

JUDICIAL COUNCIL MEETING

Minutes
Monday, June 30th, 2008
Judicial Council Room

Chief Justice Durham, Presiding

ATTENDEES:

Chief Justice Christine M. Durham, Chair
Hon. Gary Stott, Vice Chair
Justice Ron Nehring
Hon. Mark Andrus
Hon. Judith Atherton
Hon. William Barrett
Hon. Hans Chamberlain
Hon. Michael Kwan
Hon. Michael Lyon
Hon. Brendan McCullagh
Hon. Gregory Orme
Hon. Jody Petry
Hon. Michael Westfall
Scott Sabey, esq

STAFF PRESENT:

Daniel J. Becker
Myron K. March
Debra Moore
Ray Wahl
Mary Aquirre-Shahin
Kim Allard
Ron Bowmaster
Matty Branch
Jody Gonzales
Maurie Montague
Marianne O'Brien
Rob Parkes
Nancy Volmer

GUESTS:

Hon. Judge John Baxter
Hon. Judge Anthony Quinn
Mary Jane Ciccarello
Peggy Gentles
Scott Hennessy
Loni Page
Russ Pearson
Kristin Rogers
Vic Tarleton
Bruce Thomas
Jessica Van Buren

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

Chief Justice Durham welcomed everyone to the meeting. The minutes of the May meeting were reviewed and the following motion was made.

Motion: Judge Petry motioned to approve the minutes. The motion was seconded and passed unanimously.

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

Chief Justice Durham reported she had no new information to report.

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

Mr. Becker reported the following:

-He introduced Jody Gonzales as the new Executive Assistant.

-A Nominating Committee update was given. The positions that have closed and the number of applicants are: 1) Court of Appeals, 36 applicants; 2) Fourth District Court, 32 applicants; Sixth District Court, 21 applicants.

-The Salt Lake City Council recently had on their agenda the item of dissolution of the Salt Lake City Justice Court. It was initiated by the City Council and City Attorney. There are concerns about how ordinance violations are being handled, the cost of operations and delay. An internal study has been completed. The City Council decided to study the issue further and put off for a year any decision. Mr. Becker wanted the Council to be aware that it is being discussed.

-Mr. Becker gave an update of the events leading up to the press release of the 4-day work week as proposed by the Governor. Dan emphasized that the courts will not close on Fridays. However, he mentioned that we do have a policy that allows employees to work a 4-day work week with supervisor's approval. Dan also mentioned the possible agencies that may be affected by court proceedings and the Friday work day. Some agencies affected will begin their 4-day work week on July 14 and the other agencies in August. This is a one-year pilot project.

-Raymond Wahl has been chosen to receive the Walter Dunbar Memorial Award from the American Probation and Parole Association. He will receive it on August 4, 2008 at the APPA Conference in Las Vegas. He was congratulated for his achievements!

4. COMMITTEE REPORTS:

Management Committee Report:

Chief Justice Durham reported that all the business conducted by the Management Committee is detailed in the minutes. All items of interest have been moved to the Council agenda or the consent calendar. Therefore, she had nothing new to report.

Policy and Planning Meeting: The CJA Rule 4-403 Signature Stamp Rule, and the Computer Use Policy will be presented on the agenda later in the meeting. The other two items to mention are email retention, and the Code of Judicial Administration–Merrick Reference.

Email Retention. The committee looked at a proposed brochure to inform everyone of the need to retain certain email messages over other email messages. Suggestions were made to the brochure and the information will be incorporated into the final brochure. The brochure should be ready to preview at the August Council Meeting.

Code of Judicial Administration–Merrick Reference. The committee has made an ongoing effort to systematically review the Code of Judicial Administration and change all the references to Title 78 to either 78A or B preferably substituting a generic reference.

That concludes the Policy and Planning update.

Bar Committee Report: Mr. Sabey reported that the Utah State Bar elections will be concluded today. The outcome will be reported by tomorrow. Preparations are being made for Sun Valley. An Executive Committee meeting will be held tomorrow to prepare for the end of the year. All

items discussed in the previous meeting are on track. Mr. Sabey also mentioned that future meetings for the Bar Convention are booked five years out. The event will be held for another two years in Sun Valley, and then in Newport Beach.

