

**JUDICIAL COUNCIL MEETING  
Minutes**

**December 19, 2022**

**Meeting held through Webex  
and In-person**

**Matheson Courthouse  
Council Room  
450 S. State St.  
Salt Lake City, Utah 84111**

**9:00 a.m. – 11:51 a.m.**

*Chief Justice Matthew B. Durrant, Presiding*

**Members:**

Chief Justice Matthew B. Durrant, Chair  
Hon. David Mortensen, Vice Chair  
Hon. Suchada Bazzelle  
Hon. Brian Brower  
Hon. Samuel Chiara  
Hon. Augustus Chin  
Hon. David Connors  
Hon. Ryan Evershed  
Hon. Paul Farr  
Hon. James Gardner  
Hon. Elizabeth Lindsley  
Hon. Thomas Low  
Justice Paige Petersen  
Hon. Kara Pettit  
Margaret Plane, esq.

**Excused:**

Hon. Keith Barnes  
Sonia Sweeney

**Guests:**

Hon. Kate Appleby, Senior Judge  
Emily Ashcraft, Deseret News  
Hon. James Blanch, Third District Court

**AOC Staff:**

Ron Gordon  
Neira Siaperas  
Michael Drechsel  
Shane Bahr  
Paul Barron  
Alisha Johnson  
Heather Marshall  
Bart Olsen  
Jim Peters  
Jon Puente  
Nick Stiles  
Karl Sweeney  
Melissa Taitano  
Keisa Williams  
Jeni Wood

**Guests Cont.:**

Joy Lyngar, National Judicial College  
Don Judges, Water Law Judge Curriculum  
John Lund, Office of Innovation  
Eric Morgan  
Alex Peterson, Judicial Conduct Commission  
Melinda Thorpe, Water Law Judge Curriculum  
Mark Urry, TCE Fourth District Court

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

Chief Justice Matthew B. Durrant welcomed everyone to the meeting.

**Motion:** Judge David Connors moved to approve the November 21, 2022 Judicial Council meeting minutes, as amended to correct wording in section 8 and to correct a sentence in section 10 to “Justice Paige Petersen said that on appeal, it needs to be clear what documents are sealed.” Judge Augustus Chin seconded the motion, and it passed unanimously.

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

Chief Justice Durrant, Ron Gordon, and Michael Drechsel discussed the Courts budget requests with Speaker of the House, Brad Wilson and Senate President, Stuart Adams. They may consider increasing the judicial salary increase recommendation from 10% to 15% (COLA is included). There continue to be discussions about possibly adjusting the judicial selection process, such as eliminating the 50/50 allocation between parties to move away from a bipartisanship. Justice Petersen thought that if the nominating commission is made partisan, it could impact the constitutional requirement that judicial selection not consider political ideology.

**3. STATE COURT ADMINISTRATOR’S REPORT: (Ron Gordon)**

Mr. Gordon explained that the Governor’s budget is a series of recommendations to the Legislature that establishes very clear parameters for what the executive branch can advocate for. The Governor’s budget includes the Court’s legislative budget requests, with the exception of the judicial compensation request. Mr. Gordon felt the judicial compensation discussion with legislative leadership was encouraging. The Governor’s budget includes a COLA for all state employees and discretionary funding. If discretionary funding is allocated, salary increases for court positions that require Juris Doctorate degrees other than judges could be funded from the discretionary funds.

Tucker Samuelson, the new Director of Data and Research, will start in January. Mr. Gordon announced that the January Council meeting will be held fully virtual due to construction. If Council members want to attend the State of the Judiciary following the Council meeting, they will need to use their own transportation.

**4. COMMITTEE REPORTS:**

**Management Committee Report:**

The work of this committee is reflected in the minutes.

**Budget & Fiscal Management Committee Report:**

Judge Kara Pettit noted the work will be discussed later in the meeting.

**Liaison Committee Report:**

Justice Paige Petersen had nothing new to report.

**Policy, Planning, and Technology Committee Report:**

Judge Samuel Chiara mentioned that the Committee is clarifying and making e-filing rules more uniform.

