

# JUDICIAL COUNCIL MEETING AGENDA

Tuesday, July 15, 2003  
Council Room, Matheson Courthouse  
450 South State Street  
Salt Lake City, Utah

Chief Justice Christine M. Durham, Presiding

1. 12:30 p.m. *Lunch*
2. 1:00 p.m. Welcome & Approval of Minutes  
(Tab 1 - Action) Chief Justice Christine M. Durham
3. 1:05 p.m. Chair's Report Chief Justice Christine M. Durham
4. 1:10 p.m. Administrator's Report Daniel J. Becker
5. 1:25 p.m. Reports: Management Committee  
Policy and Planning  
Liaison Committee  
Bar Commission  
(Tab 2 - Information) Chief Justice Christine M. Durham  
Hon. Lee Dever  
Hon. Jerald Jensen  
David Bird, esq.
6. 1:45 p.m. Fairview Justice Court  
(Tab 3 - Action) Richard Schwermer
7. 2:00 p.m. Lawyers Helping Lawyers Program  
(Information) Richard Uday
8. 2:30 p.m. *Break*
9. 2:45 p.m. Report: Judicial Conduct Commission  
(Information) Colin Winchester
10. 3:05 p.m. Crime Trends in Utah  
(Information) Mike Haddon, CCJJ
11. 3:35 p.m. FY 2004 Budget  
(Action) Daniel J. Becker

12. 3:50 p.m. Executive Session

13. Adjourn

### Consent Calendar

*The consent items in this section are approved without discussion if no objection has been raised with the Admin. Office (578-3806) or with a Council member by the scheduled Council meeting or with the Chair of the Council during the scheduled Council meeting.*

1. Adoption Exchange Grant  
(Tab 4)

Alicia Davis

2. Resolution Honoring Retired Judge Allen  
Benson Sorenson  
(Tab 5)

Myron K. March

\*\*\* PRESS CLIPPINGS ATTACHED\*\*\*

# TAB 1

TAB 2

# **JUDICIAL COUNCIL MEETING**

## **MINUTES**

**Monday, June 23, 2003  
Council Room, Matheson Courthouse  
450 South State Street  
Salt Lake City, Utah**

**Chief Justice Christine M. Durham, Presiding**

### **MEMBERS PRESENT:**

Chief Justice Christine M. Durham  
Justice Matthew Durrant  
Hon. James Davis  
Hon. Ben Hadfield  
Hon. Jerald Jensen  
Hon. Clair Poulson  
Hon. Robert Hilder  
Hon. Andrew Valdez  
Hon. Gary Stott  
Hon. K.L. McIff  
Hon. Ronald Hare  
Hon. Scott Johansen  
David Bird, esq.

### **STAFF PRESENT:**

Daniel J. Becker  
Myron K. March  
Richard Schwermer  
D. Mark Jones  
Ray Wahl  
Matty Branch  
Kristin Brewer  
AnNicole Faeth

### **MEMBERS EXCUSED:**

Hon. Lee Dever

### **GUESTS PRESENT:**

Susan Verhoef  
Rick Coleman  
Louise Lindorf

#### **1. WELCOME & APPROVAL OF MINUTES: (Chief Justice Christine M. Durham)**

All in attendance were welcomed to the meeting. The minutes of the Council's May meeting were discussed. The following motion was then made.

**Motion:** Judge Hadfield made a motion to approve the minutes. Judge Hilder seconded the motion. The motion carried unanimously.

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

Chief Justice Durham reported that the Supreme Court has appointed a special master to take in additional facts for the Court in a judicial conduct case regarding Judge Joseph Anderson. It was mentioned that this is being handled under the Court's constitutional authority to evaluate conduct commission matters.

Chief Justice Durham also reported that the Fourth District Nominating Commission met recently to consider applicants for two judicial vacancies in that district.

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

Daniel J. Becker reported the following items:

- Nancy Volmer has been hired as the court's new Public Information Officer by a selection committee which included a number of judges and members of the AOC. It was reported that Ms. Volmer previously served with the Salt Lake Organizing Committee (SLOC), the Salt Lake Chamber of Commerce, and the Park City Chamber of Commerce. Ms. Volmer will begin July 7<sup>th</sup>.
- The Management Committee established dates for the Council's budget planning meeting. The meeting will take place August 27<sup>th</sup> and 28<sup>th</sup> at the Matheson Courthouse.
- Peggy Gentles has been hired as the new Trial Court Executive in the Third District, replacing Larry Gobelman. Ms. Gentles will begin August 25<sup>th</sup>.
- Rick Davis, Court Executive in the Second District, has been hired to fill the Court Executive vacancy in the Fifth District. An announcement of the resulting vacancy in the Second District will be issued shortly.
- The CASA program is the recipient of a \$60,000 grant from National CASA.
- The Logan courthouse opened recently. It was reported that the dedication has been schedule for August 22<sup>nd</sup>, and that the Council may meet in Logan in October.
- The city of Fairview has submitted a letter asking for permission to dissolve their justice court.
- Michael Westfall has been appointed by the Governor to fill a judicial vacancy in the Fifth District. He will be considered for confirmation by the Senate when they next meet.

- Kristin Brewer recently received Utah Children's "Child Advocate of the Year" award.

#### **4. REPORTS:**

##### **Management Committee: (Chief Justice Christine M. Durham)**

Chief Justice Durham reported that the Management Committee discussed a significant change in the budget planning process for next year. This would be a long term strategic planning process using "zero based budgeting". Chief Justice Durham mentioned that this would be discussed in greater detail later in the meeting.

Chief Justice Durham then reported that a discussion took place regarding whether Salt Lake City Justice Court pro tem judges had been appointed contrary to the Rules of Judicial Administration. It was also reported that additional information will come to the Council regarding a "Lawyers Helping Lawyers" program, and possible applicability to Utah's court system. Chief Justice Durham mentioned that Richard Uday may be invited to attend a future Council meeting.

##### **Policy and Planning: (Hon. Ronald Hare)**

Judge Hare reported that Policy and Planning looked at the question "What should be the transition for those senior justice court judges appointed under the current rule?" The committee determined that senior justice court judges who are presently in office and over the age of 75 may continue to serve in that capacity for no longer than three years from the implementation date of this rule change.

##### **Liaison Committee: (Hon. Jerald Jensen)**

Judge Jensen reported that the Liaison Committee had not met

##### **Bar Commission: (David Bird, esq.)**

David Bird, esq. reported that the Bar Commission met Friday, June 6<sup>th</sup>. Mr. Bird reported that the Commission discussed the following items:

- George Daines will be the next president-elect of the Bar.
- A tentative report on delivery of legal services was distributed to the Commission.
- The Commission reviewed the Case Maker project, which provides online legal resources for each state that is also available to other states. It was mentioned that this is a type of legal research system.
- Admissions is looking at numbers of attorneys admitted in Utah, and at the present difficulty level of Utah's Bar Exam, as compared with exams in other states.
- A report has been issued on the "lawyers helping lawyers" program. The report

recommends an increase in funding for this program within the Bar, to \$120,000.

**5. REPORT: GUARDIAN AD LITEM PROGRAM: (Kristin Brewer)**

Kristin Brewer, Director of the Guardian ad Litem Office, reported that the Guardians ad Litem usually handle dependency, neglect, and abuse cases. It was reported, however, that there is also a private Guardian ad Litem program in which attorneys handle custody dispute cases on a pro bono or fee basis, depending on the parties' ability to pay. Ms. Brewer reported that Craig Bunnell trains the private GAL attorneys throughout the state to handle these cases.

Ms. Brewer also reported that they are looking at increasing the diversity of CASA volunteers. It was reported that the majority of volunteers are currently female and Caucasian, and that it can be helpful for volunteers to share similar cultures, gender, and backgrounds with their clients.

