Utah Rules of Juvenile Procedure Committee- Meeting Minutes

Septembe	r 18, 2015		Noon	to 2:00 p.m.	Judicial Cou	ınsel Roc	om
MEETING	DATE		TIME		LOCATION		
MEMBERS:	Present	Absent	Excused	MEMBERS:	Present	Absent	Excused
Carol Verdoia				Maybell Romero			
Judge Elizabeth Lindsley				Alan Sevison			
Judge Mary Manley				Pam Vickrey			
Kristin Fadel		一		Mikelle Ostler			
David Fureigh		一百	$\overline{\boxtimes}$	Chris Yannelli			
Brent Hall		П					
Debra Jensen		一					
Trish Cassell		一					
AOC STAFF:	Present	Excused	d	GUESTS:	Present	t Absen	t
Katie Gregory				Lauren Hunt (attended for Chris Yannelli)			
Emily Iwasaki							
Tim Shea							
AGENDA TOPIC I. Welcome & Approval of minutes CHAIR: CAROL VERDOIA							
				er of the committee. The			
professional practice d	isclosures	require tes of 3	ed by Rule June 26, 2	e 11-1-1(4) of the Supre 015 were approved as v Second: Judge	eme Court written.		
Approval	⊠ Una	nimous		Vote:			
' '					pposed		
AGENDA TOPIC II. SB 167-Juvenile Offender Amendments: Impact of Legislation on Juvenile Rules							
	J., Juveill	.c ivaic					
During its June meeting, the committee discussed portions of a draft rule proposed by Pam Vickrey. Since that time, members of the juvenile bench have worked with Judge Lindsley to draft a second version of a rule for consideration. The committee discussed differing points of view on whether a rule is needed depending on whether additional statutory changes will be made in 2016. Another concern is the automatic appointment of counsel without consulting with the youth and family at the first hearing, since the family may want to employ an attorney of their own choosing. The committee also revisited the discussion of at what point a youth is "facing a felony," and whether county contracts include the requirement to provide representation.							
Alan Sevison made a motion to table the discussion of whether a rule is needed until additional information is obtained. Judge Lindsley seconded the motion. Pam Vickrey proposed an							

amendment to gather information from the courts on the number of people facing felony offenses

who are or are not being represented. After discussion, the amendment was not accepted. However, Pam Vickrey will continue to collect information from defense attorneys on concerns

and what they are experiencing regarding appointment. Judge Lindsley will gather information from judges regarding at what point they are appointing counsel such as at arraignment, at booking, or after a petition is filed.					
Action Item:	Pam Vickrey and Judge Lindsley will continue to gather the information set forth above for discussion at the next meeting				
Motion: to table the discussion of whether a rule is needed until additional information is obtained.	By: Alan Sevison	Second: J	udge Lindsley		
Approval	Unanimous	☐ Vote: In Favor	_ Opposed		

AGENDA TOPIC

III. Remote Access Rules: URJP 29B and 37B	TIM SHEA AND KATIE GREGORY

Proposed juvenile rules 29B and 37B concerning remote hearings were previously sent out for comment. Concerns were raised that corresponding revisions to Rule 4-106 of the Code of Judicial Administration defined "contemporaneous transmission" in such a manner as to preclude the use of telephonic hearings in juvenile court. A determination was made not to go forward with the definition in CJA Rule 4-106 and Tim Shea reported that wherever the juvenile rules describe "contemporaneous transmission," the transmission could be from any technology the judge is willing to allow, including telephone.

Carol Verdoia suggested the committee may want to make an additional review of Rules 29B and 37B given this new information. Discussion followed regarding observation of demeanor, waiver by the telephonic witness, and constitutional issues. The committee asked to review any comments previously received on the juvenile rules prior to the next discussion.

Tim Shea noted that the various rules committees have proposed slightly different standards regarding remote access. The federal rule of civil procedure refers to "for good cause and in extraordinary circumstances." The civil procedure committee is recommending "good cause" as the only standard needed and the criminal committee used "in the judge's discretion." Tim Shea would like the civil, criminal and juvenile committees to agree to the same standard. Carol Verdoia asked members to discuss remote access issues and concerns with others in their respective offices prior to the next meeting and bring comments to the meeting.

Action Item:	Katie Gregory will send comments on Rules 29B and 37B to the
	committee in advance of next meeting. Members are to poll those
	with whom they work and bring any concerns to the next meeting.

AGENDA TOPIC

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IV. Old or New Business/Next Meeting	KATIE GREGORY	
Katie Gregory reported that Rule 58: Redaction of Victim Information has not received any public		
comments and will be advanced to the Supreme Court for consideration.		
The committee set its next meeting on Friday, December 4, 2015 from Noon to 2:00 p.m.		