

**JUDICIAL COUNCIL'S
MANAGEMENT COMMITTEE**

AGENDA

February 11, 2022

Meeting held through Webex

Chief Justice Matthew B. Durrant, Presiding

1. 12:00 p.m. Welcome Chief Justice Matthew B. Durrant
(Information)
2. 12:00 p.m. Approval of Second District Court Commissioner... Judge Michael DiReda
(Tab 1 - Action) Larry Webster
3. 12:15 p.m. Adjourn

JULIE WINKLER



December 12, 2021

Utah Courts

RE: Second District Court Commissioner

Dear Hiring Committee

With over a decade of work at Utah legal Services, I bring dedication and commitment to public service, management experience, problem-solving prowess, and critical thinking skills. My extensive history in the Second District has included issues regularly heard by current commissioners, which will allow me to transition to the role with confidence.

Throughout my career, I have gained extensive experience practicing in the area of domestics in the Second District Court and before Commissioners Garner, Dillon, Conklin, Wilson, and Morgan, and various judges. My skills and qualifications are an ideal match to the commissioner role, and I believe will bring immediate value to Utah State Courts.

In my current role at Utah Legal Services, I am accustomed to large caseloads, quick transition times between cases, efficient case handling, and the oversight and support of domestic staff throughout the state of Utah. I approach problem solving methodically, with careful consideration of all information available to me. I believe addressing and dealing with cases in a timely manner is extremely important, particularly when family issues and children are involved. Additionally, I am knowledgeable in resolving conflicts and implementing relevant case law and statutes.

My professional goals align seamlessly with this opportunity and I believe I can be an asset to the Utah State Courts. I strongly believe in the principles of ethics and civility and would strive to maintain the highest standards of professionalism and integrity in the courtroom. I am a member of the Utah Bar Association in good standing and have had no complaints or instances of disciplinary action.

To demonstrate the scope of my career history and professional competencies, I have attached my resume. I would love the opportunity to serve as commissioner in the 2nd District. Thank you for your consideration.

Sincerely,

Julie Winkler



Julie Winkler

☎ [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
United States

Court Commissioner - 2nd District - Davis, Morgan, & Weber Counties

Job Location - Ogden, UT

Department - 2nd District

Source - Employee Referral - Commissioner Conklin referred me

Employment History

Please list your previous employers starting with your current, or most recent employer.

Note: If you are unable to provide a phone number, enter 000-000-0000.

Utah Legal Services, Inc - Current Employer

Job Title: Domestic Task Force Chair

Dates Employed From: Jan/2009

Dates Employed To: Currently Employed

Employment Length: 12 years, 11 months

Duties: Hire, train and manage a team in area of domestic that includes approximately 20 attorneys and paralegals. Manage a caseload of 120-180 cases in the area of domestics.

Reason For Leaving: Currently Employed

Supervisor Name: Amy Morgan

Address: Salt Lake City, UT, UNITED STATES

Phone: 801-328-8891

Rate of Pay: [REDACTED]

May We Contact? Yes

Julie C. Winkler

Job Title: Solo practioner

Dates Employed From: May/2006

Dates Employed To: Jan/2009

Employment Length: 2 years, 8 months

Duties: Assisted individuals with trust and estate planning. Drafted simple trusts and wills.

Reason For Leaving: New employment

Supervisor Name: NA

Address: Salt Lake City, UT, UNITED STATES

Phone: (801) 231-9390

Rate of Pay: [REDACTED]

May We Contact? Yes

Education

List below your educational background, including high school, all colleges, trade and military service schools.

University of Washington | Graduate School

Degree: LLM in Taxation
Major: Tax
Location: Seattle, WA, UNITED STATES

Graduated? Yes
Years Attended: 2003-2004

Gonzaga University | Graduate School

Degree: Juris Doctorate
Major: Law
Location: Spokane, WA, UNITED STATES

Graduated? Yes
Years Attended: 2000-2002

Truman State University | College or University

Degree: Bachelor of Science
Major: Psychology
Location: Kirksville, MO, UNITED STATES

Graduated? Yes
Years Attended: 1993-1997

Resume

You may provide us with your resume here. You may either copy and paste a resume in the space provided or upload a file.

