

JUDICIAL COUNCIL MEETING

Minutes

April 26, 2021

Meeting conducted through Webex

9:00 a.m. – 1:30 p.m.

Chief Justice Matthew B. Durrant, Presiding

Members:

Chief Justice Matthew B. Durrant, Chair
Hon. Todd Shaughnessy, Vice Chair
Hon. Brian Cannell
Hon. Samuel Chiara
Hon. David Connors
Hon. Paul Farr
Hon. Michelle Heward
Justice Deno Himonas
Hon. Mark May
Hon. David Mortensen
Hon. Kara Pettit
Hon. Derek Pullan
Rob Rice, esq.

Excused:

Hon. Augustus Chin
Hon. Ryan Evershed
Hon. Brook Sessions

Guests:

Hon. Dennis Fuchs, Senior Judge
Ron Gordan, General Counsel to the Governor
Amy Hawkes, OLRGC
Hon. Keith Kelly, Third District Court

AOC Staff:

Hon. Mary T. Noonan
Cathy Dupont
Michael Drechsel
Shane Bahr
Kara Mann
Meredith Mannebach
Jordan Murray
Bart Olsen
Jim Peters
Clayson Quigley
Nini Rich
Neira Siaperas
Nick Stiles
Karl Sweeney
Nancy Sylvester
Keisa Williams
Jeni Wood

Guests Cont.:

Hon. Michael Leavitt, Fifth Juvenile Court
Commissioner Gil Miller, JPEC
Lucy Ricca, Supreme Court
Hon. Rick Romney, Provo Justice Court
Hon. Jennifer Valencia, Second District Court
Dr. Jennifer Yim, JPEC

1. WELCOME AND APPROVAL OF MINUTES: (Chief Justice Matthew B. Durrant)

Chief Justice Matthew B. Durrant welcomed everyone to the meeting. Due to the coronavirus pandemic, the Council held their meeting entirely through Webex.

Motion: Judge Paul Farr moved to approve the March 12, 2021 Judicial Council meeting minutes, as presented. Judge Todd Shaughnessy seconded the motion, and it passed unanimously.

Judge Shaughnessy requested removing the Statement in Support of Guilty Plea from the Forms Committee Forms consent calendar item until further review by the bench. The Council approved removing the item. All other forms will remain on the consent calendar.

2. CHAIR’S REPORT: (Chief Justice Matthew B. Durrant)

Chief Justice Durrant and other members of the Judiciary will meet with legislative personnel to discuss several topics.

3. ADMINISTRATOR’S REPORT: (Judge Mary T. Noonan)

Judge Mary T. Noonan and Chief Justice Durrant will meet with Brad Wilson, Speaker of the House and President of the Senate, Stuart Adams to provide an opportunity to hold a conversation about the mental health initiative, lead by Judge Kara Pettit; the courts preparation for holding safe in-person jury trials; and the May 18th special legislative session. The Judiciary will request \$11M in funding.

Cathy Dupont introduced Amy Hawkes from the Office of Legislative Research and General Counsel.

Judge Noonan and Ms. Dupont have been in communications with the Health Department to determine what recommendations they have, if any, to adjust court safety measures as more people are being vaccinated. Dr. Jeanmarie Mayer offered to conduct a return tour of the courthouse to fully understand the layout for jury trials and offer guidance. Additional discussions will be held with the Management Committee to allow the courts to open safely. Judge Noonan will ask the Health Department if a fully vaccinated attendee (such as a witness or juror) would need to take rapid COVID testing before entering a courtroom.

4. COMMITTEE REPORTS:

Management Committee Report:

The work of this committee is reflected in the minutes.

Budget & Fiscal Management Committee Report:

Judge Mark May said the committee met last week. The work of the committee will be addressed later in the meeting.

Liaison Committee Report:

Judge Pettit said the committee has concluded most of its work from this past session. There will be further discussions on pretrial changes.

Policy and Planning Committee Report:

Judge Derek Pullan noted some of the work of the committee will be discussed in this meeting.

Bar Commission Report:

Rob Rice mentioned that the new President-Elect is Katie Woods. Mr. Rice noted there are three finalists to replace John Baldwin. The hybrid Summer Convention will be held in Sun

Valley allowing for both live presentations and options for participants to attend virtually. The 2022 Summer Convention will be held in San Diego.

