

JUDICIAL COUNCIL MEETING

Minutes

Thursday, August 16, 2012

Large Conference Room A

Matheson Courthouse

Salt Lake City, UT

Chief Justice Matthew B. Durrant, Presiding

ATTENDEES:

Chief Justice Matthew B. Durrant
Hon. Kimberly K. Hornak, vice chair
Justice Jill Parrish
Hon. Judith Atherton
Hon. George Harmond
Hon. Paul Maughan
Hon. Brendan McCullagh
Hon. David Mortensen
Hon. Gregory Orme
Hon. John Sandberg
Hon. Larry Steele
Hon. Keith Stoney
Hon. Thomas Willmore
Lori Nelson, esq.

STAFF PRESENT:

Daniel J. Becker
Ray Wahl
Diane Abegglen
Lisa-Michele Church
Jody Gonzales
Debra Moore
Rick Schwermer
Tim Shea

EXCUSED:

GUESTS:

John Lund, esq.

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

Chief Justice Durrant welcomed everyone to the meeting.

Motion: Judge Hornak moved to approve the minutes. Judge Stoney seconded the motion, and it passed unanimously.

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

Chief Justice Durrant reported on the following:

He updated the Council on communication with the Judicial Performance Evaluation Commission highlighting the following: 1) referenced a letter sent on behalf of the judiciary to Mr. Schofield, Commission Chair; and 2) discussion that took place at the August 14 JPEC meeting. Members of the Council's JPEC workgroup and Mr. Schwermer provided comments on the meeting.

Chief Justice Durrant reported that he addressed members of the Utah State Bar at their annual meeting in July with the focus being on the work and accomplishments of the Judicial Council.

3. RECOGNITION OF OUTGOING MEMBER: (Chief Justice Matthew B. Durrant)

Chief Justice Durrant recognized and thanked Ms. Lori Nelson for her service and contributions to the Judicial Council.

Ms. Nelson provided a few comments to the Council.

Mr. John Lund was recognized as the newest member of the Council who will fill the vacancy left by Ms. Nelson as the Utah State Bar representative in September.

4. COMMITTEE REPORTS:

Management Committee Report:

Chief Justice Durrant reported that the Management Committee meeting minutes accurately reflect the issues discussed. The items needing to be addressed by the Council have been placed on today's agenda.

Liaison Committee Report:

The legislative issues were discussed during the Budget and Planning Session.

Policy and Planning Meeting:

No meeting was held in August. The Committee plans to meet in September.

Bar Commission Report:

Ms. Nelson reported on the following:

The Bar Commission approved the modest means referral service which will connect under-employed lawyers with members of the public who cannot afford legal services and might not otherwise qualify for pro bono.

Magistrate Judge Samuel Alba and Judge David Nuffer will receive special service awards at the Bar's Fall Forum. Other lifetime and special recognition awards are being considered as well.

The Commission voted on Mr. John Lund to replace Ms. Nelson on the Council as the Bar's representative.

The Commission has approved a \$50,000 contribution to the SJ Quinney Law School remodel. The contribution will be funded from a portion of the Bar dues. A letter will be sent to the Bar membership relative to the contribution with an opt-out provision for members not wanting to contribute.

5. JUSTICE COURT MERGERS: MENDON/NIBLEY: (Rick Schwermer)

Mr. Schwermer reported that a new method for reviewing details relative to the creation and dissolutions of justice courts is being tested. A form has been developed to aid in addressing issues relative to inter-local agreements.

The request for justice court merger by Mendon/Nibley was prepared on the new form and distributed to members of the Council. Mr. Schwermer provided background information on Mendon and Nibley. They are requesting a waiver of the one-year waiting period with a September 1 effective date. Discussion took place.

Motion: Judge McCullagh moved to authorize the dissolution of the Wellsville/Mendon Courts and the inter-local agreement between Mendon/Nibley effective September 1, 2012. Ms. Nelson seconded the motion, and it passed unanimously.

Motion: Judge Hornak moved to enter into an executive session to address a personnel issue. Judge McCullagh seconded the motion, and it passed unanimously.

6. EXECUTIVE SESSION:

An executive session was held at this time.

Motion: Ms. Nelson moved, based upon the prior decertification of the Taylorsville Drug Court and the fact that it was communicated to the court and information recently has been received to the effect that this court continues to operate, to refer it to the Judicial Conduct Commission to investigate the matter further. Judge Hornak seconded the motion, and it passed unanimously.

7. ADJOURN

The meeting was adjourned.