It was also mentioned that the GAL program received authorization from the legislature this year to spend money received from the sale of CASA license plates. The proceeds of these license plates are distributed equally between GAL/CASA and the Children's Museum.

**6. FY 2004 BUDGET: (Daniel J. Becker)**

Daniel J. Becker reported that in the Council's May meeting, they established a budget plan for FY 2004 and reduced the budget by \$832,000. It was mentioned that the Council decided that \$280,000 would be reduced from personnel, but that no decision had been made yet regarding where these reductions would be taken from.

Mr. Becker then reported on a "zero based budgeting" approach which was shared with the Management Committee, in the context of the FY 2005 budget. It was reported that this approach would identify system priorities, look at where money is currently being spent, and then see what changes could be made in order to allow for the funding of those priorities. It was mentioned that any entity that has a substantial budget would go through this exercise, including the boards, standing committees, the Administrative Office of the Courts, and the Guardian ad Litem program. These groups would present recommendations to the Council prior to the Council's FY 2005 budget planning meeting. It was mentioned that the Trial Court Executives would be involved in this process, and that this would be done in addition to usual building block requests. It was also mentioned that it would be important for the Council to pay a large amount of deference to the recommendations submitted. The Council expressed support for this approach, which will be discussed in more detail at the August meeting.

Discussion then took place regarding where personnel reductions in the amount of \$280,000 will be taken. Updated clerical weighted caseload information from the Clerical Weighted Caseload Committee was shared with the Council. It was mentioned that discussions have taken place with the Third District Court regarding the results of the clerical weighted caseload study, which



indicates that they are currently overstaffed by 8 positions. It was reported that the Third District has looked at a number of vacant positions which, between salary and benefits, are more than \$35,000 each. This would allow 6 positions instead of 8 to be eliminated in order to reach approximately \$280,000.

**Motion:** Judge Hilder made a motion to take 6 FTE's from Third District, which equates to \$275,000. Judge Jensen seconded the motion. The motion carried unanimously.

Myron March then urged the Council to wait on taking action on the remaining 2 positions in the Third District that the clerical weighted caseload study indicates are excess. This request was made since the Third District is still experiencing many changes as the result of cases shifting to justice courts, and they've been without a court executive for some time and are waiting for their new court executive to begin.

Discussion then took place regarding the current practice of the courts paying bar dues for judges. It was suggested that the courts only pay bar dues for judges on an inactive status basis in order to save money. The possibility of eliminating the \$400 per year that is available to judges to attend bar conferences was also discussed.

Mr. Becker and Mr. March then reported that in the Council's May meeting, the Council determined that one vacant court reporter position would be eliminated as part of the court's FY 2004 budget reduction. It was reported that the Council still needed to identify where that position would be taken from. Information regarding court reporter to judge ratios was then shared with the Council. After discussion took place, the following motion was made.

**Motion:** Judge Hadfield made a motion to eliminate a court reporter vacancy in the Third District. The motion was seconded and carried unanimously.

#### **7. APPOINTMENT OF TWO JUSTICE COURT JUDGES: (Richard Schwermer)**

Richard Schwermer reported that two justice court judges need to be considered by the Council for appointment. Application information, exam scores, and other information, including whether a BCI check was successful, was included. After discussion took place, the following motion was made.

**Motion:** Judge Hare made a motion to appoint Thomas Lee Robertson, Jr. and Grant W. Bean as justice court judges. Judge Davis seconded the motion. The motion carried unanimously.

#### **8. EXECUTIVE SESSION:**

**Motion:** A motion was made to go into executive session. The motion was seconded and carried unanimously.

**Motion:** A motion was made to come out of executive session. The motion was seconded and carried unanimously.

**9. CERTIFICATION OF JUSTICE COURT JUDGES: (Daniel J. Becker)**

After discussion took place regarding the certification of justice court judges, the following motions were made.

**Motion:** Judge McIff made a motion to certify Judge Daniel Bertch. Judge Valdez seconded the motion. Six votes were cast in favor of the motion, and six were cast in opposition to the motion. The motion carried with a tie breaking vote by Chief Justice Durham.

**Motion:** David Bird, esq. made a motion to authorize the Management Committee to gather information and take action related to the re-certification of Judge Louis Tervort for active senior judge status. The motion was seconded and carried unanimously.

**10. ADJOURN:**

**Motion:** A motion was made to adjourn the meeting. The motion was seconded and carried unanimously.

# TAB 3

# JUDICIAL COUNCIL MANAGEMENT COMMITTEE

## MINUTES

**DRAFT**

**Tuesday, July 8, 2003  
Council Room, Matheson Courthouse  
450 South State Street  
Salt Lake City, Utah**

**Chief Justice Christine M. Durham, Presiding**

### **MEMBERS PRESENT:**

Chief Justice Christine M. Durham  
Hon. James Davis  
Hon. Robert Hilder  
Hon. Scott Johansen  
Hon. Clair Poulson

### **STAFF PRESENT:**

Daniel J. Becker  
Myron K. March  
Richard Schwermer  
Ray Wahl  
Alicia Davis  
AnNicole Faeth

### **GUESTS PRESENT:**

Colin Winchester, *Executive Director, Judicial Conduct Commission*

#### **1. WELCOME & APPROVAL OF MINUTES: (Chief Justice Christine M. Durham)**

All in attendance were welcomed to the meeting. The minutes of the Management Committee's June meeting were discussed. The following motion was then made.

**Motion:** A motion was made to approve the minutes. The motion was seconded and carried unanimously.

#### **2. ADMINISTRATOR'S REPORT: (Daniel J. Becker)**

Daniel J. Becker reported the following items:

- A meeting took place recently with the Department of Public Safety regarding electronic transmission of traffic citations. Because the Highway Patrol and 60 other law enforcement agencies now have in-car computers, the capability exists for officers to conduct wireless transmission of data. Public Safety has offered to loan programmers to the courts to program the necessary interface capability on the court's side through CORIS, ultimately generating an automated Record. This will reduce clerical data entry hours. It is anticipated this program will be operational by January, 2004.

- Barbara Hanson, the court's Director of Human Resources, has accepted a position as the Director of Human Resources with the Tax Commission.

- Royal Hansen has been appointed by the Governor to fill a vacant judicial position in the Third District, and Michael Westfall has been appointed to fill a judicial vacancy in the Fifth District. Their Senate confirmation hearings are scheduled for July 14, 2003.

**3. APPROVAL OF JUDICIAL COUNCIL'S AGENDA: (Daniel J. Becker)**

A proposed agenda for the Judicial Council's July 15<sup>th</sup> meeting was reviewed. After discussion took place, the following motion was made.

**Motion:** A motion was made to approve the agenda. The motion was seconded and carried unanimously.

**4. MUNICIPAL JUSTICE COURT RETENTION PROPOSAL: (Richard Schwermer)**

Richard Schwermer reported that justice court judges are concerned about the dichotomy between the current municipal and county justice court judge retention processes. Mr. Schwermer reported that the Board of Justice Court Judges has been considering this issue in conjunction with the current president of the League of Cities and Towns. He then asked for the Management Committee's feedback regarding potential legislation related to the notion of moving municipal justice court judges from retention from local officials to a retention election process with certification being decided by the Council. Part of the discussion was that the mayors still want input into the process. It was discussed that they could address the Council during the certification process if they had information regarding performance. The Management Committee expressed general support of this notion, and suggested that it be referred to the Liaison Committee for further consideration.