5. REGULATORY REFORM INNOVATION OFFICE REPORT: (Lucy Ricca)

Chief Justice Durrant welcomed Lucy Ricca. Ms. Ricca noted the rates of complaints are very low, with approximately one complaint for every 2,000 – 3,000 services. Judge Shaughnessy questioned the reliance of AOC resources. Ms. Ricca stated very limited AOC resources are used because staffing resources and tech-related expenses are paid through the grant, with the exception of a part-time employee. They were relying on the IT Department; however, they have moved away from those services. The grant funds will be spent by around the end of 2022. Ms. Ricca said outside researchers are studying the impact on access to justice, including other communities, such as underserved communities.

Mr. Rice would like additional context on each of the organizations. The website will include information on each of the authorized entities.

Sandbox activity (October 2020 - February 2021)

- 20 entities approved to offer services
 - Low Risk = 3 (AGS Law, Blue Bee, Firmly)
 - Low/Moderate = 6 (FOCL Law, LawPal, R&R, Rocket Lawyer, Tanner, Xira)
 - Moderate = 11 (1Law, Davis & Sanchez, DSD Solutions, Estate Guru, Law HQ, Law on Call, Nuttall, Brown & Coutts, Off the Record, Pearson Butler, Sudbury Consulting, Timpanogos Legal Center)
 - High=0
- 9 entities reporting at least one data report to date.
- 612 legal services sought from approximately 500 unduplicated clients
 - Low=51 legal services sought
 - Moderate=359 legal services sought
 - 442 legal services have been delivered by a lawyer (or lawyer employee) or software for form or document completion only with lawyer involvement
 - 170 legal services have been delivered by software with lawyer involvement
 - The rank of legal category addressed has been 1) End of Life Planning; 2) Business; 3) Marriage/Family; 4) Financial; 5) Housing Rental; and 6) Real Estate. Six legal categories accounted for 83% of legal services. The remaining 15 possible legal categories accounted for 17%.
 - To date no complaints have been communicated by entities nor by consumers directly to the Office that would indicate harm.
 - Based on reviewing mismatches of services sought and received given fees paid, there was no evidence supporting unnecessary or inappropriate purchases of legal services. In communicating with entities regarding the amount paid for services, the amount paid reasonably fit their respective business models.
 - Applicable mismatches between services sought and received were linked to quality control of legal service intake coding (improving service sought identification methods) and error in the process of linking life events to appropriate legal needs. The Office concluded that mismatches were not harms.
 - Legal results were appropriate given legal matters and scope of service.

- Services will continue to be monitored for complaints and results.
- A pilot of the vanguard service audit of a moderate risk entity is ongoing.

Chief Justice Durrant thanked Ms. Ricca.

6. BOARD OF JUSTICE COURT JUDGES REPORT: (Judge Rick Romney and Jim Peters)

Chief Justice Durrant welcomed Judge Rick Romney and Jim Peters. There are 111 justice courts, Levan and Smithfield Justice Courts closed April 1. There are four justice courts that are considering combining. Chris Bown has been selected to serve in the Taylorsville Justice Court. Of the 77 judges, 62 are male and 29 of the 77 judges do not have law degrees.

Board goals

- Exploring options for judicial wellness
- Strengthen the relationship with the AOC
- Launch the clerk certification program

Prior to the pandemic the courts recognized that they needed to update their standards. They are now working on remote hearings and expanding the ODR program. Jim Peters is gathering feedback on the clerk certification program before addressing it with the Council. Judge David Connors was concerned about the morale from the clerks being required to recertify annually to maintain their employment. Mr. Peters explained that this has been addressed; the end of year exam has been replaced with an assessment. Judge Romney believed the results of the Justice Court Task Force will determine what life will look like for justice courts in five years.

Chief Justice Durrant thanked Judge Romney and Mr. Peters.