### **Bar Commission Report:**

Margaret Plane said the filing deadline for the Bar President position is January 2. The Bar's 2023 Spring Convention will be held in St. George. The Office of Innovation survey just closed with more than 2,000 responses. The results will be addressed at the January Bar meeting and uploaded to the Bar website. The Bar Commission and survey consultant created the questions.

### **5. JUDICIAL CONDUCT COMMISSION (JCC) REPORT: (Alex Peterson)**

Chief Justice Durrant welcomed Alex Peterson. Mr. Peterson reviewed the JCC's current membership, including Judge Todd Shaughnessy as a representative of the Courts.

#### **JCC caseload update and analysis**

- There are 62 cases in FY 2023 (85 in FY 2022, 80 in FY 2021, 51 in FY 2020, 64 in FY 2019, 58 in FY 2018).
- To date in FY 2023, they have had no public dispositions (in FY 2022, they had 1 Dismissal with Warning). They have three cases before the Utah Supreme Court.

#### **Activities of JCC over the last six months**

- JCC continues to meet in person.
- Their electronic complaint form submission was initiated in January, 2022 with 139 submissions to date.

Mr. Peterson is conducting a one-year assessment of the online complaint form, which has shown the JCC is more readily available to the public. The assessment will consider if being more available to the public has resulted in more actionable complaints. The commissioners will then decide if they want to keep the online portal available to the public.

#### **Complaint resolution process**

1. Initial screening – JCC reviews each complaint to determine whether it is within their jurisdiction.
2. Preliminary Investigation – JCC investigator conducts a preliminary investigation, prepares a report, then submits their recommendation.
3. Full Investigation – JCC staff provides the judge (subject of the investigation) with the complaint and requests a response.
4. Formal Proceedings – Judge will receive a formal complaint, via certified mail and may respond. Dismissal, stipulated resolution or confidential hearing may resolve the matter.
5. Supreme Court – JCC files their findings of fact and recommendation to the Supreme Court. The Supreme Court may implement the recommendations, modify them or reject them.

Chief Justice Durrant thanked Mr. Peterson.

### **6. OFFICE OF LEGAL SERVICES INNOVATION (OFFICE) UPDATE: (John Lund)**

Chief Justice Durrant welcomed John Lund. Mr. Lund stated the Office has provided approximately 35,000 services since its inception, including government benefits, veteran's

benefits, immigration, small business, and end-of-life planning. They have received nearly 100 applications from Bar members seeking to provide services under the Office. Once the work of the data collection contractors is complete, the Office will need two FTEs, a program director and a data person. They are in line to complete FY 2023 with the current funds allocated, including the Council-approved ARPA funds and grant funds.

Judge Connors asked if the Office reached their objectives and have their data shown that they are providing more access to justice. Mr. Lund said the Office is working with Utah State University to improve the work and noted that there is now sufficient data for research. They are also working on a questionnaire for those who have received services through the Office. The Office's participants are using their own capital, such as software or websites. Chief Justice Durrant felt some changes are going to happen by virtue of the market and the goal is to ensure regulation over the practice of law.

Chief Justice Durrant thanked Mr. Lund.

**7. OFFICE OF FAIRNESS AND ACCOUNTABILITY (OFA) REPORT: (Jon Puente)**

Chief Justice Durrant welcomed Jon Puente.

**Summary of the projects launched or accomplished in 2022**

- They established the Racial and Ethnic Disparities Data Workgroup (RED Workgroup) to identify touchpoints which may trigger racial and ethnic disproportions in criminal proceedings. The Workgroup's findings will be provided to the Council to address and remedy disparities it may find.
- They established Employee Resource Groups (ERGs), which are employee-run affinity groups that provide leadership opportunities and professional development. Currently there are three active ERGs: The Women Employee Resource Circle, LGBTQIA+ Resource and Inclusion Group, and the Court Employees of Color.
- The OFA amplified the Court's public outreach efforts by organizing over 50 school visits by judicial officers, tabling at community outreach events, attending community-based organization meetings, conducting community presentations and workshops, and organizing Constitution Day. These efforts have been crucial in the Court's efforts in building trust and confidence with the public.
- The OFA launched the Judicial Inclusion Mentorship Program, which matches law school students from historically underrepresented backgrounds with a member of Utah's Judiciary. The purpose of this program is to expose the students to a possible career on the bench. In its inaugural semester, the program had 27 students participate from both Utah law schools.
- In partnership with the State Bar, both Utah law schools and other stakeholders, the OFA began the Common Thread Program. Common Thread is proto-pipeline to diversify the Bar and the bench. Common Thread's first meeting was attended by over 80 law school students and close to 10 judicial officers.
- The OFA along with the Access to Justice Commission started the Court Connect Program. This is an outreach program in which they hold meetings with diverse communities outside of the Wasatch Front. The purpose of this program is to build trust