**5. FAIRVIEW JUSTICE COURT: (Richard Schwermer)**

Richard Schwermer reported that Fairview City has submitted a letter notifying the Council of their intent to dissolve the Fairview Justice Court. It was mentioned that they are requesting that the Council shorten the time period for dissolution from the one year otherwise required. They have requested an effective date of September 30, 2003. It was mentioned that this issue is included on the Council's agenda as an action item.

**6. ADOPTION EXCHANGE GRANT: (Alicia Davis)**

Alicia Davis reported that an Adoption Exchange Grant has been applied for which would provide \$200,000 in federal funds over a two year period for the development of a child welfare portion of the CARE System. After discussion took place, the following motion was made.

**Motion:** A motion was made to endorse the application for this grant, and that this item be placed on the Council's consent calendar. The motion was seconded and carried unanimously.

**7. RE-CERTIFICATION OF JUDGE LOUIS TERVORT FOR ACTIVE SENIOR JUDGE STATUS: (Myron K. March)**

Myron March reported that Judge Tervort's term ended July 1<sup>st</sup> and he is scheduled to handle cases July 11<sup>th</sup>. It was mentioned that his personal scores need to be discussed in executive session.

**8. EXECUTIVE SESSION:**

**Motion:** A motion was made to go into executive session to discuss personnel matters. The motion was seconded and carried unanimously.

**Motion:** A motion was made to come out of executive session. The motion was seconded and carried unanimously.

**Motion:** A motion was made to re-certify Judge Louis Tervort for active senior judge status. The motion was seconded and carried unanimously.

**9. RESOLUTION HONORING RETIRED JUDGE ALLEN BENSON SORENSON: (Myron K. March)**

It was mentioned that retired judge Allen Benson Sorensen recently passed away. A draft resolution honoring Judge Sorensen was distributed. After discussion took place, the following motion was made.

**Motion:** A motion was made to approve the resolution for placement on the Council's consent calendar. The motion was seconded and carried unanimously.

**10. COMPLAINT PROCESS: (Colin Winchester)**

Colin Winchester, executive director of the Judicial Conduct Commission, reported that as a result of HB 285 which was passed several years ago, the Commission can receive a formal complaint, but can also receive information that the executive director provides to the Commission in a written statement. Mr. Winchester reported that, in response to this legislation, the Judicial Conduct Commission adopted a policy which states that when a complaint is received from a source other than the complainant (anonymous or otherwise), the executive director summarizes the complaint and the Conduct Commission determines whether or not an investigation is warranted. In this case, the Conduct Commission becomes complaining party. Mr. Winchester mentioned that the Conduct Commission has appeared to have success with this

process.

In reference to the Council notifying the Conduct Commission of possible misconduct, Mr. Winchester reported that the Council could refer information in written form, and that he would summarize the concerns and take them before the Conduct Commission for their consideration as to whether the Commission should initiate a complaint.

**11. PERFORMANCE INCREASE GUIDELINES: (Daniel J. Becker)**

Daniel Becker reported that subsequent to the Council and Management Committee's decision related to performance awards, the Legislative Auditor General has completed an audit of five state agencies criticizing their use of incentive awards to employees. In response, the legislative auditor's office has called for a statewide audit in 2004. Mr. Becker asked the Management Committee if they felt they should reconsider their decision regarding performance awards. It was suggested that this program be scaled back by 50% effective October 1. Awards would be given to outstanding or exceptional employees, and no awards given to satisfactory employees. After discussion took place, it was suggested that this be added to the Council's agenda as an action item.

It was also suggested that, if the awards were scaled back, the remaining \$130,000 could be budgeted to provide clerical assistance on a temporary basis through the end of the fiscal year to the Second and Fourth District Courts.

**Motion:** Judge Hilder made a motion to add this item to the Council's agenda as an action item. Judge Davis seconded the motion. The motion carried unanimously.

**12. JUSTICE COURT BOARD FEE PROPOSAL: (Richard Schwermer)**

Richard Schwermer reported that a disparity currently exists related to fines and surcharges between district courts and justice courts as the result of the \$25 security fee and other additional fees mandated by the legislature for the state courts. If the \$25 fee was to be applied to justice courts, a sizable pool of funds would result. It was reported that the Justice Court Board would like to use this money to improve the justice court system through enhancements to computer technology and education. Sheriffs, however, are also aware of this money and would like to use it to offset court related security costs, particularly juvenile courts.

The Management Committee discussed the importance of developing a specific proposal which the courts could advance. It was suggested that this should be forwarded to the Liaison Committee and then discussed by the Council in their August budget session.

**13. ADJOURN:**

**Motion:** A motion was made to adjourn the meeting. The motion was seconded and carried unanimously.



# TAB 4

# *Fairview City*

P.O. Box 97

Fairview, Utah 84629

Phone (435) 427-3858

Fax (435) 427-3275

June 18, 2003

Utah Judicial Council  
c/o Administrative Office of the Courts  
450 South State Street  
P.O. Box 140241  
Salt Lake City, Utah 84111-0220

**RE: Notice of Intent to Dissolve Fairview City Justice Court**

Dear Sir or Madam:

Pursuant to Utah Code Section 78-5-140, Fairview City hereby gives notice of its intent to dissolve the Fairview City Justice Court. Subsection 78-5-140(3) provides that, upon request, the Judicial Council may shorten the time period from the one year that is otherwise required. Accordingly, Fairview City requests that its Justice Court be dissolved effective September 30, 2003, or as soon as possible thereafter.

A copy of Fairview City Resolution No. 2003-15R, authorizing this notice of dissolution, is included with this letter.

Sincerely,



Glen K. Vernon  
City Administrator

Enclosure

**FAIRVIEW CITY  
RESOLUTION NO. 2003-15R**

**A RESOLUTION AUTHORIZING THE MAYOR TO GIVE NOTICE TO THE UTAH JUDICIAL COUNCIL AND SANPETE COUNTY OF FAIRVIEW CITY'S INTENT TO DISSOLVE THE FAIRVIEW JUSTICE COURT.**

**WHEREAS**, Utah Code Section 78-5-140 requires a city to give notice to the Utah Judicial Council and to the county of its intent to dissolve its justice court; and

**WHEREAS**, Utah Code Section 78-5-140 further provides that notice of intent to dissolve a Class III or Class IV court shall be given by July 1<sup>st</sup> at least one year prior to the effective date of the dissolution; provided that the Judicial Council may shorten the time required between the city's notice and the effective date of the dissolution; and

**WHEREAS**, the Fairview City Council has determined that it is in the best interest of Fairview City to dissolve the Fairview City Justice Court due to the increasing costs of administering the Court compared with declining revenues available to support the Court's expenses;


**NOW, THEREFORE, BE IT RESOLVED** by the City Council of Fairview City, Utah, that the Mayor is hereby authorized and directed to give notice to the Utah Judicial Council and to Sanpete County of Fairview City's intent to dissolve the Fairview City Justice Court effective September 30, 2003, or as soon as possible thereafter.


**ADOPTED** this 17<sup>th</sup> day of June, 2003, by a duly constituted quorum of the Fairview City Council.

**IN WITNESS THERETO:**



ATTEST

  
Jan Anderson, City Recorder

  
Harvey E. "Don" Worley, Mayor

**City Council Voting:**

	Yea	Nay	Absent	Abstain
George Bench	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rusty Bench	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chad Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lee R. Sorensen	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Spencer Swapp	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### **Program Narrative: 2003-52635-UT-KX**

Utah's Juvenile Court seeks a SANCA grant to streamline child welfare case management to expedite permanency for children. Administered statewide and committed to implementing best practices, Utah's Juvenile Court would maximize grant funding to develop and implement a child welfare management information system ('CARE: Courts and Agencies Records Exchange") that could be replicated in other jurisdictions.