7. JUDICIAL PERFORMANCE EVALUATION COMMISSION REPORT: (Dr. Jennifer Yim and Commissioner Gil Miller)

Chief Justice Durrant welcomed Dr. Jennifer Yim and Commissioner Gil Miller. Dr. Yim provided the Council with the Supporting Performance Improvement: Judicial Evaluation Proposal for Basic Level Justice Court Judges April 12, 2021 draft proposal. This proposal covers JPEC's efforts as it has worked to develop a more substantive evaluation for justice court judges with very low caseloads. The formal effort began in 2017 and included a study conducted by the Kem C. Gardner Policy Institute (Gardner study) and a pilot project to test electronic observation methods. This proposal also presents findings from the pilot project and makes recommendations for further action.

Currently, JPEC evaluates 91% of all Utah judges using a variety of means, including surveys, courtroom observation, and intercept interviews. The remaining 9% of judges, those with courts with weighted caseloads of less than 0.20, are classified as "basic evaluation" judges and receive only Judicial Council certification, tracking of judicial discipline, and public comment.

The Gardner study, which interviewed nearly all basic evaluation justice court judges found that the judges desired increased feedback and the associated training that the evaluative feedback would identify, in order to maintain and improve their judicial skills. The study recommended consideration of electronic evaluation as an option that may effectively address the geographic, calendar, and caseload challenges of evaluating these courts.

JPEC designed a pilot project to test several electronic observation techniques, with the goal of being able to offer courtroom observation to basic evaluation judges. The pilot project began in early 2020, cost \$12,769, excluding staff time, and studied the following:

1. Technology options for electronic observation, movable camera vs. fixed camera;
2. Electronic observation in comparison to the in-person observation completed for full evaluation judges;
3. Video options, live stream vs. pre-recorded; and
4. Audio observation in comparison to video observation.

JPEC concluded that courtroom observation conducted through Webex conferencing provided courtroom observation of comparable quality to in-person observation. In addition, it is a cost-effective option with little disruption to existing practice. JPEC recommends the implementation of an electronic courtroom observation program to supplement the basic evaluation conducted for justice court judges. Further, JPEC recommends a one-time grant process to lessen the financial burden on courts associated with the procurement of technology required for judicial evaluation. Chief Justice Durrant felt like this was a great advancement.

Dr. Yim next presented the 2020 Retention Judge Feedback Survey. In early 2021, JPEC conducted an electronic survey of judges retained in the 2020 election. The purpose of the survey, the second in JPEC’s history, was to solicit feedback about several aspects of JPEC’s evaluation process. The survey utilized online survey software in anonymous mode so that the responses of individual judges could not be identified. Fifty-nine judges received survey invitations by email. After 3 reminders over eight days, the survey was closed with 49 of 59 judges responding, a response rate of 83%. Since judges receive different types of evaluations based, in part, on their weighted caseloads, the survey only asked questions relevant to a judge’s specific evaluation experience. Some survey questions thus have larger numbers of total possible responses than others. Survey questions included scaled items, open-ended items, and one question asking for judges to rank elements of the evaluation for their usefulness to performance improvement.

The survey contained seven main sections:

Introduction	Respondents indicated whether this evaluation was their first retention evaluation by JPEC.
Communication	Respondents rated whether they understood the evaluation process and made suggestions if they wanted to receive more information.
Evaluation Results	Respondents evaluated the production of their reports, the helpfulness of the information contained in them, the accuracy of the evaluation, and the usefulness of the feedback.

Commission Process	Respondents evaluated the commission’s use of blind review during deliberations along with the Voter Information Pamphlet page produced for the election.
JPEC Website	Respondents evaluated JPEC’s website, judges.utah.gov, used for posting evaluation results.
Improvements	Respondents weighed in on other potential sources of judicial performance data for use in evaluations.
Overall Evaluation	Respondents provided an overall assessment of their satisfaction with the performance evaluation experience.

Summary Findings

Overall, including the quality, accuracy, and helpfulness of the evaluations, most surveyed judges expressed satisfaction with their performance evaluation experience with JPEC.

When judges do not hold positive perceptions, they were more likely to “neither agree nor disagree” with statements rather than to register disagreement. Newly appointed judges differed slightly from those judges who have gone through more than one retention election. Newer judges tended to express stronger agreement about many aspects of their evaluation, whereas more long-standing judges tended to “agree” rather than “strongly agree.”

