

JUDICIAL COUNCIL MEETING

MINUTES

Thursday, August 24, 2006

Large Conference Room
Matheson Courthouse

Chief Justice Christine M. Durham, Presiding

MEMBERS PRESENT:

Chief Justice Christine M. Durham
Justice Ronald Nehring
Hon. James Davis
Hon. Kevin Nelson
Hon. J. Mark Andrus
Hon. Jerald Jensen
Hon. Jody Petry
Hon. Robert Hilder
Hon. William Barrett
Hon. Rand Beacham
Hon. Hans Chamberlain
David Bird, esq.

STAFF PRESENT:

Daniel J. Becker
Myron K. March
Richard Schwermer
Mark Jones
Ray Wahl
Tim Shea
Holly Frischknecht

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

Chief Justice Durham welcomed everyone to the meeting. After it was specified that the Bar Convention was held in Newport Beach, not San Diego, the following motion was made:

Motion: Judge Petry motioned to approve the minutes, the motion was seconded and approved unanimously.

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

Chief Justice Durham reported on the following:

-The 4th District Nominating commission has met for the Juvenile vacancy and those names are now available for public comment

-The 3rd District Nominating Commission has met about Judge Yeates' position and will shortly reconvene for Judge Fuchs' position. The 3rd District Nominating Commission expires at the end of this year.

-The Chief and Dan recently attended COSCA/CCJ Conference and learned more about how compensation comparison studies are being done in other states. The new ABA Code of Conduct was also discussed. The final version of the model code will not be approved until February. After its approval, the Utah Code will be addressed.

-Chief Justice Durham recently attended the first meeting for the Commission on Civic Character and Service Learning that was created by statute during the last legislative session.

The Lt. Governor is chairing the committee, and it is unclear the direction it will head at this time.

-The Chief Justice has now served the statutorily approved amount of her 12 year term on the Constitutional Revision Commission. The Commission could bring on another member of the Court to fill the Chief's position on that committee.

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

-During the Annual Judicial Conference the Presiding Judges will meet to discuss proposed rule changes to bring to the Council. Senator Valentine will be meeting with the Board of Juvenile, District and Justice Court Judges on Wednesday morning. Council members are welcome to attend this meeting as well.

-The Judicial Council meets Tuesday morning at 9:00 a.m. at Snowbird for their next meeting. A joint Public Outreach workshop will be held later in the afternoon. The Valley Research survey on public trust and confidence in the courts will be presented at that time. Jesse Rutledge, with Justice at Stake, will also be attending and discussing public perception and the courts.

-The American Probation and Parole Association will be presenting their President's Award to Project Empower, a Juvenile Court program in Ogden.

4. Reports:

Management Committee (Chief Justice Durham)

The Chief referred the Council members to the Management Committee minutes for a review of the discussions that took place during the last meeting.

Policy and Planning Committee (Hon. Gary Stott)

The Policy and Planning Committee has not met since the last Judicial Council Meeting.

Bar Commission (David Bird, Esq.)

The Bar Commission has not met since the last meeting. Mr. Bird reported that the judicial survey the Bar sent last spring has been revised and will be re-sent members of the Bar and to judges. This survey questions attorney's attitudes about application process, work and compensation for judicial offices.

5. Jury Report MEMO

Mr. Shea reported that the Jury and Witness Act establishes the objective that the jury pool be as inclusive of the qualified population as possible and provides for a biannual report to the Council. Mr. Shea reviewed the efforts that have been made to improve the voter registration list, including using drivers licenses, integrating the Tax Commission's records, using CORIS, utilizing the records from Vital Statistics and most recently integrating information from Workforces Services. The possibility of incorporating records of recently naturalized citizens from the Federal District Court was also discussed.

Recently Kim Allard and Ed Rhodes have assisted in visually inspecting the records and converting a program that better analyzes duplicate records. The results of this inspection significantly improved the records, but there are still improvements that could be made and efforts to do that are constantly being addressed.

Mr. Shea answered questions on the recent court case challenging the jury data base in Utah County. The challenge is that the Hispanic population is under represented on the master list. The race data available was provided to the court based on information from driver's licences.

The Judicial Council thanked Mr. Shea for his continued efforts at improving the jury data base.

6. District Rule Proposals

Mr. Shea provided information on requests for local rules from 3rd and 8th District. The 3rd District Rule deals with requiring parent time and co-parenting issues to be screened for mediation. The 8th District Rule request prohibits fax documents for intent of filing.

Motion: Judge Beacham motioned to ratify the motions, Judge Lyon seconded the motion, the motion passed unanimously.

7. Perimeter Security Study

Mr. Bissegger reviewed the history of hiring Securacom to perform the perimeter security study. A year ago the Council approved hiring a consulting firm to review court security needs following a survey which proposed an increases in the Sherrif's perimeter security fees.

Securacom's findings were presented to the Judicial Council during their July meeting. Mr. Bissegger recapped the essential conclusions of their study. Some of the non specific security suggestions they made included:

1. Courts should take the initiative in specifying the type of officer and level of coverage needed to perform courthouse perimeter security, including qualifications and standards of performance.

2. Courts should require and promote training specific to the operation of security screening equipment and procedures and specific to the operation of security monitoring equipment and control room duties.

3. Armed and certified peace officers are not needed to provide effective courthouse perimeter security.

4. Using a contracted, properly trained, private security service is the most cost effective approach to courthouse perimeter security. Private security firms can be used, or contracted services through the County Sheriff.

To address these findings, Mr. Bissegger discussed details of the following recommendations.

Short Term

1. Enter into a pilot project with Weber County
2. Consider entering into RFP process for perimeter security

Long Term

Continue to study the following methods for delivering perimeter securirty:

1. Use the Sheriff for perimeter security
2. Hire in-house security staff

3. Private security contracts

Discussion took place about the possibility of delaying moving forward with contracts without having a court security officer already in place. It was reported that when a security officer position is created, they will work closely with the Council to continue a strategic plan to address security needs.

Motion: Judge Davis motioned to authorize AOC staff to enter into a short term contract with the Weber County Sheriff's Department incorporating all the applicable suggestions from Securacom into the contract. Judge Hilder seconded the motion and the motion passed unanimously.

This motion was made with the understanding that the courts are proceeding with the effort to have a court security officer oversee this type of contract in the future.

8. Adjourn:

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