5. COMPREHENSIVE CLERICAL STUDY COMMITTEE REPORT: (Debra Moore, Russ Pearson, and Jeff Mulitalo)

Ms. Moore introduced members of the committee. She mentioned that this was the first time we have conducted a comprehensive study of the clerk of court organization and positions. Ms. Moore reviewed the contents of the report and Mr. Mulitalo presented the information via PowerPoint.

The committee was charged with three key areas when compiling the information of the study: 1) studying clerical operations in the Utah Courts; 2) anticipate future influences on the current work of court clerks; and 3) producing recommendations to assist the Judicial Council's planning and decision-making concerning judicial and case management support operations.

Current and future trends was summarized as: 1) the satisfaction of court employees; 2) the impact of turnover and attrition; 3) the comprehensive advent and development of technological processes for court processes; 4) the development and need for job-specific training; and 5) the demographic trends of the current and projected workforce. A retention analysis was conducted by the University of Utah Center for Public Policy and Administration. The top five issues driving turnover were: 1) compensation; 2) stress; 3) lack of career opportunities/growth; 4) workload; and 5) lack of training.

A summary of recommendations includes: 1) Reorganize clerical operations into judicial and case support teams that enhance efforts to fulfill the court's mission; 2) cross-train staff to create teams of generalists that increase organizational efficiency; 3) implement a program of professional development that offers greater opportunity, improved incentive, and competency growth for employees; and 4) adopt the proposed implementation strategy to ensure an effective transition of this plan.

The study reveals that this team structure composed of cross-trained generalists will increase organizational flexibility, improve the quality of service, and offer a better environment for employees.

Members of the committee answered questions from the Council as they were asked.

Recommended phases include: 1) improvements to existing practices; 2) preparation for new emphases, transition, and structure; 3) institutionalizing changes; and 4) long term development.

Chief Justice Durham expressed her appreciation to the committee for their fine work. She also thanked Debra and the entire committee for undertaking the committee assignment as well. The report showed extraordinary effort, quality and professionalism.

Mr. Parkes reported tentative figures on the cost of implementing and maintaining the program. A market adjustment for the deputy clerk position has already been approved. Mr. Parkes gave comparisons of where each of the remaining positions would fall. There are structural differences in the new model versus the current model in regards to cost assumptions. There will be a one time cost to change to the new system of approximately \$552,000-\$600,000.

Training will be provided by a coordinated group which will include training coordinators from each district. It is recommended that the implementation plan utilize the Train the Trainer program—train one person and that person will train all employees in their districts.

Mr. Becker outlined several alternatives for funding the study that will be discussed

further at the August Council Meeting. He recommended that the report be taken under advisement and then be presented to Boards of Judges, court executives, clerks of court, and meetings to be held in each district.

Motion: Judge Andrus made a motion to accept the report, it was seconded and approved unanimously. There will be a review and comment process until the August Council Meeting.

6. JUDICIAL BRANCH EDUCATION COMMITTEE REPORT: (Mary Shahin)

Ms. Acuirre-Shahin distributed a handout on the Judicial Branch Education Committee Report. She gave a brief update of the Afghan Prosecutor's Training that was held at the University of Utah in regards to domestic violence. She gave a broad overview of the Judicial Branch Education Strategic Plan. As a point of reference in her presentation, Ms. Acuirre-Shahin refers to the following terms throughout the plan: 1) phase I: The initial building block for curriculum development (ask learners what they want to learn); 2) phase II: Develop learning designs for each specific area and design objectives, learning activities and materials; and 3) phase III: Curriculum is developed by faculty based upon the information in the phase II designs. The objective of the presentation is to provide the Council with the educational accomplishments in FY 2007 and FY 2008, and outline some of the educational priorities for FY 2009.

Goals for 2007 and 2008 were: Goal 1: continue comprehensive curriculum development; Goal 2: evaluate the orientation process for new employees; Goal 3: develop a training program for law clerks in the District and Juvenile Courts; Goal 4: pilot test a new mentor program for state court judges; Goal 5: expand faculty development within state and justice courts; and Goal 6: utilize and integrate technology in programs and services as appropriate.