#### **Problem to Be Addressed (10)**

##### **I. Jurisdictional Context and Organizational Structure**

Of equal status with the district court, Utah's Juvenile Court has exclusive original jurisdiction over youths, under 18 years of age, who violate any federal, state or municipal law, and any child who is abused, neglected or dependent. The court has the power to determine child custody, support and visitation in some circumstances, to permanently terminate parental rights, and to authorize or require treatment for mentally ill or retarded children. The court may also place children under the supervision of the court's probation department, to place children in the custody or care of foster homes, group homes, special treatment centers, or secure institutions. The Court works closely with the Office of Guardian ad Litem on cases involving abuse, neglect or dependency. All abuse and neglect cases are heard by a judge.

Organizationally, Utah's Juvenile Court consists of eight judicial districts, 25 full-time judges, and one commissioner. The most populous districts are the Second, Third, and Fourth districts in the center of the State. The largest district, Third District (Salt Lake City, Tooele, and Summit Counties) counts with eight judges and a commissioner, and benefits from the leadership of the Salt Lake City Model Court. Case flow is managed in adherence to the Resource Guidelines set forth by the National Council of Juvenile and Family Court Judges, and Utah has

current management information system, JJIS (Juvenile Justice Information System), was developed in 1986, and was designed to provide the juvenile court and Division of Youth Corrections (“DYC”) with ongoing information regarding juveniles. JJIS currently has no ability to track child welfare timelines, and it is extremely difficult to extract other ASFA-specific findings due to the structure of the data input fields and hierarchical and nested nature of the data (2002 *Utah Evaluation*, 1.12). JJIS cannot access, nor be accessed by SACWIS or SAFE, Utah’s SACWIS equivalent, maintained by Utah’s Division of Child and Family Services (“DCFS”). Until improved child welfare data was collected manually last year, the Utah courts had no way to rely on outcomes data from the MIS, and this stymied improvement efforts.

Recognizing the inadequacies of JJIS, planning and design of a new juvenile management information system began in 1998, was titled CARE: Courts and Agencies Records Agency. The purpose of CARE is to improve record-keeping and allow information sharing between each agency involved in Utah’s Juvenile Court, particularly DCFS and DYC. Early in the conceptual phase, the CARE team felt that data for child welfare and delinquency were similar enough to be designed as one database, but admittedly, programming has been based primarily on processing for delinquency, and compliance with child welfare timelines or specific findings were not included as part of the February 2000 *Juvenile Justice and Child Welfare Re-engineering Requirements*. Thus, while the developing CARE system has appropriately accounted for delinquency needs, and CARE’s delinquency applications are currently being rolled-out, the child welfare components remain largely undeveloped. The developments contemplated in this application will build on existing, cutting-edge technologies to improve informational-exchange between agencies, and will track ASFA-related data and outcomes.

facilitates data integrity by recording each transaction in a log file. The Locking option ensures data integrity when multiple users concurrently access the same row.

The web browser environment for the CARE environment is Microsoft's Internet Explorer (IE). While enabling our users to maintain web privacy, flexibility, and reliability IE is part of Microsoft's award winning and popular Win suite of operating systems.

Digital Signature establishes a framework for the authentication of computer-base information. In the juvenile legal environment similar to most legal environment the signature represent evidence, ceremony, approval, and imparts a sense of clarity and finality. Because the CARE application exploits technology, printing and signing manually would decrease the efficiencies of the technology and the system. Computer equipment and software utilizing two keys are often collectively termed "asymmetric cryptosystem." The process used for digital signatures has undergone thorough technologic review for over a decade and is accepted in international standards community. The likelihood of malfunction or a security problem in a digital signature environment is extremely remote and is far less than the risk of undetected forgery or alteration on paper or of using other less secure signature techniques. Digital Signature Trust (DST) is the public key authority used in the CARE environment and will ensure increased security for the child welfare enhancements and additions.

Domino increases collaboration and human interaction by bring people together with messaging, calendaring, scheduling, and collaborative applications. Collaboration, calendaring, scheduling, and message are all key function to ensure the success of the system and the collective services that we provide to our juvenile clients. This product help exploit technology to aid the tracking, sharing, and management of juvenile clients.

improvements (demonstrated below), it has come only through significant human labor. While such efforts may be practicable now, they become less so as filings are expected to increase. Utah's Governor's Office projects an exponential increase in child population in the next few years, which historically has correlated with an increase in child welfare filings. As filing increase, Utah has an increased need for an automated system to track data to relieve burden on the clerks, and to assure more accurate data. Nevertheless, the Court's undertaking to provide reliable data and the action that has been taken since receiving reliable data demonstrates that Utah's Juvenile Court has the human infrastructure and willingness to ensure accurate collection of data, and ensure court and agency compliance with ASFA.

#### **Goals and Objectives (10)**

Outcome accountability and research will be accomplished through documenting services provided, performing youth assessments, identifying success and failure rates of various programs, and ensuring order fulfillment. SANCA will improve upon the CARE system by increasing the courts' ability to meet and track child permanency, and the effectiveness of case management, on an individual and collective basis. Specifically, SANCA will improve Utah's Juvenile Court by addressing seven of the nine each "General Area in Need of Improvement" set forth in Utah's 2002 Evaluation, established as the ongoing goals of Utah's CIP committee as follows:

- **Courts' ability to track time lines and other case related information.**
- **Standardized orders and consistent production and dissemination of court orders at the conclusion of every hearing, incorporating ASFA-specific language.** Judges and clerks will receive email notification of cases approaching deadlines. Screens will not allow clerks or judges to continue unless permanency goals have been established, and

2. ASFA specific findings
3. Permanency goals
4. Interface with SAFE for family constellation, assessments, services provided
5. Interface with CORIS to identify family civil or criminal activity
6. Interface with SACWIS/AFCARS or allow for access to information.

#### **Project Design – Plan for Planning (20)**

Utah has already established the framework for collaboration, thus facilitating future planning efforts, and review of project design. The planning process used to effect the delinquency components of CARE have been effective, and will continue in place as the components of child welfare are developed.

Planning will continue to originate within the CARE Management Committee. The CARE Management Committee was formed in 1998, and continues throughout the development of the CARE project. Each member of the CARE Management Committee represents an agency holding a stake in the way juvenile and child welfare information is compiled. The agencies represented include Utah's Department of Youth Corrections, Utah's Division of Child and Family Services, the Commission on Criminal and Juvenile Justice and Utah's Juvenile Court. The committee works together as agencies to develop and implement a management information system to serve the needs of each agency represented. This has been demonstrated by joint planning sessions between agencies, and by continued, frequent communication between agencies at monthly and bimonthly meetings. The CARE Management Team's responsibilities include project review, evaluations of enhancements and modification, implementation planning, and budgeting.



Vendors specializing in juvenile welfare have been, and will be continue to be contacted, as well as other states with effective systems.

A number of interfaces have been defined to access or exchange data with external systems, including to SAFE (Division of Child and Family Services) system. CARE will provide access to the AG's office for filing of child welfare petitions (currently done manually), to the BCI State Wide Warrants System (currently done manually) and BCI's Gun Purchase Background Checks,' it will provide data on accounts in arrears.