Click on the link to open the resume file if you wish to print the formatted resume.

File Name	Link
JW resume.pdf	Q Preview Download
JW cover letter.pdf	Q Preview Download
JW references.pdf	Q Preview Download
Patole Appellant Brief.pdf	Q Preview Download

Text Only Resume

No Text Only Resume on File

Admin Uploaded Files

There are no admin uploaded files for this applicant.

Job Questions

Court Commissioner | Score Total - 1

Question	Answer	Score	Disqualifier?
The Court Commissioner must be at least 25 years of age, a citizen of the	Yes	0	

United States, a resident of Utah for three years preceding appointment, a resident while serving as Commissioner, and a member of the Utah State Bar. Do you meet these requirements? *

Only applicants selected for an interview will be contacted. As part of this application process, you must upload your resume, cover letter, a list of three (3) professional references and a brief (4 page maximum) writing sample into your application profile. Your answers to the questions on this application must be supported by your resume or work history. "See resume" or "see previous response" is not an acceptable response to any questions. Failure to follow these terms may result in disqualification from further consideration for this position. *

I acknowledge I have read the above statement.

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Are you at least 25 years of age? *

Yes

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Are you a citizen of the United States? *

Yes

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Have you been a continuous resident of the State of Utah for the immediate preceding three or more years? *

Yes

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Do you reside within the judicial district served (Second District consists of Davis, Weber, & Morgan counties)? *

Yes

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Are you currently admitted to practice law in the State of Utah? *

Yes

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Please indicate your Utah Bar Membership tenure as well as your Utah Bar member number. *

5/19/2006 until current, #10997

Have you ever been admitted to practice law in any other jurisdiction other than the State of Utah? *

Yes

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If you have been admitted to practice law in other jurisdictions, please indicate all jurisdictions, dates of admission, and your identification number. *

Washington state, 6/19/2003 till 2/5/2008, #33814

Are you aware of any formal disciplinary proceedings currently

No

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pending against you as an attorney in any jurisdiction? *

If you indicated that you are aware of any formal disciplinary proceedings against you, please elaborate. If you've answered 'No', please type N/A. *

N/A

Are you a current or former State of Utah employee? *

No

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As a veteran of the armed services, you may be entitled to preference when seeking initial employment with the Utah State Government (Utah Code 71-10-1). Please indicate your veteran status. *

Not a Veteran

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Having applied for an employment opportunity with the Utah State Courts, I hereby authorize the Utah State Courts to conduct a thorough background check including but not limited to references, employment records, convictions, and criminal records. I understand that such background checks will only be made upon final selection for an employment position and that all information will be kept confidential and released only to authorized representatives. I understand that any falsification of data on my part will result in disqualification from further consideration (prior to approval) or dismissal (if already approved); and that certain offenses may bar me from further consideration or result in termination. I hereby release the Utah State Courts and all authorized parties from any civil or criminal liability from my background check. *

I acknowledge I have read the above statement.

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Signature

Date

No HR Data Surveys

Julie Winkler

Attorney



Domestic Task Force Chair with over 12 years of successful experience in domestics and representing clients in the Second District. Recognized consistently for performance excellence and contributions to success as staff Attorney and Managing Attorney in the area of domestics. Dedicated to serving the public interest in the legal community.

