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

Dan reported the following items:

- Carol Price was introduced as the new Court Security Director. Ms. Price comes from Grand Rapids Michigan where she served on the police force for 22 years. Ms. Price has an MPA and has also attended training at the police academy in Quantico, Virginia.
- The Governor has selected Mark May to fill the 3<sup>rd</sup> Juvenile Court vacancy. Mr. May will go before the Senate the end of this month.
- CCJJ has been awarded \$175,000 in Justice Administration money. These funds will go towards juvenile court programs such as ongoing funding for the law clerk, Presiding Judge training, and a report card to the community.
- The next Judicial Council meeting will be on Wednesday, July 18<sup>th</sup> and Friday, July 20<sup>th</sup> in Sun Valley. The Wednesday meeting will begin at 9:00 a.m. and the Friday meeting will be from 7:30 - 9:00 a.m. The Friday meeting will include the President of the Bar and President Elect. The Justice Court Study Committee will also make a presentation on the reaction by community leaders from the justice court proposal. The remainder of the meeting will be spent discussing the Selection and Retention Task Force meeting.
- All travel reimbursements need to be turned into Holly Frischknecht by the end of July in order to be paid for the Council related travel.

**4. COMMITTEE REPORTS:**

**Management Committee Meeting:**

Chief Justice Durham reported that the Management Committee discussed and addressed the use of the general fund money to be put towards the Court Complex fund in order to avoid having the fund go into the red. 1.3 million in FY 2007 one time funds generated from higher than anticipated turnover savings, will be applied to this purpose. The Management Committee also met a second time and reviewed the grant requests from the Justice Court Security Education and Training Fund. In the past, the Committee has reviewed only a portion of the requests and determined this year it was necessary to review each request. The total amount of money annually available in this grant is close to \$900,000.

**Policy and Planning:**

Judge Stott reported that the Policy and Planning Committee reviewed small claims judge pro tem requirements. The Committee also discussed the referral from the Council on courtroom photography issues and identified some concerns they will follow up on and then report back to the Council. The signature stamp was also discussed since it can now be used on orders. Chief Justice Durham asked that Council members let the Policy and Planning Committee members know of any concerns they have regarding photography in order for the Committee to consider all the relevant issues.

### **Bar Commission:**

The Bar held their annual retreat this month and discussed their strategic plan. The Bar's internal performance review conducted by Grant Thornton is now on the Bar's website along with the Bar's response to the review and the annual budget. A letter sent by Mr. Vetter also addressed some concerns with the review. The Supreme Court met with the Bar Commission earlier this month to discuss the performance review and felt the Bar was extremely responsive to the suggestions made. Chief Justice Durham also reported to Mr. Sabey that the Task Force discussed the Bar's involvement in the retention and selection process.

### **5. JUDICIAL OUTREACH COMMITTEE PRESENTATION: (Judge Judith Billings)**

Judge Billings, Chair of the Judicial Outreach Committee, provided a power point presentation on the accomplishments the Committee has made in the last three years since they were formed.

Judge Billings indicated that the media coverage of the courts has increased dramatically in the past years under Nancy Volmer's direction. Among other things, \$80,000 in media exposure was generated from January through May alone, which translates to 5,421,080 impressions that public has had about the courts. The court publications have also increased with the Annual Report, Court News, and other publications that assist the community in understanding the court process. Judge Billings reviewed the judicial outreach accomplishments made by the Education, Media, Divorce Education for Children, Kids and Judges Day and the Survey Subcommittees.

The Education Subcommittee has adapted lesson plans and posted them online, organized Constitution Day, increased the tour capacity at the Matheson Courthouse, organized Law Day events and received the Golden Spike Award for the Law Day Publicity Plan. The Judicial Outreach Subcommittee has produced and distributed the media guide and hosted a court and media workshop with presiding judges, Trial Court Executives (TCE) and media representatives. The Divorce Education Subcommittee has received \$13,000 in funding for FY 2007-2008 and are planning for those upcoming classes. The Kids and Judges Subcommittee have expanded the program to the 2<sup>nd</sup> District in addition to the 3<sup>rd</sup> District. The work of the Survey Subcommittee has also assisted the entire Committee in formulating their future goals. The results of the surveys led to the recommendation that the subcommittees focus on website services, juror services, barriers to justice, procedural fairness, court performance, and diversity.