### **Management and Organizational Capability (40)**

#### **I. Organizational and Collaborative Readiness (15)**

As evidenced by Utah's 2002 Evaluation, and noted in Utah's CFSR, Utah's child welfare stakeholders have a high aptitude for collaboration. Utah's "juvenile court and child welfare system are dedicated to the children and families they serve... [Utah's Juvenile Court holds] itself, the child welfare agency and the broader community accountable for achieving safe, timely permanency for children." (2002 Utah Evaluation, ES.2)

The number of reforms instituted by Utah's CIP committee demonstrates organizational and collaborative readiness. The CIP committee is formed by a wide representation of child welfare stakeholders, including two Court of Appeals justices, two juvenile judges, one of whom is Judge Sharon McCully, Model Court Lead Judge, the Director of the Office of the Guardian Ad Litem, representatives of the Office of the Attorney General, Parents' Counsel , the Director of the Foster Care Citizen Review Board, a DCFS Administrative Representative, the Juvenile Court Administrator, the Assistant Juvenile Court Administrator in Child Welfare, a member of the community, a representative of the children's advocacy organization, a tribal court judge, and a trial court executive. Utah's CIP has implemented a number of reforms to enhance community

1.7). In November 2001, child welfare stakeholders met to highlight the need for more reliable and valid child welfare outcomes data, and to form plans to reduce delays in child welfare.

A second Case Management/Delay Reduction Workshop was held in December 2002. The purpose of the second workshop in 2002 was to present district teams with empirical information from the statewide evaluation about how their districts were performing at the local level and how local performance compared to overall statewide performance. Each district team reviewed its data, discussed implications for overall court performance, and generated strategic plans to address local issues. Aided by reliable court performance information for the first time, the district and statewide teams were motivated to establish formal child welfare delay reduction teams, and to set regular meeting times and agendas. These teams formed strategic plans with measurable and specific goals that could be accomplished within one year. “The district teams embraced the evaluation data and recommendations. Whether they ultimately agreed with the reported outcomes or not, the data and recommendations facilitated spirited discussion among participants about how they can work more collaboratively to improve outcomes for children.” (2002 *Utah Evaluation*, 1.6).

The teams committed to maintain formal lines of communication and collaboration with the statewide Table of 6 and the CIP. Those teams, the “Tables of 6” have now been established in each district, each team consisting of a representative of the judiciary, court management, the agency, parent's counsel, child's counsel, and agency counsel. The teams are meeting regularly, and have been reporting progress quarterly to the Assistant Juvenile Court Administrator. A website, designed for Child Welfare Delay Reduction Teams, allows state and non-state actors to receive information regarding upcoming trainings, and to communicate with their own team, as well as the statewide team. “The vigor with which the CIP and the AOC acted on the

Management Committee represent a shared governance that will oversee the documentation of ASFA required legal findings, and the informational interface with the district courts and the SAFE system. These two management teams will meet monthly and will direct the evolution of CARE to achieve goals for child welfare and delinquency. Judge McCully, Assistant Juvenile Court Administrator Alicia Davis, and Juvenile Court Administrator Ray Wahl sit on both committees. These same three people, as well as Bruce Thomas, trial court executive, also sit on the CIP committee. The overlapping in the management team members is indicative of the overlapping data and computing environment necessary to meet ASFA and other court improvement recommendations.

Similar to the executive management for this grant, the project team for this grant (child welfare), will have overlapping members from the CARE Project Team such as the data base administrator, system administrator, project system designer, programmer (reporting), assessment developer. Leveraging the CARE Team's experiences in web technology and the server computing environment will prevent "re-inventing the wheel" and expedite child welfare requirements, issues, and directions. This grant's project team will report monthly to the "Table of 6" and interface daily with the CARE technology team. To ensure that system reliability, stability, timeliness, and technology resources are managed from the Courts' Information Technology (IT) department. IT's will hold project meetings and weekly resource meetings to troubleshoot, and share solutions. User requirements, implementation plans, and training the users are directed by the "Table of 6". Technical directions and activities are directed by the CARE Management and the Courts' Information Technology management. Frequent meetings and communication between the various management committees ensures this project's success and alignment with the goals and objectives of the grant. All proposed programming changes

Court employees assigned to the project teams will receive input from project team leaders on their annual performance appraisal. Evaluations and corrective actions will be performed by the appropriate levels of management according to the State Judiciary's Human Resource procedures of documenting, discussing, and corrective action planning.

### **III. Organizational Capability (10)**

Presiding Judge of this project is Judge Sharon McCully, President Elect of the National Council of Juvenile Judges, and the Lead Judge for the Salt Lake City Model Court. Known nationally for her efforts to improve child welfare outcomes, Judge McCully is primarily responsible for the statewide institution of Model Court reforms. Judge McCully is also actively involved in the CIP committee, and was one of the key proponents of conducting a statewide qualitative and quantitative evaluation, which has proven to be the impetus of statewide collaboration and improvement. Judge McCully has also been energetically involved in the CARE system, piloting the delinquency operations, and reviewing plans for the child welfare operations. It was Judge McCully's concern that CARE did not adequately address child welfare issues that brought focus to this project.

All three Juvenile Court administrators are involved in the development of the CARE program. Ron Oldroyd, Assistant Juvenile Court Administrator – Delinquency, has chaired the CARE committee from its inception, demonstrating his expertise in the organizational capabilities necessary to oversee a project of this size and scope. Mr. Oldroyd will continue to provide leadership and oversight in the development of child welfare applications, in consultation with the Assistant Juvenile Court Administrator – Child Welfare, Alicia Davis. Ms. Davis has demonstrated leadership and oversight by providing accountability and support for each of the district "Tables of 6." As the key point of contact between the Statewide Table of 6

**Phase I: Planning Phase**

Estimated Elapse Time: 12-18 MONTHS

Cost: \$200,640.00

Categories	Estimated Time	Grant Cost
Contracted Fees		
Sub-Phase A	4 months	\$38,720.00
Sub-Phase B	12 months	\$123,200.00
Sub-Phase C	4 months	\$26,400.00
Total		\$200,640.00

The planning phase will require a 12 - 18 months effort. The estimated time described in the table above is elapse time. The actual budget hour are described below in the sub phases. During this phase the analysis and design, table changes, documentation, programming, unit testing, and system testing will be done for each sub phase. This effort is comprised of the following sub-phased:

- Sub-Phase A is Legislative Requirements which includes child welfare compliance (2 months), findings reporting of compliance (1 month)and permanency goals (1 month). Budgeted 352 hours @ \$110. per hour.
- Sub-Phase B is Interfaces to SAFE which Utah's statewide access to child welfare information system and CORIS which is Utah's statewide District Court case management system. It is estimated that it will require 4 to 6 months on each interface. Budgeted 1,120 hours @ \$110.00 per hour.
- Sub-Phase C is implementing the family constellation and AFCAR research. This sub-phase is estimate at 2 to 4 months. Budgeted 240 hours @ \$110.00 per hour.

**Phase II: Pilot Implementation Phase**

Estimated Elapse Time: 3 to 6 Months

Cost: -0-

Categories	Estimated Time	Grant Cost
Contracted		-0-
Total		-0-

# TAB 5

# *Utah Judicial Council Resolution*

Re: The Honorable Allen Benson Sorensen

Whereas, the passing of the Honorable Allen Benson Sorensen, District Court Judge, occurred on June 26, 2003, and

Whereas, Judge Sorensen served with distinction as a District Court Judge for the Fourth Judicial District. Judge Sorensen was appointed to the bench in 1966, and

Whereas, Judge Sorensen served the people of this State, as a District Court Judge for many years with distinction and honor, and

Whereas, Judge Sorensen served as a senior judge for several years after his retirement, and

Whereas, Judge Sorensen also served the people of Utah through service with the Attorney General's Office and as District Attorney for the Fourth Judicial District prior to his appointment as a District Court Judge, and

Whereas, Judge Sorensen served his Country through time spent in the U.S. Army, and

Whereas, Judge Sorensen was well respected, distinguished adjudicator,

Now Therefore, be it resolved that the Utah Judicial Council, on behalf of the entire Utah Judiciary, individually and collectively, adopts this resolution as an expression of tribute and appreciation of Judge Allen Benson Sorensen. Our sympathy and condolences are offered to members of the family.