Dr. Yim explained the proposed changes to CJA Rule 4-401.02 noting that the amendments have been approved by Brent Johnson. Dr. Yim will send the proposed changes to Policy & Planning.

Judge Shaughnessy wondered if there would be resistance using video to evaluate an in-court proceeding. Dr. Yim confirmed cameras will not be used in courtrooms without a judge’s permission. Dr. Yim believed as the courts move back to in person hearings, JPEC will move to in person evaluations but also use virtual means for evaluations.

Chief Justice Durrant thanked Dr. Yim and Commissioner Miller.

8. PROBLEM-SOLVING COURT RECERTIFICATIONS: (Judge Dennis Fuchs)

Chief Justice Durrant welcomed Judge Dennis Fuchs. Judge Fuchs reviewed the following problem-solving courts ready for recertification noting that all of the courts meet all of the Required and Presumed Best Practices. The two DUI courts in the state are addressing the recent legislative bill. Judge Fuchs may propose amended practices in the future. Judge Fuchs will meet with Judge Noonan and Jim Peters to further address this.

ADC1Millard	Adult Drug Court	Millard County	Judge Howell
ADC1Juab	Adult Drug Court	Juab County	Judge Howell
ADC1Utah	Adult Drug Court	Utah County	Judge Howell
AMHC1SaltLake	Adult Mental Health Court	Salt Lake County	Judge Trease
AMHC2SaltLake	Adult Mental Health Court	Salt Lake County	Judge Brereton

JFDDC1Weber	Juvenile Family Dependency Drug Court	Weber County	Judge Jensen
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Chief Justice Durrant thanked Judge Fuchs.

Motion: Judge Farr moved to approve all problem-solving courts listed above, as presented. Judge Shaughnessy seconded the motion, and it passed unanimously.

9. SENIOR JUDGE CERTIFICATIONS: (Nancy Sylvester)

Chief Justice Durrant welcomed Nancy Sylvester. Justice court Judge Scott J. Cullimore, who retired April 2, 2021, has applied for active senior judge status. District court Judge Ernie Jones, who retired March 16, 2021 has also applied for active senior judge status. Neither judge has complaints pending before the Utah Supreme Court or the Judicial Conduct Commission.

Chief Justice Durrant thanked Ms. Sylvester.

Motion: Judge Connors moved to approve Judge Scott J. Cullimore and Judge Ernie Jones as active senior judges, as presented. Judge Farr seconded the motion, and it passed unanimously.

10. CJA RULES 2-211, 10-1-502, 10-1-602 FOR FINAL APPROVAL: (Keisa Williams)

Chief Justice Durrant welcomed Keisa Williams. Policy and Planning recommended that CJA Rule 2-211 be approved as final with a May 1, 2021 effective date, and that Rules 10-1-502 and 10-1-602 be repealed on an expedited basis with a May 1, 2021 effective date, followed by a 45-day comment period.

CJA 2-211. Compliance with the Code of Judicial Administration and the Code of Judicial. The Judicial Council approved sending the proposed amendments to rule 2-111 out for public comment. Following a 45-day comment period, one non-substantive comment was received. Policy and Planning adopted most of the commenter’s proposed amendments and made additional changes to ensure the employee reporting structure matches the discrimination and harassment reporting structure in HR policy 550.

CJA 10-1-502. Orders to Show Cause and CJA 10-1-602. Orders to Show Cause

The Supreme Court approved revisions to URCP Rule 7, and created new URCP rules 7A and 7B. Rules 7A and 7B to create a new, uniform process for enforcing court orders through regular motion practice. They replace the current order to show cause process found in rule 7(q) and in the two local court identical rules. All three rules will be effective on May 1, 2021. The Fifth District Court bench objected to the repeal of their local rule, 10-1-502, expressing that a repeal would result in a delay in resolving alleged court order violations. The Sixth District Court bench is not objecting to the repeal of local rule 10-1-602.

After careful consideration, Policy and Planning recommends that both local rules be repealed. The Committee feels that CJA rules should not conflict with the URCP and that rules of procedure should be uniform across the state. Judge Shaughnessy preferred to have a rule in place so as not to delay proceedings.

Chief Justice Durrant thanked Ms. Williams.