Accomplishments



Appellate case: Patole v Marksberry, 2014 UT App 132, 329 P.3d 50

Work History



01-2009 - Current

Domestic Task Force Chair

Utah Legal Services, Inc, Ogden, UT

MANAGEMENT DUTIES

- Hire, train, manage and support approximately 20 team members including attorneys and paralegals across four statewide offices.
- Support intake staff in creating and meeting annual performance goals, including conducting quarterly comprehensive performance evaluations on quarterly basis for comprehensive performance evaluations.
- Act as point person for case handling and for potential client/client grievances related to eligibility.
- Respond to potential client referrals from other legal service agencies.
- Review documents submitted by potential clients for evidence of eligibility and respond accordingly.
- Set goals for overall direction of Domestic Task Force unit and work to achieve these goals in conjunction with the Domestic Task Force team.
- Develop training, manuals, support templates and best practices to inform Task Force practices and efficiency.
- Serve as substantive subject-matter expert for Domestic Task Force unit. Complete research and review of relevant legal subject matter and provide team support related to these professional competencies.

ATTORNEY DUTIES

- Oversee caseload of 120-180 divorce, custody, protective order, and stalking injunction cases throughout state of Utah and primarily in Second District.
- Communicate with clients to determine eligibility and goals, present legal strategies, review possible outcomes, develop legal action plan, assess factual situations, and advise client on how governing laws.
- Advocate for clients by advising on rights and responsibilities, and by providing updates on developments and case status.
- Attend court hearings, proceedings, and mediations, and present legal arguments to court representing clients as advocate.
- Represent clients, negotiate possible settlements, mitigate consequences to clients, during non-evidentiary hearings, case management conferences and pre-trial hearings in court and online.
- Prepare pleadings, exhibits, motions, memorandum, discovery documents, motions, responses, briefs, petitions and counter petitions as needed for case progression and resolution.
- Review paralegal prepared documents, declarations, and other pleadings; ensure document compliance with grantees and regulatory governing bodies.
- Research records, databases, rules, regulations and state and federal statutes and laws; provide analysis and summaries to support case progression.

05-2006 – 01-2009

Solo Practitioner

Julie Winkler, Salt Lake City, Utah

- Worked with clients on planning and preparing their legal paperwork and estate for eventuality of their death or incapacitation due to injury or illness.
- Met with clients to discern their wishes and to draft appropriate documents including Wills, Trusts, Powers of Attorney, and Health Care Directives. Advised clients on estate, gift, GST, and income tax matters.



Education

05-2003 – 05-2004

L.L.M: Taxation

University of Washington - Seattle, WA

5-2000 - 12-2002

J.D.

Gonzaga University - Spokane, WA

08-1993 – 08-1997

Bachelor of Arts: Psychology

Truman State University - Kirksville, MO

IN THE UTAH COURT OF APPEALS

SACHIN PATOLE,

Petitioner and Appellant,

vs.

MARK MARKSBERRY,

Respondent and Appellee.

Case No. 20130208

BRIEF OF THE APPELLANT, SACHIN PATOLE

Appeal from Order Denying Protective Order
In the Seventh Judicial District Court for Grand County, State of Utah
Honorable Lyle R. Anderson, District Court Judge

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III. STATEMENT OF THE CASE

A. Nature of the Case.

Petitioner and Respondent are son-in-law and father-in-law, respectively. Petitioner married Respondent's daughter, Tess Marksberry, in March 2011. Throughout the course of Petitioner's relationship with Ms. Marksberry, Respondent was verbally and physically abusive to Petitioner. After several months of enduring this abuse, Petitioner filed a request for a protective order against Respondent.

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IV. STATEMENT OF THE FACTS

Petitioner and Respondent are related by marriage. Petitioner married Respondent's daughter, Tess Marksberry, in March 2011. Over the course of their relationship, Ms.

Marksberry made repeated demands on Petitioner for money and beer. Petitioner was afraid to refuse her demands, because Ms. Marksberry threatened to call her father, Respondent, to verbally and physically assault Petitioner. Petitioner knew that Respondent would comply with his daughter's demands, and often did come to Petitioner's home to verbally and physically assault Petitioner, specifically by grabbing him by the neck.

Petitioner was afraid to call law enforcement after these assaults because he is in the United States on a Visa which expired in October 2010. Respondent and Ms. Marksberry used this information to intimidate Petitioner, threatening to have him deported if he failed to comply with their demands for money and beer.