Dated this 15<sup>th</sup> Day of July, 2003

---

Christine M. Durham  
Chief Justice, Utah Supreme Court  
Chair, Utah Judicial Council

**PERFORMANCE AWARD GUIDELINES  
FY 2004**

- ◆ **Eligibility:**
  - ◆ Employed for at least one year by 7/1/03
  - ◆ Career track completed by 7/1/03
  - ◆ Not in longevity
  - ◆ Not on corrective action
  - ◆ Not rated as needs improvement or unsatisfactory on 6/03 performance appraisal
- ◆ **Considerations in ranking employees**
  - ◆ Overall contribution to the organization/district/department/team over past year that has improved the way business is conducted
  - ◆ Extraordinary competence in performing job functions
    - ◆ Creativity in identifying problems and devising workable, cost-effective solutions
    - ◆ Commitment to building excellent relationships with management, co-workers and the public (customer care)
  - ◆ Leadership
  - ◆ Results of FY 03 Performance Appraisal
- ◆ **Performance Award Categories**
  - ◆ Outstanding - 20% of department staff - \$500
  - ◆ Exceeds requirements/expectations - 30% of department staff - \$400
- ◆ **Effective date - October, 2003**
- ◆ **Complete employee reimbursement form (FI 48) available online at [www.finance.state.ut.us/forms](http://www.finance.state.ut.us/forms) for each recipient and submit to HR no later than (Date to be determined).**





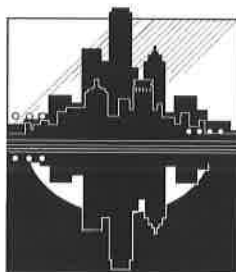
**Valley Research**

## ***Utah Judicial Council***

### ***2003 Survey of Judicial Performance Report Senior Judges***

**Utah Judicial Council Report**

**June 2003**



**Prepared by  
Brian Robertson, Ph.D.  
Valley Research, Inc.  
PO Box 9314  
Salt Lake City, Utah 84109-0314**

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*Utah Judicial Council Survey of Judicial Performance – Senior Judges – June 2003*

*Utah Judicial Council Survey of Judicial Performance June 2003*

**Sponsorship of the Utah Judicial Council Bar Survey of Judicial Performance**

The 2003 Utah Judicial Council Bar Survey of Judicial Performance was sponsored by  
the Utah Judicial Council

**Valley Research, Inc.**

**Valley Research, Inc. Staff**

Sheri Guiver, President  
Dennis Guiver CEO  
Brian Robertson, Ph.D. – Research Consultant

For information or additional copies of  
this report, please contact:

Valley Research, Inc.  
PO Box 9314  
Salt Lake City, UT 84109-0314  
(801) 907-2000

*Utah Judicial Council Survey of Judicial Performance June 2003***I. Utah Judicial Council Bar Survey of Judicial Performance Methodology****A. Questionnaire Development**

The questionnaire was designed by the Utah Judicial Performance Evaluation Standing Committee in accordance with the criteria established by the American Bar Association's Guidelines for the Evaluation of Judicial Performance (Special Committee on Evaluation of Judicial Performance; August 1985; Washington D.C.; American Bar Association).

Initially, the questionnaire was divided into two sections: A certification section elicited information from respondents with regard to a judge's integrity, legal knowledge, communication skills, case management and administrative skills. A self improvement section elicited information with regard to the same qualities, plus dignity and attentiveness in court. Items were selected for inclusion in the certification section on the basis of their centrality to the role of the judge, justice, or commissioner, and an attorney's ability to provide information in regard to that item.

In 1998, a new survey instrument was developed that contained 15 items. These items were derived from the original 35 certification and self improvement items. The first 14 represent the new certification items, while the last is a measure of whether respondents feel the judicial council should certify a judge for election or reappoint a commissioner. The new survey instrument was designed to make the survey process easier for those attorneys asked to participate.

In 2001, a further modification was made to the survey. The item on whether the respondent felt should certify a justice or judge, or reappoint a commissioner was dropped. This was replaced by a question that asked respondents to rate the overall performance of the justice, judge, or commissioner.

**B. The Sample****Respondent Selection**

A list of attorney appearances was provided by the Administrative Office of the Courts that provided the name of all attorneys appearing before each justice, judge, or commissioner as well as the number of appearances. The lists were then entered into an electronic database. The database was analyzed such that a given attorney should be sent one mailing packet including questionnaires for all the justices, judges, or commissioners that he or she was to evaluate. The attorneys who evaluated a judge, justice, or commissioner were selected based on their experience: Those attorneys with the most appearances were selected first, followed by attorneys with fewer appearances. In addition, attorneys with more recent experience were selected as respondents over attorneys with dated experience. This procedure did not select as respondents all attorneys who had experience before a given judge, justice, or commissioner. Instead, it provided a sample of attorneys, all of whom had experience. The procedure yielded a sample of attorney/respondents for each judge, justice, or commissioner that was weighted toward respondents with greater and more recent experience. If there were more names provided than necessary for the sample, attorneys were randomly assigned. Without knowing which attorneys had been identified, justices, judges, and commissioners had the opportunity to remove an attorney from the list of respondents based on five criteria approved by the judicial council. A maximum of 180 attorneys were selected for each judge, commissioners, or justice.

*Utah Judicial Council Survey of Judicial Performance June 2003***Overall Response Rate**

In May 2003, 437 questionnaires were sent to 367 attorney respondents. On average, each attorney received approximately 1.2 questionnaires. A follow-up mailing was completed two weeks after the initial mailing to all that had not responded. All surveys received by June 25, 2003 were accepted for data entry and tabulated. A summary of the response rates is presented below.

<b>Summary of Response Rates by Attorney</b>		
	Number	Percent
Total Packets Sent	367	
Total packets ineligible (bad addresses, respondent deceased, respondent currently a judge)	11	
Total Valid Packets	356	
<b>Packets Returned</b>	<b>249</b>	<b>70%</b>

<b>Summary of Response Rates by Questionnaire</b>		
	Number	Percent
Total Questionnaires Sent	437	
Total Questionnaires Ineligible	12	
Total Valid Questionnaires	425	
<b>Questionnaires Returned</b>	<b>296</b>	<b>70%</b>

*Utah Judicial Council Survey of Judicial Performance June 2003***Confidentiality and Anonymity**

VRI is committed to a policy of absolute confidentiality for all of our respondents and security of sensitive data and contact information. The issues of confidentiality and security are central to the goals and operation of our business. We must respect the privacy of our respondents by protecting their identity. Further, VRI is bound to protecting our clients by insuring the security of all questions, results, and data. VRI is a member of the American Association for Public Opinion Research. As such, we are bound by their code of professional ethics and practices: A code we feel is intrinsic to the conduct of survey research. This professional code requires our company to respect the privacy of our respondents and to protect them from abuse or harm in any manner as well as protecting the confidentiality of any data collected from respondents. Respondent names, phone numbers, and any other identifying information are all held in the strictest confidence. We will under no circumstances release respondent information unless explicit permission is obtained from the respondent.

VRI follows a set of guidelines that insure confidentiality. These include:

- A respect among our employees for respondents and the ethics of survey research.
- All materials are physically secured and locked up. Access to these materials is limited to members of our professional staff.
- All computer programs, sample files, questionnaire programs, etc. are protected by security safeguards on our computer network. All files are password protected and only accessible by our Vice President of Research or with his explicit permission.
- All information that could potentially identify a respondent is stored separately from data files, reports, and other documents.
- All of our respondents are informed that their responses are confidential and that results will be reported in aggregate form only before conducting the interview.

