

**JUDICIAL COUNCIL MEETING
Minutes**

October 28, 2024

**Meeting held through Webex
and in person**

Matheson Courthouse

9:00 a.m. – 11:45 a.m.

Chief Justice Matthew B. Durrant, Chair, Presiding

Members:

Chief Justice Matthew B. Durrant, Chair
Hon. David Mortensen, Vice Chair
Hon. Keith Barnes
Hon. Suchada Bazzelle
Hon. Brian Brower
Hon. Jon Carpenter
Hon. Samuel Chiara
Hon. Michael DiReda
Hon. Susan Eisenmann
Hon. Ryan Evershed
Hon. James Gardner
Hon. Thomas Low
Hon. Brendan McCullagh
Hon. Amber Mettler
Justice Paige Petersen
Kristin K. Woods

AOC Staff:

Ron Gordon
Neira Siaperas
Shane Bahr
Michael Drechsel
Jim Peters
Nick Stiles
Sonia Sweeney
Hilary Wood
Keisa Williams

Excused:

Brody Arishita
Hon. Rita Cornish
Hon. Angela Fannesbeck

Presenters:

Hon. Steven Beck
Cris Karren
Bart Olsen

Mary-Margaret Pingree
Bridget Romano
Cindy Schut

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

Chief Justice Matthew B. Durrant welcomed everyone to the meeting and asked if there were any questions or comments on the previous month's minutes. There were none.

Motion: Judge Amber Mettler made a motion to approve the September 10, 2024 meeting minutes. Judge Thomas Low seconded the motion, and the motion passed unanimously.

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

Chief Justice Durrant recognized Judge Keith Barnes for his service on the Judicial Council and expressed gratitude for the contributions he has made during his time as Council member. Judge Barnes thanked Chief Justice Durrant and the other Council members for their friendship, and commended Chief Justice Durrant for the respect he shows to everyone that appears before the Council.

Chief Justice Durrant administered the Oath of Office to three of the new Judicial Council members: Judge Susan Eisenman, Judge Brendan McCullagh, and Kristin Woods. Judge Rita Cornish and Judge Angela Fannesbeck were not present and will be sworn in at the November Judicial Council meeting.

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

Ron Gordon announced that the annual Judicial Council photo will be taken at the November 25, 2024 meeting at 12:00 pm and encouraged the Council members to attend the meeting in person to be part of the photo.

Mr. Gordon thanked everyone who completed the system review survey, which is part of the overall system review contracted through the National Center for State Courts (NCSC). The survey received 999 responses, a 79% response rate. Mr. Gordon shared that the NCSC consultants have conducted a number of focus groups around the state to gain additional insights into the survey results. The NCSC is in the process of reviewing the data. Next, the System Review Oversight Committee will begin working on the report, which is anticipated to be ready by February or March of 2025. He added that the purpose of the system review is to identify ways to better provide services as a branch of the government and to be a better employer.

Mr. Gordon discussed the recent Judicial Assistant focus groups, which are separate from the system review, to determine if there is anything about the nature of the job itself that could be improved as the judiciary prepares to ask the legislature for additional resources, both in terms of compensation and in terms of the number of Judicial Assistants. These were both priorities established by the Judicial Council in August 2024 to reduce the high turnover rate. Mr. Gordon added that he has instructed the AOC directors to do a deep-dive budget review to ascertain if there are aspects of their individual budgets that could be redirected to addressing the need for additional Judicial Assistants, an exercise he feels is necessary before approaching the legislature for the funding.

Mr. Gordon shared that the Supreme Court and the Management Committee approved the release of an op-ed that talks about the significance of and importance of an independent judiciary. He received feedback from members of the Management Committee when writing the piece, and talked about the timing of the piece as an opportunity to share more about the judiciary with the public.

4. COMMITTEE REPORTS:

Management Committee Report:

The work of the committee will be discussed later in the meeting.

Budget & Fiscal Management Committee Report:

Nothing to report from this committee.