Goals being considered for 2009 include: 1) integrate cultural awareness and cultural competency into all curriculum where appropriate to further the court's goals of fairness and equal access to justice; 2) incorporate more training on issues relating to mental health and mental health court models; 3) provide training on "integrated courts" being used to comprehensively deal with domestic violence, repeat DUI and other cases in a single court; 4) develop a model pilot program on "values, beliefs and attitudes" to be delivered to youth in detention as an AOC outreach project (subject to approval); 5) revamp the new judges orientation material; and 6) conduct a staff retreat in July to deal with issues ranging from working effectively with faculty to fiscal policies and procedures.

7. CASE PROCESSING AND JUDICIAL SUPPORT IN CRIMINAL CASES: (Kim Allard, Maurie Montague)

Ms. Allard gave a brief update of the Train the Trainer program. This program will provide support and tools that will go along with and complement the Implementation of the Comprehensive Clerical Study Recommendations. The information has gone through content drafts, court executives, and clerks of courts to ensure the information is correct. Last Thursday, the first Train the Trainer session was held. Three clerks from each district were invited. The clerks were given the opportunity to give feedback at the session. Material was prepared in binders and circulated among the attendees. The clerks attending the session are now to go back and train the clerks in their districts. Updated information will be provided on the intranet. It was mentioned that the Juvenile Court has a similar committee, and they would like to develop a similar program.

8. CJA RULE 4-403 SIGNATURE STAMP RULE: (Brent Johnson)

After reviewing the rule, the Council decided to repeal the recent amendment to Rule 4-403.

Motion: Judge Kwan motioned to repeal the recent amendment to Rule 4-403 by striking out line 24 of the rule. Judge Orme seconded the motion, and it passed unanimously.

9 COMPUTER USE POLICY (Brent Johnson)

The computer use policy was brought before the Council for discussion. There were concerns with (1)(B) of the policy in that this item was impractical for justice court judges.

It was the decision of the Judicial Council to approve the policy for state court judges and send the document back to the Policy and Planning Committee to create wording appropriate for the justice court judges.

Motion: Judge Kwan made a motion to approve the computer use policy for public-owned computer systems for state court judges only and that the issue of its potential application for justice court judges be sent back to the Policy and Planning Committee for additional work. The motion was seconded and passed unanimously.

10. CASE MANAGEMENT PILOT PROJECT: (Judge Anthony Quinn, Peggy Gentles, Ray Wahl, and Bruce Thomas)

District Court Update. The Case Management Pilot Project was enacted in the 2007 Legislative Session. Ms. Sherry Thompson has been instrumental in gathering data for the Third District Court pilot project. The steering committee is led by Judge Anthony Quinn. Management of active cases is the focus. The committee is working to identify the best practices to keep the cases moving and to avoiding delay. Focus is on these areas: 1) identification of best practices, 2) domestic cases, and 3) methods of resolving or dismissing inactive cases. The committee identified 7-8 practices. These practices will be considered for broader application.

Juvenile Court Update. Mr. Bruce Thomas and Mr. Ray Wahl provided an update on the Third District Juvenile Court pilot project. Vic Tarlton was introduced as the Third District Juvenile Courts case management specialist. The steering committee is chaired by Judge Elizabeth Lindsley. The committee has seen favorable results from the Model Delinquency Court Pilot Project. They will implement pieces of this model with in-custody juveniles. They will create data reports using the CARE case management system. The pilot project has shown that efficiencies in case processing are possible using the methods from the model project.

11. SELF-REPRESENTED PILOT PROJECT UPDATE: (Judge John Baxter)

Judge John Baxter gave an update of the pilot project. He introduced members of the committee. The pilot project is seeing good results in the Second and Eighth District Courts, and efforts are being made to more fully engage the justice courts in the two districts. He mentioned the great asset Ms. Mary Jane Ciccarello is to the project. He gave an update of the services being provided in the pilot project. He also reviewed the data gathered from the project.

Mr. Becker mentioned that both the Self-Represented and Case Management Pilot Projects will be budget items up for consideration at the August Planning Session.

12. EXECUTIVE SESSION.

Motion: Judge Nehring made a motion to approve the request for exclusions from the Judicial Performance Evaluation Survey as discussed in the executive session. The motion was seconded and passed unanimously.

13. ADJOURN

The meeting was adjourned.