

JUDICIAL COUNCIL MEETING

Minutes

Thursday, August 26th, 2010

Large Conference Room A

Matheson Courthouse

Salt Lake City, UT

Chief Justice Christine M. Durham, Presiding

ATTENDEES:

Chief Justice Christine M. Durham
Hon. Hans Chamberlain, vice chair
Justice Jill Parrish for Justice Ron Nehring
Hon. Judith Atherton
Hon. Donald Eyre, Jr.
Hon. Kimberly K. Hornak
Hon. Paul Maughan
Hon. Brendan McCullagh
Hon. Gregory Orme
Hon. Jody Petry
Hon. Keith Stoney
Hon. Michael Westfall
Hon. Thomas Willmore
Lori Nelson, esq.

STAFF PRESENT:

Daniel J. Becker
Myron K. March
Jody Gonzales
Debra Moore
Rick Schwermer
Ray Wahl
Alyn Lunceford
Jeff Mulitalo
Kim Allard

GUESTS:

Wendell Roberts, 8th Dist TCE

EXCUSED:

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

Chief Justice Durham welcomed everyone to the meeting.

Motion: Judge Petry moved to approve the minutes. Judge Hornak seconded the motion, and it passed unanimously.

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

Chief Justice Durham had nothing new to report.

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

Mr. Becker reported on the following items:

The September Council meeting will be held on Tuesday, September 21, in conjunction with the Annual Conference at Snowbird beginning at noon.

To accommodate the number of new judges coming into the court system, a new judge orientation has been scheduled for the week of November 15, rather than March of 2011 as previously planned.

Mr. Becker mentioned that there are several judicial appointments that will be before the

Senate Judicial Confirmation Committee during the September Interim Meetings. They include: 1) two juvenile judges, 2) two district judges, and 3) the new Fifth District Juvenile Judge.

The Third District Nominating Commission will be meeting to fill the judicial vacancies for Judge Sharon McCully in the juvenile court, Judge Michele Christiansen and Judge Stephen Henriod in the district court.

Mr. March provided an update on the Elected Official and Judicial Compensation Committee meeting which he attended on August 10.

Mr. March reported that he will retire from the courts effective December 24.

4. COMMITTEE REPORTS:

Management Committee Report:

Chief Justice Durham reported that the Management Committee meeting minutes accurately reflect the issues discussed.

Liaison Committee Report:

Discussion took place on Criminal Contempt Legislation which had been brought to the attention of the Liaison Committee. The Committee deferred action to the Council.

Motion: Judge McCullagh moved to thank the sponsor for bringing the information to the attention of the courts (but the issue raised is better dealt with outside of changing the law). Judge Orme seconded the motion, and it passed unanimously.

Policy and Planning Meeting:

Judge Orme reported on the following:

The majority of the August meeting was spent discussing and making final decisions on the evaluation of court commissioners and senior judges. It will be discussed further at the September Council meeting for approval.

Bar Committee Report:

Ms. Nelson reported on the following:

She mentioned that the Bar's Summer Conference was held this year in Sun Valley and next year's conference will be held in San Diego. She reported that the Bar is considering moving the main meeting to the Fall Forum instead of the Summer Conference.

The Bar has scheduled a retreat to begin tomorrow with focus on the following areas: 1) public outreach, 2) public relations efforts, and 3) lawyer perception.

5. INTERIM COMMITTEE UPDATE: (Rick Schwermer)

Mr. Schwermer provided an update on interim and fiscal highlights for August.

A report on a meeting of the Legislature's Executive and Judicial Compensation Commission was provided. Senator Liljenquist, at the request of the Commission, attended and clarified that no changes to judicial retirement are going to be considered. The Commission agreed to recommend the same percentage increase be given to judges that is given to state employees, generally.

The following areas were mentioned from the Interim Highlights: 1) Government Operations and Political Subdivisions - A Performance Audit of the "Working 4 Utah Initiative", 2) Judiciary, Law Enforcement, and Criminal Justice - Alimony Issues, 3) Senate Judicial

Confirmation Committee - Judicial Confirmations, and 4) Utah Constitutional Revision Commission - Power Vested in Senate, House, and People.

The following areas were mentioned from the Fiscal Highlights: 1) State FTE reductions in FY 2010, 2) Executive Office and Criminal Justice, and 3) Legislative awards.

6. PROPOSAL TO MAKE MANTI A STATE COURT SITE: (Alyn Lunceford & Wendell Roberts)

Mr. Lunceford and Mr. Wendell Roberts were welcomed to the meeting.

Mr. Lunceford reported that Sanpete County is requesting the Manti court site be changed from a contract managed court site to a state managed court site. An explanation of what would be involved with this change was provided.

Mr. Shea reported that the rule change would be straight forward. To make the change, the Judicial Council need only amend Rule 4-408.01 to strike the word "Manti" from paragraph (2).

Mr. Lunceford mentioned that a team was created to explore the logistics of the change. For the transition period during the first year, there will be costs associated with the change. In the long run, the change will save the courts money. The operational issues of the court site will be simplified. The change will allow for the following: 1) court function on the second floor, 2) allow for a room to be built for legal counsel to consult with clients, and 3) to help with building security issues.

Mr. Roberts provided his view of staffing needs for the court site. Clerks will be cross trained in juvenile and district court functions.

Mr. Lunceford mentioned that Kanab and Panquitch are looking at similar moves.

Motion: Judge Petry moved to approve Manti's move to a state managed court site. Judge Chamberlain seconded the motion, and it passed unanimously.

7. PREVIEW OF CLERKS TRAINING PROGRAM: (Jeff Mulitalo)

Mr. Mulitalo was welcomed to the meeting.

He provided a preview of the clerks training program to the Council.

In developing the training program, emphasis was focused on providing an accessible program that would build competency. The program was introduced in July. The program is being distributed to the clerical ranks on jump drives and then installed on the individual desktops.

There are between 120-130 modules available. The modules cover topics in both district court and juvenile court. Justice Court options will be available at a later date. Mr. Mulitalo viewed different aspects of the program for the Council.

It was suggested that elements of the training program be presented at the new judge orientation.

Mr. Mulitalo mentioned the key staff involved in preparing the program. A training group to provide additional training, prepare additional modules and orientation has been formed.

8. LAW LIBRARY OVERVIEW: (Jessica Van Buren)

This item will be deferred until the September meeting.

9. REFORMATTING OF COURTOOLS: (Kim Allard)

Ms. Allard updated the Council on significant enhancements to the courts' performance measures: CourTools.

She mentioned the featured measures are case management measures. CourTools has moved to a new performance measurement type system using a system called Cognos. She viewed different screens showing what information is available with this access.

Ms. Allard reported that each district will have an access code; and access will be available to presiding judges, court executives and clerks of court. Log-in training for each district will be provided at the September 10 TCE meeting. The question was asked regarding access for Council members. Ms. Allard mentioned that an access code could be set up for use by Council members.

Some areas of CourTools will be built into the In-Chambers Case Management System. The intent is to have it available for juvenile court measures as well.

10. ADJOURN

The meeting was adjourned.