On or about December 18, 2011, Petitioner came home from work to find Respondent sleeping in Petitioner's bed. When Respondent woke up, he started yelling at Petitioner. When Petitioner went outside to smoke, Respondent followed him outside, continuing to yell at Petitioner. Respondent then punched Petitioner in the face and again threatened to call the police. Due to his fear of contacting law enforcement, Petitioner did not report the incident to the police until several months later.

On or about July 19, 2012, Petitioner requested an Ex Parte Protective Order against Respondent. At the protective order hearing held on September 25, 2012, Ms. Marksberry testified that Respondent has hit Appellant, and that she intervened to stop the assault that occurred on or about December 18, 2011.

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VI. ARGUMENTS

I. The District Court erred in ruling there was no cohabitant relationship between the parties.

UCA § 78B-7-102 defines cohabitant as “an emancipated person pursuant to Section 15-2-1 or a person who is 16 years of age or older who...(c) is related by blood or marriage to the other party.” In addition, *Martin v. Colonna*, 217 P.3d 1147 (Utah 2009) says that adults are statutorily defined as cohabitants if their relationship falls within one of the categories defined in UCA § 78B-7-102, whether or not they have ever lived in the same residence as adults.

In this case, the Petitioner and Respondent are son-in-law and father-in-law, a relationship established when Petitioner married Respondent’s daughter Tess Marksberry in March 2011. Although the District Court’s Order indicated there was insufficient evidence to show a cohabitant relationship between the parties, both the Petitioner and Ms. Marksberry testified at the September 25, 2012 hearing that they were married at the time. This relationship existed when the incident occurred on or about December 18, 2011, and continued to exist on the day of the protective order hearing on September 25, 2012.

During the September 25, 2012, hearing, the court stated his understanding of the statute, that a cohabitant relationship “has to be that the relationship has somehow caused you to spend a considerable amount of time together...” Under the statute and *Martin*, there is no requirement that the parties had spent a considerable amount of time together. The District Court erred in ruling there was insufficient evidence of a cohabitant relationship between the parties.

II. The District Court erred in ruling that there is not sufficient evidence of domestic violence or abuse, or of a substantial likelihood of immediate danger to the Petitioner’s safety because the Petitioner waited six months after the incident of violence before requesting a protective order.

The District Court denied Petitioner's request for a protective order at the September 25, 2012 hearing, citing the fact that the Petitioner waited months after the latest incident of domestic violence before filing a request for a protective order.

a. Mere passage of time is not grounds to deny a protective order.

UCA § 78B-7-110 states that “the court may not deny a Petitioner relief requested pursuant to this chapter solely because of a lapse of time between an act of domestic violence or abuse and the filing of the petition for an order of protection.” The District Court stated during the September 25, 2012, hearing that the passage of time “makes this suspect, and was the reason why I originally denied the temporary protective order.” This statement is contrary to the statute.

b. The Court erred in finding insufficient evidence of domestic violence or abuse.

In addition, UCA § 78B-7-102 defines abuse as “intentionally or knowingly causing or attempting to cause a **cohabitant** physical harm or intentionally *or* knowingly placing a **cohabitant** in reasonable fear of imminent physical harm.” *Martin v. Colonna*, 217 P.3d 1147, 1149 (Utah 2009) (emphasis added).

Petitioner testified at the September 25, 2012, hearing that Respondent had “grabbed my neck and then hit me bunches on the face,” and that Petitioner was afraid that Respondent would “beat me up.” Petitioner also testified that throughout his relationship with Ms. Marksberry, Respondent and Ms. Marksberry threatened him physically and with deportation, knowing that his Visa was expired. Ms. Marksberry, who was opposed to the entry of the protective order, testified that she had witnessed Respondent punch Petitioner, and that she intervened to prevent Respondent from hitting Petitioner again.

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JULIE WINKLER

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References:

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