VRI also believes in maintaining the confidentiality of survey materials, survey results, data, and other information that is purchased by our clients. VRI treats all questionnaires, survey results, reports, and data sets as confidential and the property of our clients. It is our policy to never release information without the express, written approval of our clients.

All VRI staff members sign a pledge of confidentiality, and it is understood that any breach of confidentiality by any staff member will result in immediate dismissal. Participation in research projects conducted by VRI is confidential and voluntary. Completed interviews are locked in the computer, and cannot be accessed by any but a few key VRI staff members. Personal identifiers are not stored with the data file. Responses cannot and shall not be linked to a particular individual's address.

VRI used a double-envelope system that permitted the construction of temporary records during the data collection process. The respondent was requested to supply his or her name on the outer envelope of the two-envelope system. The outer envelope was removed and used to supply a record of who had replied. The inner envelope contained no identifying information, and the survey responses could not be traced to any particular individual. In addition, attorneys were instructed not to make any identifying marks on the questionnaires. All survey forms, envelopes, and electronic database files will ultimately be destroyed.

*Utah Judicial Council Survey of Judicial Performance June 2003***II. Results**

Following the completion of data collection, each questionnaire was coded and entered into an electronic data file using a double data entry system to guarantee accuracy. A summary of response rates for each individual judge is presented below. The total number of surveys returned included those returned completed as well as those returned blank (no personal knowledge). The response rate was calculated by dividing the total number of returned surveys by the total number of eligible surveys (ineligible surveys included those returned to VRI with wrong addresses, surveys sent to attorneys who had since become judges, deceased attorneys, and so on). Results for the individual reports are presented in one table, listing all 15 questions. Percentages are presented for each item for the five evaluative categories (excellent, more than adequate, adequate, less than adequate, and inadequate). The total number of valid responses is also presented along with the number of respondents indicating "no personal knowledge" for that particular item. During periods of certification (which occurs in the year prior to a judge standing for retention election), the Judicial Council receives a copy of the survey results, coded into two categories: A satisfactory rating (excellent, more than adequate, and adequate) and an unsatisfactory rating (less than adequate and inadequate).

**Distribution of Results**

A personalized report of results such as this one is sent to each justice, judge, and commissioner who was the subject of the 2003 Survey of Judicial Performance. A copy of the report is also sent to each judge's or commissioner's presiding judge. The personalized report contains the individual results for that justice, judge, or commissioner. Personal comments, with all identifying information removed, are sent to the Utah Judicial Council with their copy of the survey results.



*Utah Judicial Council Survey of Judicial Performance June 2003***Response Rate****Survey Response Rate**

	<b>Honorable Louis Tervort</b>
Surveys Mailed	80
Ineligible	2
Total Valid Surveys	78
Return Complete	26
Return Blank (insufficient experience to evaluate)	29
Total Returned	55
Survey Response Rate	70%

	<b>Honorable Douglas L. Cornaby</b>
Surveys Mailed	177
Ineligible	2
Total Valid Surveys	175
Return Complete	44
Return Blank (insufficient experience to evaluate)	78
Total Returned	122
Survey Response Rate	70%

	<b>Honorable Arthur Christean</b>
Surveys Mailed	180
Ineligible	8
Total Valid Surveys	172
Return Complete	42
Return Blank (insufficient experience to evaluate)	78
Total Returned	118
Survey Response Rate	70%

Survey Responses for the Honorable															
Question:	Certification Score	Excellent		Less than Adequate		Adequate		Less than Adequate		Inadequate		# of Valid Responses		No Person of Knowledge	
	Passing Score 70%+	Judge	Peer Group	Judge	Peer Group	Judge	Peer Group	Judge	Peer Group	Judge	Peer Group	Judge	Peer Group	Judge	Peer Group
	%	%	%	%	%	%	%	%	%	%	%	Count	Count	Count	Count
1) Behavior is free from impropriety and the appearance of impropriety.	100%	65%	n/a	23%	n/a	12%	n/a	0%	n/a	0%	n/a	26	n/a	0	n/a
2) Behavior is free from bias and favoritism.	100%	62%	n/a	23%	n/a	15%	n/a	0%	n/a	0%	n/a	26	n/a	0	n/a
3) Avoids ex parte communications.	100%	64%	n/a	18%	n/a	18%	n/a	0%	n/a	0%	n/a	22	n/a	4	n/a
4) Understands the rules of procedure and evidence.	92%	27%	n/a	38%	n/a	27%	n/a	8%	n/a	0%	n/a	26	n/a	0	n/a
5) Properly applies the law to the facts of the case.	92%	35%	n/a	38%	n/a	19%	n/a	8%	n/a	0%	n/a	26	n/a	0	n/a
6) Is prepared for hearings and trials.	96%	42%	n/a	31%	n/a	23%	n/a	4%	n/a	0%	n/a	26	n/a	0	n/a
7) Demonstrates appropriate demeanor.	100%	65%	n/a	31%	n/a	4%	n/a	0%	n/a	0%	n/a	26	n/a	0	n/a
8) Maintains order in the courtroom.	100%	58%	n/a	35%	n/a	8%	n/a	0%	n/a	0%	n/a	26	n/a	0	n/a
9) Allows sufficient time to present case.	100%	58%	n/a	42%	n/a	0%	n/a	0%	n/a	0%	n/a	26	n/a	0	n/a
10) Weighs all evidence fairly and impartiality before rendering a decision.	96%	48%	n/a	32%	n/a	15%	n/a	4%	n/a	0%	n/a	25	n/a	1	n/a
11) Clearly explains oral decisions.	92%	38%	n/a	31%	n/a	23%	n/a	8%	n/a	0%	n/a	26	n/a	0	n/a
12) Opinions, memorandum decisions and orders are well written.	100%	43%	n/a	29%	n/a	29%	n/a	0%	n/a	0%	n/a	14	n/a	12	n/a
13) Issues orders and opinions without unnecessary delay.	100%	45%	n/a	36%	n/a	18%	n/a	0%	n/a	0%	n/a	22	n/a	4	n/a
14) Effectively uses pretrial procedures to narrow and define the issues.	100%	32%	n/a	37%	n/a	32%	n/a	0%	n/a	0%	n/a	19	n/a	7	n/a
	96%	46%	n/a	31%	n/a	19%	n/a	4%	n/a	0%	n/a	26	n/a	0	n/a

7

**Survey Responses - Presiding Judges / Trial Court Executives for the Honorable Louis Torvet**

	Excellent	More than Adequate	Adequate	Less than Adequate	Inadequate	# of Valid Responses	No Personal Knowledge
	Judge	Judge	Judge	Judge	Judge	Judge	Judge
<b>Question:</b>	Count	Count	Count	Count	Count	Count	Count
1) Cooperates with judges and staff.	8					8	0
2) Disposes of matters in a timely manner.	7		1			8	0
3) Behavior is free from bias and favoritism.	7	1				8	0
4) Starts court on time..	6	2				8	0
5) Prepares for cases.	6	1	1			8	0
6) Cooperates with self-improvement suggestions.	5	1				6	2
	7	1				8	0

**Attorney Comments:****Honorable Louis Tervort**

I see no reason why Judge Tervort should not continue as a Senior Judge.

Excellent judge. It is always a pleasure to appear before him. Very pleasant demeanor.

Thanks for your thoughtful approach and courteousness.

The overall performance of this judge is excellent. I have tried many cases before Lou Tervort and I believe him to be very competent and fair. He is a credit to the state judiciary. It has been a great pleasure working with Judge Tervort and we will all suffer by the loss of his experience and insight upon his retirement as a senior judge.

Keep sending him to Division 10 in the 4<sup>th</sup> District.