With those suggestions, the Judicial Outreach Committee determined the following priorities for the upcoming year:

1. Explore holding a teacher training workshop
2. Address juror services
3. Incorporate diversity issues into outreach efforts
4. Coordinate website services with outreach efforts

To address these priorities, Jury and Diversity Subcommittees were each formed. The

Education Subcommittee will research holding the teacher workshop and conduct training for judges in mock trials. The Media Subcommittee will plan a follow up to the court and media workshop and explore future workshop topics. An ad hoc website committee will be formed that will develop a poster that lists the top 10 things available on the court website and research ways to drive traffic to the website. Judge Billings indicated the new subcommittees will begin meeting in August.

Judge Billings recognized all the work and effort of Nancy Volmer and indicated that without her guidance the Judicial Outreach Committee would not have been as successful.

The Council questioned if there were plans for training the judges at the Annual Judicial Conference on how to interact with reporters. Ms. Volmer indicated that media training will be available at that time. Judge Petry reported she attended a program in Reno that helped judges become more comfortable in the classroom setting and many judges could provide teaching resources on these topics.

Judge Chamberlain indicated that local education providers in the communities such as school districts and universities would also be interested in working with the court to help educate teachers about the judiciary. Judge Billings discussed that once the Education Subcommittee is trained to assist in teaching teachers, statewide training and collaboration will take place.

Nancy Volmer indicated that the Branches of Civic Education is hosting a program of 40 teachers participating in a 3 day training on the executive, legislative and judicial branch. Tomorrow the teachers will be coming to the courts to eat lunch and participate in a mock trial with the Chief Justice that they can then take back to their classroom.

Mr. Becker reported that it is very important that the TCE's are acclimated to judicial outreach programs. The TCE's can make sure that the programs are institutionalized in each district in order for them to continue in the future.

Judge Billings reported that all the outreach information available to judges is on the website and in the newsletter. Chief Justice Durham thanked Judge Billings and Ms. Volmer for their hard work with the Judicial Outreach Committee.

## **6. INFORMATION TECHNOLOGY UPDATE: (Ron Bowmaster)**

Mr. Bowmaster reported that the Technology Committee has been working for some time to create a strategic plan that will govern their progress. Mr. Bowmaster provided a power point presentation on the mission statement, strategic objectives, assumptions, methodology, tactical initiatives, and infrastructure improvements the Technology Committee has determined.

The Technology Committee has adopted supporting the court's mission to 'provide the people an open, fair, efficient, and independent system for the advancement of justice under the law' to be their mission.

Mr. Bowmaster indicated that the Committee's strategic objectives include:

- Capture information once, and make that information available to those who need it
- Provide access to the information now stored on court computing systems
- Promote the equal treatment of all litigants
- Promote timely disposition of cases consistent with the circumstances of the individual case
- Enhance the quality of the litigation process
- Promote the public's confidence in the court as an institution
- Reduce the cost of litigation

The assumptions made from the court vision document include:

- Court systems adequately support court business
- Court systems must integrate with each other
- Business requirements must incorporate external users
- Must reduce the necessity for paper transactions
- The goal is to make our systems work "smarter"
  - By better managing case records
  - By expanding access to all court case records
  - By integration with external systems and stakeholders
  - By creating external views of court records based on stakeholder roles
- Utah starts this process from a position of strength

Mr. Bowmaster reported that the traditional systems view of applications within the courts have been stand alone systems. The revised core system view which the courts are moving towards requires that each court system share common features and interact with each other more, while maintaining their unique services within their sphere of influence. This means the Appellate Court, Juvenile Court, District Court, and Justice Court systems all interact with one another, the external public and private systems. This strategy shifts the emphasis from data entry to data quality and focuses the key technologies the court is offering as integration enablers.

To establish an environment to facilitate information exchanges and to create a comprehensive electronic case system, electronic filing, electronic notice, electronic payments, electronic case record, and standard queries will be used with the following tactical initiatives:

- Expand Civil Electronic Filing
- Integrate Criminal Electronic Filing
- Enable Electronic Filing from Court Forms (OCAP)
- Electronically File Court Issued Documents
- Enhance xChange
- Enhance Case Management
- Expand Supporting Infrastructure

Mr. Bowmaster reported that by July 1, 2007 the following infrastructure improvements will be made: cable conversion in Layton, Provo Juvenile, Moab, and Price; replacement HUBs with

switches in 29 courthouses; replace 95 audio personal computers; replace 315 personal computers and 18 printers, and; application server upgrades. By 2007-2008, \$240,000 will be allotted for the desktop replacement schedule, the wide area network bandwidth will be expanded, alternative internet access in the courthouses will be provided, and expanded server and storage capacity will be offered. By 2009 a completely redundant data center should be available in the new St. George Courthouse.