Motion: Judge Shaughnessy moved to approve CJA Rule 2-211 with an effective date of May 1, 2021 and repeal rules 10-1-502 and 10-1-602 effective May 1, 2021 followed by a 45-day comment period, as presented. Judge Farr seconded the motion, and it passed unanimously.

**11. UNIFORM FINE COMMITTEE REPORT & UNIFORM FINE SCHEDULE:
(Judge Jennifer Valencia, Shane Bahr, and Clayson Quigley)**

Chief Justice Durrant welcomed Judge Jennifer Valencia, Shane Bahr, and Clayson Quigley. The Uniform Fine Committee undertook review and consideration of the application of the \$10 Security fee increase from 2020, application of changes from the 2021 legislative session, handling specific requests from external agencies, and adjustments to make matters consistent between CORIS, SMOT and related sources. They further considered HB0020, HB0026 and other recent legislative measures after discussion with Ms. Williams and Michael Drechsel. As a result of these discussions the Uniform Fine Schedule Preamble has been revised.

Judge Valencia confirmed that the USAAV DUI Statutory Overview will not be included in the Fine Schedule, however, there will be a link to it. Judge Pullan questioned the Preamble's language in respect to the constitution. Ms. Williams felt the language was fine, however, on page 4 the language should be corrected.

Chief Justice Durrant thanked Judge Valencia, Mr. Bahr, and Mr. Quigley.

Motion: Judge Connors moved to approve the Fine Schedule, as amended to correct the language on the bottom of page 4. Judge Farr seconded the motion, and it passed unanimously.

12. APPOINTMENT OF TAX JUDGES: (Judge Keith Kelly and Shane Bahr)

Chief Justice Durrant welcomed Shane Bahr. Under CJA Rule 6-103 the Council shall formally designate at least three volunteer district court judges as tax judges, considering the knowledge and experience of the judge in relation to the theory and practice of ad valorem, excise, income, sales and use, and corporate taxation. There are currently four judges serving as tax court judges: Judge Keith Kelly, Third District Court (Supervising Tax Court Judge); Judge Andy Stone, Third District Court; Judge David Connors, Second District Court; and Judge Noel Hyde, Second District Court. Historically, there have been six active tax court judges and the tax court judges believe having six tax court judges is needed to help spread out the work. Most recently, Judge Todd Shaughnessy and Judge Samuel Chiara have asked to be removed from the tax court judge list. Judge Kent Holmberg and Judge Kara Pettit have expressed interest in being appointed as tax court judges to fill the two vacancies.

Chief Justice Durrant thanked Mr. Bahr.

Motion: Judge Shaughnessy moved to approve Judge Kent Holmberg and Judge Kara Pettit, as presented. Judge Connors seconded the motion, and it passed with Judge Pettit abstaining as to herself.

**13. LANGUAGE ACCESS COMMITTEE REPORT AND REAUTHORIZATION:
(Judge Michael Leavitt and Kara Mann)**

Chief Justice Durrant welcomed Judge Michael Leavitt and Kara Mann. The Language Access Committee requested to be reauthorized as a standing committee for another six years in accordance with CJA Rule 1-205. The Language Access Committee provides immense support and work for Utah State Courts. A sampling of the work the committee has completed within the past six years includes:

- Creating and distributing a bench card on spoken language interpreters
- Creating and distributing a bench card on sign language interpreters
- Creating a handbook for Interpreter Coordinators
- Drafting an English Written Exam policy for interpreter candidates
- Recommending the video equipment purchased to capture ASL on the record
- Proposing revisions to HR Policy 570-Second Language Stipend
- Proposing revisions to the Court's Accounting Manual Section 09-00.00
- Reviewing the court employee second language stipend scoring requirement
- Completing a survey of second language stipend employees
- Revising the Code of Professional Responsibility for Court Interpreters Exam
- Digitizing interpreter files
- Reviewing 11 formal complaints filed against court interpreters
- Participating in seven community outreach events
- Creating and distributing a guide on resuming court operations for court interpreters due to the COVID pandemic
- Determining how the courts can offer interpreter testing and training requirements during the COVID pandemic

Utah continues to see exponential population growth, which includes a growing non-English speaking population within the state. This directly impacts the courts as there will be an increased demand for interpreters. The Language Access Committee asks to be reauthorized with the committee's focus continuing to be on researching and developing policies and procedures for interpretation in legal proceedings and translation of printed materials, with any necessary recommendation going to the Judicial Council; issuing informal opinions to questions regarding the Code of Professional Responsibility; and disciplining court interpreters as provided by CJA Rule 3-306.05.