and confidence in the courts, introduce communities to court staff and remove apprehensions the communities have with the courts.

- The Language Access Program is being updated to expand the interpreter roster, recruit and certify interpreters, modernize scheduling methods, and engage with current interpreters.
- The OFA started working on the Court's Strategic Plan. The goal of this plan is to institutionalize inclusion principles in all parts of the Judiciary. As part of this process, the OFA held over 10 focus groups with stakeholders this year. The target date for completion of the plan is late summer/early fall of 2023.
- The OFA launched the Community Court Program to provide court services in local community centers for cases such as divorces, custody, paternity, child support, temporary separation, and enforcement of family law orders.

Mr. Puente said they are working to engage junior high school students in hopes that they consider a legal profession. They also held a Constitution Day with local tribes, which went very well.

Chief Justice Durrant thanked Mr. Puente for his well-written report.

#### **8. RULES FOR FINAL APPROVAL: (Keisa Williams)**

Chief Justice Durrant welcomed Keisa Williams. The Policy, Planning, and Technology Committee recommended that the following rules be approved on an expedited basis with a December 19, 2022 effective date, followed by a 45-day public comment period.

**UCJA Rule 4-503. Mandatory electronic filing** (civil and probate)

**UCJA Rule 4-603. Mandatory electronic filing** (criminal/district court)

**UCJA Rule 4-801. Filing small claims cases**

**UCJA Rule 4-901. Mandatory electronic filing in juvenile court**

**UCJA Rule 9-302. Mandatory electronic filing** (criminal/justice court)

**Motion:** Judge Connors moved to approve UCJA Rules 4-503, 4-603, 4-801, 4-901, and 9-302, with an effective date of December 19, 2022, followed by a 45-day public comment period. Judge Pettit seconded the motion, and it passed unanimously.

Chief Justice Durrant thanked Ms. Williams.

#### **9. BUDGET AND GRANTS: (Karl Sweeney and Alisha Johnson)**

Chief Justice Durrant welcomed Karl Sweeney and Alisha Johnson. Ms. Johnson said the Courts continue to increase their turnover savings. Mr. Gordon announced that the Third District Court reached an all-time low for vacant judicial assistant positions with only 4 vacancies; however, that amount has increased to 9. Shane Bahr mentioned that historically there are 11 judicial assistant vacancies at any given time in the Third District Court.

## FY 2023 Ongoing Turnover Savings

#		Funding Type	Actual	Forecasted
			Amount YTD	Amount @ YE
1	Carried over Ongoing Savings (from FY 2022, includes unallocated ongoing appropriation)	Internal Savings	250,392	250,392
2	Ongoing Turnover Savings FY 2023	Internal Savings	284,168	634,168
3	<b>TOTAL SAVINGS</b>		<b>534,559</b>	<b>884,559</b>
	2023 Hot Spot Raises		(109,683)	(200,000)
	2023 Authorized Ongoing for Performance Based Raises (will be used at the end of the FY)		-	(450,000)
4	<b>TOTAL USES before YE Requests</b>		<b>(109,683)</b>	<b>(650,000)</b>
<b>Actual Turnover Savings for FY 2023 as of 11/28/2022</b>			<b>\$ 424,877</b>	<b>\$ 234,559</b>