Liaison Committee Report:

It is not yet determined who the new chair of the committee is.

Policy, Planning, and Technology Committee Report:

The work of the committee will be discussed later in the meeting.

Bar Commission Report:

Ms. Woods didn't have a report for this month.

6. BOARD OF APPELLATE COURT JUDGES REPORT: (Judge Michele Christiansen Forster, Nick Stiles)

Judge Michele Christiansen Forster provided the following updates from the appellate court:

- Appellate Clerk of Court, Lisa Collins, is retiring at the end of November. Jennifer Gadbois, who comes from the Third District, has been hired as her replacement.
- Hannah Hunter from the administrative front office has been hired as a new Deputy Clerk of Court.
- Appellate e-filing became mandatory on August 1, 2024 and there have been 2,242 filings since the launch.
- An appellate focus group had the opportunity to meet with the NCSC representatives and had some good discussions about their needs.
- The Supreme Court recently admitted 333 new lawyers and four new licensed paralegal practitioners to the appellate rolls.
- The Board of Appellate Court Judges recently met with Jon Puente and Judge Monica Diaz to provide feedback on the Strategic Plan.

Judge Christiansen Forster expressed appreciation to Nick Stiles for the amazing work that he does.

7. HR POLICY UPDATES: (Bart Olsen)

Bart Olsen shared that there have been several pieces of legislation that have created a need to update some of the HR policies, one being the allocation of funding for pay for performance. Mr. Olsen invited questions from the Council members on the policy updates in the materials.

Motion: Judge Low made a motion to approve the HR policy updates as presented. Judge Brian Brower seconded the motion, and the motion passed unanimously.

8. JUDICIAL BRANCH EDUCATION COMMITTEE REPORT: (Lauren Andersen)

Lauren Andersen gave the following updates on the Standing Education Committee:

- Justice Diana Hagen has served her two three-year terms and Judge Ryan Tenney will be replacing her as committee chair;
- Over the past year, the Education Department received 50,952 enrollments in live training and online, on-demand courses. This represents approximately 32 enrollments per court employee, a 5% increase over last year;
- The Education Team hosted seven judicial conferences, four New Judge Orientations, three New Employee Orientations, one Court Employee Conference and one Justice Court Clerk Conference; and
- The Education Team supported the 2024 Leadership Academy, a Law Clerk Attorneys Retreat, a Judicial Writing Seminar and the National Consortium on Racial and Ethnic Fairness.

9. BOARD OF JUVENILE COURT JUDGES Report: (Judge Steven Beck, Sonia Sweeney)

Judge Steven Beck discussed one of the Board of Juvenile Court Judges' new goals, which is to improve job satisfaction amongst the Judicial Assistants and Probation staff, including training judges on their implied leadership role and improving communication and collaboration. He added that the Board's previous goal to increase time between children and their parents in the welfare cases has been very fruitful and has been moved over to the court improvement project to continue the momentum. Judge Beck shared another goal of the Board over the past year, which was to ensure that children in the welfare system have a voice in their proceedings.

10. RULES FOR FINAL APPROVAL: (Keisa Williams)

Keisa Williams presented rules CJA 2-102, 3-422, and 3-501 for final approval with an effective date of November 1, 2024. Those three rules went through the public comment period and no comments were received. Ms. Williams shared that the other two rules, CJA 1-205 and 3-114, received some additional requests after coming back from public comment; one to eliminate the Pretrial Service Committee and the other to consolidate the Judicial Outreach Committee and the Committee on Fairness and Accountability. She explained that the chairs of the two committees under the Office of Fairness and Accountability felt that the work overlapped enough that they could be consolidated, adding that those additional changes have not gone back out for public comment. Ms. Williams requested the approval of CJA 1-205 and the repeal of CJA 3-114 at the same time with a November 1, 2024 effective date as well, and to send both rules out again for public comment. There was a discussion about the dissolution of the Pre-trial Service Committee and the lack of pretrial services in Utah County. Michael Drechsel offered to be a resource in future conversations addressing pre-trial issues in the absence of a committee.