Judge Leavitt said the juvenile court is working to identify how to provide fairness and accountability, including reviewing their language access practices. Judge Shaughnessy complimented Judge Leavitt and Ms. Mann on their well-written report.

Chief Justice Durrant thanked Judge Leavitt and Ms. Mann.

Motion: Judge Shaughnessy moved to approve the reauthorization of the Language Access Committee for six years, as presented. Judge Farr seconded the motion, and it passed unanimously.

14. BUDGET AND GRANTS: (Judge Mark May and Karl Sweeney)
Chief Justice Durrant welcomed Judge Mark May and Karl Sweeney.

Roosevelt Courthouse

\$33,800 ongoing funds

Alternate funding: None

As part of the budget cutting process for FY 2021, the courts took the approach of taking cuts by tiers – with those that involved personnel cuts being the last cuts to make. The first cuts decided on were cuts to items called “Administrative” which including reduced travel, meals, office supplies, etc. These totaled almost 100 cuts for \$653,000, one of which was to close the Roosevelt courthouse and shift operations to Duchesne thus saving \$33,800 in annual lease payments. This cut was determined at a later date to not be feasible but that change was not communicated to Finance and thus ended up in the final list provided to the Legislative Fiscal Analyst. The last cuts made were to personnel including leaving 40 positions open (generating one-time turnover savings) and pledging \$475,000 in ongoing turnover savings. If done properly, ongoing turnover savings would have been increased by \$33,800 and the Administrative cuts would have been reduced by \$33,800.

Motion: Judge May moved to approve the Roosevelt Courthouse ongoing funds request in the amount of \$33,800, as presented. Judge Shaughnessy seconded the motion, and it passed unanimously.

Court Commissioners – Recruit and Retain

\$92,500 ongoing funds

Alternate funding: None

As part of the budget cutting for FY 2021, the courts committed to taking \$475,000 of ongoing turnover savings to meet the overall budget reduction. The courts forecasted this would take the entire fiscal year of 2021 to accumulate. The courts recently eliminated two positions in the Third Juvenile Court. These eliminated positions boosted ongoing turnover savings by \$147,000. This allows the courts to reconsider the court commissioners request that has been put forward in two different legislative sessions for ongoing funding. Mr. Sweeney stated this request could be delayed until June and noted the courts have funding to approve this item without seeking legislative funding.

A motion was not made. The Council chose to delay this item until June.

Proposed Sunset for Career Ladder – Overview of HR Comp Policy with Various Options

\$500,000 one-time funds

Alternate funding: None

The current Career Ladder tool was put in place decades ago, when the issue of “unfunded liabilities” seemed to be a lesser concern across all branches of state government. Prior to 2010, the entire state operated under a “salary step” structure which inherently created financial obligation challenges. For example, at the time Utah Code required a separation of no less than 2.75% between every salary step. This resulted in too many situations where an agency

or branch might have the budget to give a 1% or 2% increase, either to an individual staff or a group of “like staff” but the only available tool was a salary step increase.

Bart Olsen reviewed the two purposes of this proposal: to recognize good work and to move to a more impactful compensation strategy moving forward. Judge Noonan said there have been multiple discussions through various forums vetting this proposal. There is a concern for those that are still in the process of the career track. Mr. Olsen of those who didn’t support the transition, many did not understand the proposal. The proposal includes that employees maintain a specific skillset and continued training.

Judge Shaughnessy thought a careful balance needed to be struck because the high-turnover rate for JAs impacts the courts greatly.

A motion was not made. The Council will address this item at a later time.