## FY 2023 One-Time Turnover Savings

#		Funding Type	Actual Amount
1	One Time Turnover Savings (from actual payroll data versus budget as of PPE 11/11/2022)	Internal Savings	1,413,679
2	YTD Amount Anticipated to be Reimbursed through ARPA Funding (as of PPE 11/11/2022)	Reimbursements	343,532
3	Est. One Time Savings for 1,320 remaining pay hours (\$1,750 / pay hour)	Internal Savings (Est.)	2,310,000
<b>Total Potential One Time Savings</b>			<b>4,067,211</b>

## ARPA Expenses

#	Funded by	GOPB	Requested	A	B	C	A - B - C
				Judicial Council	Actual FY 2022	Actual FY 2023	Balance
	Legislature	Approved	Amount	Approved	Expended	Expended	Available
1	IT Access to Justice - Response to COVID - Part I	Yes	11,000,000	11,000,000	3,042,468	1,963,370	5,994,162
2	Courts Case Backlog - Part I*	Yes	1,000,000	1,000,000	707,963	292,037	-
	<b>Subtotal</b>		<b>12,000,000</b>	<b>12,000,000</b>	<b>3,750,431</b>	<b>2,255,407</b>	<b>5,994,162</b>
<b>Requests to Legislature for FY 2023 - \$3,000,000 approved by the Legislature</b>			<b>Requested</b>	<b>Approved</b>	<b>Actual 2022</b>	<b>Actual 2023</b>	<b>Available</b>
1	IT Access to Justice - Response to COVID - Part II	Yes	1,373,400	1,373,400	-	-	1,373,400
2	Courts Case Backlog - Part II	Yes	1,000,000	1,000,000	-	75,376	924,624
3	COVID-19 Supplies	Yes	640,000	302,100	-	-	302,100
4	Legal Sandbox Response to COVID	Yes	649,000	324,500	-	-	324,500
5	Self-Help Center	Yes	64,000	-	-	-	-
6	Interpreter Equipment	Yes	97,000	-	-	-	-
7	Eviction Court	Yes	166,000	-	-	-	-
8	Public Outreach & Engagement	Yes	30,000	-	-	-	-
9	IT Access to Justice - Response to COVID - Part III	Yes	1,881,500	-	-	-	-
	<b>Subtotal</b>		<b>5,900,900</b>	<b>3,000,000</b>	<b>-</b>	<b>75,376</b>	<b>2,924,624</b>
			<b>\$ 17,900,900</b>	<b>\$ 15,000,000</b>	<b>\$ 3,750,431</b>	<b>\$ 2,330,783</b>	<b>\$ 8,918,786</b>

## Backlog Details – Data using list of employees provided by TCEs

### FY 2022 Expenses

Personnel Expenses	\$680,101
Mileage Expenses	\$2,475
Senior Judge Travel Expenses	\$2,203
COVID Testing Kit purchase	\$23,185
<b>Total</b>	<b>\$707,963</b>

### FY 2023 Expenses

Personnel Expenses	\$343,532
Mileage Expenses	\$1,199
Senior Judge Travel Expenses	\$385
COVID Testing Kit purchase	\$22,297
<b>Total</b>	<b>\$367,413</b>

**Develop Online Water Law Curriculum for Judges – Phase 1**  
\$40,000 one-time funds

A formal water law online curriculum is needed for Water Law Judges. For the past year, the AOC has been in discussion with Southern Utah University (SUU) and Judge Kate Appleby on ways to create a curriculum. These funds will begin the water law curriculum development. The co-presenters and representatives from the National Judicial College would form the core group to bring phase 1 of this curriculum to life. The members from SUU have offered to match in-kind funds to assist with building this program. Mr. Gordon informed the Council that the program will be shared with potential stakeholders. Judge Pettit said the Budget and Fiscal Management Committee recommended the Council approve this request. She asked what the cost would be to judges. Judge Appleby said Utah judges will be able to access the phase 1 of the curriculum at no cost. Even if the Courts are not able to continue building additional phases of the program as they hope, this first phase will continue to be available to everyone.

Mr. Gordon thanked Judge Appleby for her work and noted she is recognized nationally as a water law expert.