Chief Justice Durham praised the progress the Technology Committee has made and how insightful their future planning integration model is. Mr. Becker indicated that Mr. Bowmaster has taken the Committee from small projects to a comprehensive operations plan. The Council discussed how many of the Standing Committee's efforts often overlap and compliment each other as has been heard today from the Technology and Judicial Outreach Committees. The Council asked that Mr. Bowmaster convey their appreciation to Technology Committee members at large.

#### **7. INTERIM COMMITTEE REPORT: (Rick Schwermer)**

Mr. Schwermer reported that the Child Welfare Legislative Oversight Panel discussed the management and licensing information systems for child abuse and neglect, including listing names, making findings, due process protections, and records retention. The Judiciary Committee discussed creating a statutory presumption against awarding custody of a minor to a person convicted of a sexual offense against a minor.

The Judiciary Committee also heard presentations from the AOC regarding the small claims limit, ADR programs and the sunset review of the Administrative Office of the Courts. Mr. Becker made a presentation on the sunset review and the committee was supportive of continuing the AOC without any reservation. Discussion took place about the need for a sunset review and leadership will be consulted to consider removing the AOC from the review list. There was not a quorum to accept the AOC sunset review and an official vote will be done in a future meeting.

The Law Enforcement and Criminal Justice Committee reviewed a controlled substances and paraphernalia bill that was proposed last year. Mr. Schwermer discussed that a temporary orders concern was gaining momentum. Senator Bell has created a work group to review issues surrounding temporary orders instead of taking those concerns through an interim committee. Mr. Schwermer indicated that if there is any direct input that judges have about temporary orders, they should send them on to him to ensure that information reaches the work group.

A more in-depth review of the Selection and Retention Task Force meeting will be done in Sun Valley. The meeting consisted of presentations from legislative staff. The selection and retention of justice court judges will not be discussed as part of the Task Force.

#### **8. SARATOGA SPRINGS AND EAGLE MOUNTAIN JUSTICE COURT APPROVAL: (Rick Schwermer)**

Mr. Schwermer reviewed that both Saratoga Springs and Eagle Mountain had requested

approval to begin a justice court earlier this year. Both requests were approved with the start date of July 1, 2007. A letter was sent to each city that stated an operational standards affidavit form must be provided for the Council 30-60 days before the start date of the court. Provo Justice Court also begins July 1<sup>st</sup> and have provided the necessary paper work. Saratoga Springs and Eagle Mountain however have not turned in their forms. Since that time both city's determined that they no longer want to begin a court.

Mr. Schwermer reported that an official letter will be sent to Saratoga Springs and Eagle Mountain clearly stating they are not approved to create a justice court and let Utah County Justice Court know they will still be covering those cases.

***Motion:*** Judge Lyon motioned that a letter be sent to Saratoga Springs and Eagle Mountain stating that if they want to create a justice court in the future, they must go through the whole application process again, Judge Andrus seconded the motion, the motion passed unanimously.

#### **9. FINE AND BAIL COMMITTEE REPORT: (Debra Moore)**

The Judicial Council is charged by statute to recommend a uniform fine and bail schedule. A committee meets annually after each session to adjust for new legislation. The committee has met and made its recommendations under the leadership of Judge Shumate who has been substituting as chair since Judge Boyden's illness.

The committee stayed with the default amounts in setting bail fees. The committee had a discussion about mandatory appearance requirements but determined no change should be made. Once the Council approves the fine and bail schedule it will go into affect July 1<sup>st</sup>.

***Motion:*** Judge Nelson motioned to approve the fine and bail schedule, the motion was seconded by Judge Lyon and passed unanimously.

#### **10. EXECUTIVE SESSION:**

***Motion:*** A motion was made to go into executive session, the motion was seconded and passed unanimously.

#### **11. ADJOURN**

***Motion:*** A motion was made to adjourn the meeting, the motion was seconded and passed unanimously.