Request Delegation of Authority to State Court Administrator of Limited Use of One-Time Turnover Savings

In its April 15, 2021 meeting, the Budget and Fiscal Management Committee approved seeking authorization from the Council to provide the State Court Administrator and Deputy State Court Administrator delegated authority for the use of up to 7% of estimated annual one time turnover savings, not to exceed \$250,000 in a fiscal year, to address superior performance by court personnel in accepting mid to-long term special projects, leading change initiatives, and other types of similar assignments that merit timely, significant recognition. This request complements a similar approval by the Council in February 2020 to delegate authority to the Administrators to use up to 20% of estimated annual ongoing turnover savings not to exceed \$110,000 in a fiscal year.

Motion: Judge Shaughnessy moved to approve delegating authority from the Judicial Council to the State Court Administrator limited use of one-time turnover savings funds in the amount of \$250,000, as presented. Judge May seconded the motion, and it passed unanimously.

Jordan Murray presented the first quarter grant portfolio report.

Chief Justice Durrant thanked Judge May and Mr. Sweeney.

15. OLD BUSINESS/NEW BUSINESS

Judge Pullan said when limited parties file notices of appearances in case, the system automatically identifies them as attorneys. This is an issue when there are sealed documents. Judge Pullan will work with the IT Department to correct this error.

The Council confirmed their July 19th meeting will not be held in conjunction with the Bar’s Summer Convention in Sun Valley.

Mr. Rice said PCRA cases are too specialist to staff on a pro bono basis. The Bar will help as they can. The Pro Bono Commission said perhaps this should be less of looking for a volunteer and more towards looking for funding. Mr. Quigley was going to research how many

PCRA cases. Mr. Rice expects that the need may exceed the Indigent Defense Commission's capacity. Judge Pullan thanked Mr. Rice for following up on this issue. Judge Pullan reached out to a large law firm who agreed to accept an appointment. The current bench book advises judges to contact the Pro Bono Commission. Mr. Rice recommended the Commission provide better communication with the courts. Judge Pullan said this is a funding problem. Judge Shaughnessy felt there may be a method to contract PCRA attorneys outside of the Indigent Defense Commission. Shane Bahr mentioned the Board of District Court Judges addressed this item and felt that it was a funding issue. Judge Noonan thought a workgroup could be created to continue discussions and propose a plan. Judge Shaughnessy believed the Attorney General's Office would support this direction. Judge Pullan questioned if PCRA cases might be a Council study item and opposed a workgroup for the Council and instead, address this through the Board. Nick Stiles provided that he never placed a case with pro bono council when he was over the Bar's Access to Justice.

Ms. Dupont annually provides a memo to the TCEs and judges confirming their Judicial Operations Budget and out-of-state travel requirements. Ms. Dupont explained the base amount is \$500 a year from the legislature. When funding is available, the Council increases by an additional \$400 with one-time funding. Last year the Council chose not to add \$400 to the standard \$500 Judicial Operations Budget. A significant amount of judges do not use their full amount (approximately 65% of judges use the funds). Some judges were concerned about the restrictions of the budget. Ms. Dupont will send a budget request to the Budget & Fiscal Management Committee in May for the additional \$400. The Council agreed to have Ms. Dupont send the memo now.

16. EXECUTIVE SESSION

Motion: Judge Michelle Heward moved to go into an executive session to discuss a personal matter. Judge Connors seconded the motion, and it passed unanimously.

17. CONSENT CALENDAR ITEMS

a) Forms Committee Forms. Ex Parte Verified Motion to Enforce Domestic Order Order on Motion to Enforce Domestic Order; Ex Parte Verified Motion to Enforce Order (not domestic); Order to Attend Hearing; Order on Motion to Enforce Order (not domestic); Ex Parte Verified Motion to Enforce Writ of Garnishment; Order to Attend Hearing – Garnishee; Order on Motion to Enforce Writ of Garnishment; Acknowledgement of Firearm Restriction; OCAP provisions; Motion for Temporary Order – with children; Order on Motion for Temporary Order - with children Parenting Plan; Garnishee Answers to Interrogatories for Earnings; Petition to Modify Divorce Decree; and Findings of Facts and Conclusions of Law on Petition to Modify Decree. Approved with one removal.

b) CJA Rules for Public Comment. CJA Rules 1-204 and 2-103 for public comment. Approved without comment.

18. ADJOURN

The meeting adjourned.