**Transcription Training Production**  
\$900 one-time funds

This request is to fund the development of a court transcriber training module to increase recruitment and retention of court transcribers.

**Motion:** Judge Connors moved to approve the Develop Online Water Law Curriculum for Judges budget request of \$40,000 in one-time funds and the Transcription Training Production budget request of \$900 in one-time funds. Judge Chin seconded the motion, and it passed unanimously.

Chief Justice Durrant thanked Mr. Sweeney and Ms. Johnson.

**10. JUSTICE COURT REFORM: (Judge Paul Farr, Jim Peters, and Ron Gordon)**

Chief Justice Durrant welcomed Judge Paul Farr, Jim Peters, and Ron Gordon. Judge Farr, Mr. Peters, and Mr. Drechsel met with legislators who stated they will run a bill of the phase I items that the Council discussed: Enact statute clarifying that all courts are part of the Judiciary; Set fixed judicial salaries, which would have local financial impacts; Eliminate Accounting Model 2; Eliminate geographic restrictions for justice court judge applicants; and Require all new justice court judges to have law degrees, allowing current justice court judges without law degrees to be grandfathered in.

Legislators felt comfortable with the geographic restriction and the law degree portion but requested additional information regarding the salary structure and the statute clarifying that justice courts are part of the Judiciary. The salary request may be presented in a way that it is increased incrementally over a number of years. Judge Farr explained that a fulltime justice court judge will be paid at 90% of a district court judge and a part time justice court judge will be paid at a prorated amount based on their caseload.

Chief Justice Durrant thanked Judge Farr, Mr. Peters, and Mr. Gordon.

**11. DISSOLUTION OF THE BIG WATER JUSTICE COURT: (Jim Peters)**

Chief Justice Durrant welcomed Jim Peters. Pursuant to Utah Code § 78A-7-123(2) Dissolution of Justice Courts, Mr. Peters provided notice that it is the intent of the Town of Big Water to dissolve its Justice Court. On November 16, 2022 the Big Water Town Council unanimously adopted this action through Resolution No. 2022-15. Section 3 of the statute allows for the minimum 1 year dissolution timeframe to be shortened upon request. The Town of Big Water requested the dissolution timeframe be shortened to take effect December 31, 2022 or as soon thereafter as the Council allows because the current Big Water City Justice Court sitting judge will retire at the end of the year. They have had issues trying to find a judge to assist the justice court after the sitting judge retires.

The Kane County Justice Court, which is one hour away from the courthouse, has agreed to take the cases. The caseload was 752 cases total over the past 5 years, which amounts to fewer than 2 criminal cases a month and fewer than 1 traffic court case per month. In 2021, there were 443 residents of Big Water.

**Motion:** Judge Chin moved to approve the dissolution of the Big Water Justice Court, effective December 31, 2022. Judge Farr seconded the motion, and it passed unanimously.

Chief Justice Durrant thanked Mr. Peters.

**12. MODEL UTAH CRIMINAL JURY INSTRUCTIONS COMMITTEE REPORT: (Judge James Blanch and Michael Drechsel)**

Chief Justice Durrant welcomed Judge James Blanch and Michael Drechsel. During 2022, the Committee met nine times and primarily focused on instructions related to mitigation defenses and jury unanimity issues. In addition, as a result of the Legislature the Committee clarified certain statutory provisions related to special mitigation for aggravated murder and murder offenses during the 2022 General Session. The Committee adjusted existing instructions CR1402B, CR1403B, and CR1411B and special verdict forms to conform to the Utah Code. Judge Blanch thanked Mr. Drechsel for his work on the Committee.