I think he is lacking in criminal experience.

**Comments: Presiding judges and trial court executives:****Honorable Louis Tervort**

We appreciate the assistance of Judge Tervort. He is an excellent judge and his experience and dedication to public service are an example to all of us.

Judge Tervort is a very knowledgeable about the law. He is a very fair judge. Judge Tervort starts court on time and uses the time wisely.

As always, Judge Tervort is competent, caring and very efficient.

Judge Tervort has been great to work with. He readily accepts any assignment and is always pleasant to staff who work with him.

My opportunity to observe Judge Tervort has been limited but his reputation, so far as I can determine, is excellent among court personnel.

# *Fairview City*

P.O. Box 97  
Fairview, Utah 84629  
Phone (435) 427-3858  
Fax (435) 427-3275

July 16, 2003

Mr. Rick Schwermer  
Justice Court Administrator  
450 South State Street  
P.O. Box 140241  
Salt Lake City, Utah 84111-0220

**RE: Fairview Justice Court**

Dear Rick:

On July 15<sup>th</sup>, I met with the City Council regarding its earlier decision to dissolve the Fairview Justice Court. Also present at the meeting was Ivo Peterson, the local Justice Court Judge. The result of the discussion was that the City Council decided not to proceed with the dissolution of the Fairview Court.

I anticipate that the City Council will adopt a resolution at its August meeting rescinding its earlier resolution to dissolve the Court. In the meantime, please accept this letter as the City's decision not to proceed with the dissolution.

Sincerely,

A handwritten signature in dark ink, appearing to read "Glen K. Vernon", with a large, stylized flourish at the end.

Glen K. Vernon  
City Administrator



## JUDICIAL COUNCIL MEETING AGENDA

Thursday, August 28, 2003  
Large Conference Room (W-19A)  
Matheson Courthouse  
450 South State Street  
Salt Lake City, Utah

### Chief Justice Christine M. Durham, Presiding

- |     |           |  |   |
|-----|-----------|--|---|
| 1.  | 1:00 p.m. | Welcome & Approval of Minutes<br>(Tab 1 - Action)  | Chief Justice Christine<br>M. Durham  |
| 2.  | 1:05 p.m. | Strategic Plan: Education<br>(Tab 2 - Information)   | Hon. Kimberly Hornak<br>Diane Cowdrey   |
| 3.  | 1:25 p.m. | Strategic Plan: Public Information<br>(Information)  | Kim Allard,<br>Nancy Volmer   |
| 4.  | 1:45 p.m. | Public Outreach Committee<br>(Tab 3 - Discussion)  | Myron K. March  |
| 5.  | 1:55 p.m. | Chair's Report   | Chief Justice Christine<br>M. Durham  |
| 6.  | 2:05 p.m. | Administrator's Report   | Daniel J. Becker  |
| 7.  | 2:20 p.m. | Reports: Management Committee<br>Policy and Planning<br>Liaison Committee<br>Bar Commission<br>(Tab 4 - Information) | Chief Justice Christine M. Durham<br>Hon. Lee Dever<br>Hon. Jerald Jensen<br>David Bird, esq. |
| 8.  | 2:40 p.m. | <i>Break</i>   |   |
| 9.  | 2:55 p.m. | West Jordan Courthouse Design Proposal<br>(Action)   | Gordon Bissegger<br>Kevin Miller, GSBS Architects   |
| 10. | 3:20 p.m. | Report from Policy and Planning Regarding<br>the Record of Trial Court Proceedings<br>(Tab 5 - Action)               | Tim Shea  |

- |     |           |   |          |
|-----|-----------|---|----------|
| 11. | 3:40 p.m. | Report from Policy and Planning Regarding Rule 11-203, Senior Justice Court Judges (Tab 6 - Action) | Tim Shea |
| 12. | 3:45 p.m. | Certification of Senior Judges (Action)   | Tim Shea |
| 13. | 3:50 p.m. | Executive Session   |          |
| 14. |           | Adjourn   |          |

### Consent Calendar

*The consent items in this section are approved without discussion if no objection has been raised with the Admin. Office (578-3806) or with a Council member by the scheduled Council meeting or with the Chair of the Council during the scheduled Council meeting.*

- |    |  |               |
|----|--|---------------|
| 1. | Consent to Guardianship Forms (Tab 7)                                    | Tim Shea      |
| 2. | Retention Period for Presentence Investigation (Tab 8)                   | Tim Shea      |
| 3. | Appointment of Judge Gordon Low as Chair of Education Standing Committee | Diane Cowdrey |
| 4. | Reappointment to Technology Standing Committee (Tab 9)                   | Tim Shea      |

\*\*\*Press Clippings Attached\*\*\*



## JUDICIAL COUNCIL PLANNING AGENDA

AUGUST 27 & 28, 2003

Matheson Courthouse  
Conference Room W-19A  
SALT LAKE CITY, UTAH

Wednesday, August 27, 2003

### I. Overview

- 9:30 A.M. Welcome  
*Chief Justice Christine Durham*  
Overview of Planning Agenda  
Dan Becker
- 9:45 *Rich McKeown, Chief of Staff, Governor's Office*  
*Lynne Ward, Director, Office of Planning and Budget*
- 10:15 Placing Budget Proposals in Context  
Workload/Demographic Trends  
*Dan Becker, Kim Allard and Brian Nelson*  
Fiscal Trends & Budget Process  
*Dan Becker and Fred Jayne*  
FY 2003 Proposals in Summary  
*Dan Becker*

12:00 Lunch

### II. Building Block Presentations

- 1:00 p.m. Appellate Board Report  
*Judge Norman H. Jackson*  
*Matty Branch*
- 1:30 p.m. District Board Report  
*Judge Michael Allphin*  
*Mark Jones*
- 2:00 p.m. Juvenile Board Report  
*Judge Leslie Brown*  
*Ray Wahl*
- 2:30 p.m. Information Technology Standing Committee Report  
*Jerome Battle*  
*Kim Allard*
- 3:00 p.m. Break

## JUDICIAL COUNCIL PLANNING AGENDA

AUGUST 27 & 28, 2003

Matheson Courthouse  
Conference Room W-19A  
SALT LAKE CITY, UTAH

Wednesday, August 27, 2003 (Cont.)

- 3:30 p.m.                      Facilities Committee Report  
                                    *Judge Hans Q. Chamberlain*  
                                    *Gordon Bissegger*
- 3:45 p.m.                      Other Requests  
                                    *Fred Jayne—Juror/Witness*  
                                    *Myron March—Base Budget*  
                                    *--Interpreter Pay*  
                                    *Tim Shea—Jury MIS*  
                                    *Dan Becker—Employee Assistance*
- 4:15 p.m.                      Education Standing Committee  
                                    *Judge Kimberly K. Hornak*  
                                    *Diane Cowdrey*
- 4:30 p.m.                      Adjourn

\*\*\*Dinner for Council members and staff at Chief Justice Durham's Home\*\*\*

## JUDICIAL COUNCIL PLANNING AGENDA

**AUGUST 27 & 28, 2003**

Matheson Courthouse  
Conference Room W-19A  
SALT LAKE CITY, UTAH

Thursday, August 28, 2003

8:30 a.m. Breakfast

9:00 a.m. Legislation  
*Richard Schwermer*  
*Mark Jones*  
*Timothy Shea*

### **III. Analysis, discussion, and prioritization**

9:30 a.m. Staff Analysis  
*Dan Becker*  
*Myron March*

### **IV. Council Adoption of Plan**

10:15 a.m. Break

10:30 a.m. Discussion and Vote on Budget Priorities

12:00 noon Lunch

1:00 p.m. Judicial Council Meeting