Motion: Judge James Gardner made a motion to approve the rules for final approval as presented. Judge Low seconded the motion, and the motion passed unanimously.

11. JUDICIAL PERFORMANCE EVALUATION COMMISSION (JPEC) REPORT: (Mary-Margaret Pingree, Bridget Romano)

Mary-Margaret Pingree introduced Bridget Romano, the new chair of JPEC. Ms. Romano was appointed by Governor Herbert in 2018 and then reappointed by Governor Cox in 2022. She has been the vice chair for the last four years, and professionally, she's the Chief Civil Deputy for the Salt Lake County District Attorney's Office.

Ms. Pingree discussed the initiatives JPEC has taken to address the misconception that there isn't enough information available to the public about judges who are up for retention. She added that once voters connect with the fact that JPEC offers them objective, non-partisan information on judicial officers, that concern seems to disappear. Ms. Romano added that it is just a matter of getting the word out and drawing people to JPEC's website.

Judge Michael DiReda asked if there is some kind of measure on how many people actually access the information on JPEC's website. Ms. Pingree shared that about 30,000 people visited the website per day just after the ballot dropped a few weeks ago, and the number is now hovering around 20,000 per day, which is about a 60% increase from 2022.

Judge Brower asked for clarification on how the "no" voter is different during this particular election cycle, specifically retention cycle for judges, versus other cycles. Ms. Pingree explained that there's a small group of people that always voice the opinion of voting no on all of the judges on the ballot, and JPEC looks for opportunities to educate where they can. She added that they usually receive comments from the public on judges' court rulings, which JPEC does not consider in their evaluations. Ms. Romano shared some ideas on getting voters to more easily engage with the information on their website.

12. TREATMENT COURT RECERTIFICATIONS: (Katy Collins, Cris Karren)

Katy Collins and Cris Karren presented three treatment court recertifications. Ms. Collins shared that they spent some time in the Seventh District and, overall, all of the treatment courts are doing very well. Ms. Collins discussed some concerns in Judge Bolinder's adult drug court with the referral process. She explained that there appears to be some barriers to getting people into the program and the timing in which that occurs. She and Ms. Karren are working on fine tuning the referral and screening processes to get as many eligible people into the program in a timely manner.

Motion: Judge McCullagh made a motion to recertify Judge Bolinder's adult drug court, based on the satisfied criteria presented. Judge Jon Carpenter seconded the motion, and the motion passed unanimously.

Motion: Judge Carpenter made a motion to recertify the remaining treatment courts as presented. Judge McCullagh seconded the motion, and the motion passed unanimously.

13. OLD BUSINESS/NEW BUSINESS: (All)

Mr. Gordon discussed a change in process with the consent calendar going forward. Beginning next month, the Council will take a vote on all of the consent calendar items combined, and it will be listed as an action item.

14. ACTIVE SENIOR JUDGE APPLICATION: (Neira Siaperas)

Motion: Judge David Mortensen made a motion to move into an executive session for the purpose of discussing the character, professional competence, or physical or mental health of an individual. Judge McCullagh seconded the motion, and the motion passed unanimously.

15. EXECUTIVE SESSION: (Chief Justice Matthew B. Durrant)

There was an executive session, after which the following motion was made.

Motion: Judge Mortensen made a motion that four senior judge applicants discussed in the executive session qualify for senior judge appointments . Judge McCullagh seconded the motion, and the motion passed unanimously.

There was a second executive session, after which the following motion was made.

Motion: Judge Brower made a motion to refer the items discussed in the second executive session to the Judicial Conduct Commission for any further proceedings they deem appropriate. Judge Suchada Bazzelle seconded the motion, and the motion passed unanimously.

16. ADJOURN: (Chief Justice Matthew B. Durrant)

The meeting was adjourned.

CONSENT CALENDAR ITEMS

1. Rules for Public Comment
2. Form Updates
3. Request to Close Justice Court on County Holidays
4. Self-Represented Parties Committee Member Updates