**New Instructions and Special Verdict Forms**

CR430 Jury Unanimity – Single Offense in More Than One Way  
CR431 Jury Unanimity – Multiple Offenses with Identical Elements  
CR432 Jury Unanimity – Evidence of More Occurrences than Charges  
CR440 Entrapment

**Revised Instructions and Special Verdict Forms**

CR216 Jury Unanimity and Deliberations  
CR218 Deadlocked Juries (*amended committee note and references*)  
CR219 Special Verdict Form (*amended committee note and references*)  
CR505A Roadmap for Mitigation Defenses  
CR570 Elements with Mitigation  
CR571 Definitions Applicable to Battered Person Mitigation Defense



CR572 Battered Person Mitigation – Elements and Burden of Proof  
CR573 Special Verdict Form – Battered Person Mitigation  
SVF570 Special Verdict Form – Battered Person Mitigation Defense  
CR1402B Aggravated Murder Elements – Utah Code § 76-5-202(2)(a) – With Mitigation Defenses  
CR1403B Aggravated Murder Elements – Utah Code § 76-5-202(2)(b) – With Mitigation Defenses  
CR1411B Murder – With Mitigation Defenses

Judge Blanch mentioned that the Committee has not addressed implicit bias instructions, but he has spoken with the MUJI-Civil Committee about their instructions. There are criminal jury instructions that include language to the jurors that they have to base their verdict on the evidence and that they cannot let bias, prejudice or sympathy affect their decision. He believed these instructions properly convey the message. Judge Pettit spoke with the Chair of the Civil Committee who made it clear that their approach is avoiding bias rather than an implicit bias instruction. Judge Blanch noted that criminal cases have constitutional issues that are not found in civil cases.

Chief Justice Durrant thanked Judge Blanch and Mr. Drechsel.

**13. SENIOR JUDGE CERTIFICATION: (Neira Siaperas)**

Chief Justice Durrant welcomed Neira Siaperas. Ms. Siaperas requested the Council discuss this item in an executive session.

Chief Justice Durrant thanked Ms. Siaperas.

**14. BACKLOG MEASUREMENT AND REPORTING: (Paul Barron and Heather Marshall)**

Chief Justice Durrant welcomed Paul Barron and Heather Marshall. Mr. Barron explained that the National Center for State Courts (NCSC) defines backlog as any unresolved case that has exceeded the expected time goal. The NCSC points to the clearance rates as the way to measure progress in reducing backlog. Clearance rates are disposed cases divided by case filings. Clearance rates above 100% show more cases are being disposed than are being filed. Clearance rates below 100% show fewer cases are being disposed than are being filed. The monthly time goals for the district courts were set by case type in 2013. The measure is for 95% of cases to meet the time goal. Ms. Marshall explained that the district courts had 12,849 backlog cases in the first quarter of FY 2022. A year later, those cases have declined to 12,223. The backlog of criminal cases multiplied six times post-pandemic and the backlog of civil cases multiplied two times post-pandemic. The overall cases pending have increased, including the backlog of cases. Judge Samuel Chiara recognized that there are more cases pending but noted it's not known how many cases were settled within the clearance rate goal.

Mr. Barron recommended working directly with the Boards to identify what will work best for them in terms of the timing and distribution of their backlog metrics. He said the measurements would not be reduced to an individual judge; rather, it would be a measure per district. Mr. Bahr said the Board wants to address clearance rates as one of their goals and focus

on the data as case backlog rather than a court backlog because there are a lot of elements that are outside of the Courts' control. Judge Pettit preferred to have the Boards input and to understand the data better.

Judge Farr thought this was valuable data that should be discussed and published. Judge Brian Brower was uneasy with the term "performance measure" and wondered if it could be rephrased as an "evaluation tool" because some of the delays were out of a judge's control. Mr. Drechsel thought it would be helpful to the Council to know that there are performance measures webpages on the Court's website. ([Performance Measures](#), [Case Stats - Current](#), [Case Stats - Historical](#)) The websites do not include when the changes occur and whether the Courts are making progress.

Mr. Barron sought to have the Council's approval for the backlog metric as a performance measure and approval for displaying performance measures over time. Mr. Barron said the goal would be to publish this to the Courts' website and in the Annual Report. Justice Petersen wanted to know if there was data that could identify what were the causes for backlog cases. Mr. Barron said the pandemic clearly shows a reasoning for the backlog cases. Ms. Marshall offered to measure things like senior judge usage on the backlog of cases. Judge Elizabeth Lindsley remembered when the Board of Juvenile Court Judges recognized that some things are not in a judge's control and wondered if there were other factors that should be considered. Judge Farr wondered if there should be more discussions and detail provided before the Council considers this for public publishing.

Mr. Drechsel said the Courts have a responsibility to publish the data and allow a more full understanding on how to improve the system. Without a clear visual of case timeframes, it would be difficult for judges and attorneys to identify ways to improve. Judge Gardner didn't have a problem with publishing the data but wanted to have a better understanding of it first.

Chief Justice Durrant wondered if the data could identify subjects that were beyond a judge's control.

**Motion:** Judge Farr moved to approve utilizing the metric and publish it, as amended to replace the phrase "performance measure" with "statistical measure" or "backlog measure." Judge Farr amended his motion to include that the report be published quarterly, including historical data. Judge Chiara seconded the motion, and it passed unanimously.

Mr. Drechsel asked for clarification on the request to publish data over time without identifying them as performance measures. Judge Gardner preferred to have the historical data published.

Chief Justice Durrant thanked Mr. Barron and Ms. Marshall.

## **15. OLD BUSINESS/NEW BUSINESS: (All)**

Judge Mortensen thought Council members should be afforded two nights for the March Council meeting to attend the Bar's Spring Convention. He noted the intent of the Council holding their meeting in St. George was in conjunction with the Bar Convention, however, many

Council members do not attend the Convention and some even fly down and back the same day as the Council meeting. He suggested having the Bar present to the Council on other months than in March if that was the sole purpose of the Council holding their meeting in St. George. However, if the intent was to have Council members attend the Convention, then the Council should be afforded additional travel accommodations and Council members should be strongly encouraged to attend the Convention. Chief Justice Durrant agreed that if the Council was going to hold their meeting in St. George then they should support the Bar. The Council members discussed the possibility of changing the Council meeting to Thursday instead of Friday. Judge Low noted judges' calendars are set in advance and it may be difficult to adjust them. Mr. Gordon will review the current contract and follow up with the Council at their next meeting. Chief Justice Durrant conveyed to Ms. Plane that he really appreciated his time at the Fall Convention.

## **16. EXECUTIVE SESSION**

**Motion:** Judge Mortensen moved to go into an executive session for the purpose of discussing the character, competence, or physical or mental health of an individual. Judge Farr seconded the motion, and it passed unanimously.

After an executive session was held the following motion was made.

**Motion:** Judge Farr moved to recommend appointment to the Supreme Court of Judge Jeffrey Wilcox as an Active Senior Judge, Judge Ken Armstrong as an Active Senior Judge, and Judge John Sandberg as an Inactive Senior Judge, after the Council found that all three judges met the qualifications. Judge Gardner seconded the motion, and it passed unanimously.

## **17. CONSENT CALENDAR ITEMS**

a) Committee Appointment of Jace Willard to the Judicial Outreach Committee. Approved without comment.

b) Probation Policies. Case and Referral Transfers Policy; Detention Admission and Hearing Policy; and Continuing Jurisdiction and Restitution Policy. Approved with comment.

c) Water Law Judge Appointment of Judge Blaine Rawson. Approved with comment.

d) Forms Committee Forms. Three Day Notice to Pay or to Vacate, Defendant's Answer to Unlawful Detainer (Eviction), Request for Hearing After Eviction Because My Rights are Being Violated, Motion for More Time to Answer Eviction Lawsuit, and Order on Motion for More Time to Answer Eviction Lawsuit. All except the Order of Eviction and Notice That You Must Move (Order of Restitution) form were approved with comments below.

Judge Gardner raised the point that the "Order of Eviction and Notice That You Must Move" form no longer complies with the statute. The form now requires a judge to put a date that a tenant must move out. However, the statute requires eviction three days after service but since service is not known at the time a judge signs this form, the judge would not be able to identify a specific date, other than when a tenant appears in court.

**Motion:** Judge Gardner moved to remove the “Order of Eviction and Notice That You Must Move” form from the consent calendar, send the form back to the Forms Committee to add back in the original language without a date. Judge Low offered an alternative that someone is ordered to move out at the later of three days from the date of service or the following date. Judge Pettit seconded the motion, and it passed unanimously.

**18. ADJOURN**

The meeting adjourned.