

JUDICIAL COUNCIL MEETING

Minutes

Friday, August 15, 2014
Matheson Courthouse
Large Conference Room A
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. James Davis
Hon. Glen Dawson
Hon. George Harmond
Hon. Thomas Higbee
Hon. David Marx
Hon. Paul Maughan
Hon. David Mortensen
Hon. Reed Parkin
Hon. John Sandberg
Hon. Randall Skanchy
John Lund, esq.

STAFF PRESENT:

Daniel J. Becker
Ray Wahl
Jody Gonzales
Dawn Marie Rubio
Debra Moore
Rick Schwermer
Tim Shea
Alison Adams-Perlac
Nancy Sylvester

GUESTS:

Gary Syphus

EXCUSED:

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

Chief Justice Durrant welcomed everyone to the meeting.

Motion: Judge Higbee moved to approve the minutes from the July 16, 2014 Judicial Council meeting. Judge Davis seconded the motion, and it passed unanimously.

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

Chief Justice Durrant reported on the following items:

Chief Justice Durrant, Mr. Dan Becker, and Mr. Rick Schwermer attended the August 11 Elected and Judicial Compensation Commission meeting. He reported on the discussion that took place with members of the Commission.

Mr. Gary Syphus provided an opinion on the work of the Commission.

Discussion took place.

3. ADMINISTRATOR’S REPORT: (Daniel J. Becker)

Mr. Becker reported on the following items:

Board of Pardons. Ms. Angela Micklos has been selected as the new chair of the Board of Pardons, replacing Mr. Clark Harms, who recently stepped down as chair.

Navajo Nation. Chief Justice Herb Yazzie and select members from the Navajo courts will be visiting the Utah courts on Monday, August 25. Their interest is in the Utah courts governance structure and other administrative matters.

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 Liaison Committee met prior to the Budget and Planning Session this morning. All matters before the Committee were discussed at the Budget and Planning Session with the proposed legislation.

Policy and Planning Meeting:

Judge Maughan reported on the following items:

There are two rules on the agenda being considered for final action, and several rules on the consent calendar for approval.

Policy and Planning reviewed the rule relative to electronic media coverage at their August meeting, and they will continue discussion of the rule at their meeting in September.

Bar Commission Report:

Mr. Lund reported on the following items:

He thanked the judges and the Council for participating at the Summer Bar Conference in Snowmass, Colorado. Next year’s conference will be held in Sun Valley, Idaho. The Bar is negotiating the presence of United States Supreme Court Justice Anthony M. Kenney as the keynote speaker.

5. RULES FOR FINAL ACTION: (Alison Adams-Perlac)

Chief Justice Durrant welcomed Ms. Adams-Perlac to the meeting.

The Policy and Planning Committee recommend the following two rules for final action:

1) CJA 3-306 – Language Access in the Courts, and 2) CJA 4-902 – Limited Scope Investigation of Domestic Issues.

CJA 3 – 306 – Language Access in the Courts. This rule is being amended to add a Utah residency requirement for individuals seeking to be credentialed as court-certified interpreters.

CJA 4-902 – Limited Scope Investigation of Domestic Issues. This is a new rule which provides a process for the court to appoint a custody evaluator to investigate select issues in a domestic case rather than ordering a full custody evaluation.

Motion: Judge Maughan moved to approve the following two rules for final action: 1) Rule CJA 3-306 – Language Access in the Courts, and 2) CJA 4-902 – Limited Scope Investigation of Domestic Issues. Judge Hornak seconded the motion, and it passed unanimously.

6. SENIOR JUDGE CERTIFICATIONS: (Nancy Sylvester)

Chief Justice Durrant welcomed Ms. Nancy Sylvester to the meeting.

Ms. Sylvester noted that additional attorney survey information was distributed to each Council member on Judge Rand Beacham’s application.

The process for certifying senior judges, includes reporting of attorney survey data to the survey contractor (National Center for State Courts). Over the past several years, ongoing problems have existed with attorney survey data being reported to the survey contractor. We continue to work with the survey contractor to rectify the problem.

Motion: Judge Hornak moved to enter into an executive session to discuss a personnel matter. Judge Maughan seconded the motion, and it passed unanimously.

Motion: Judge Maughan moved to forward the recommendation, on behalf of the Council, to the Supreme Court to certify Judge Kent Nielson as an active senior justice court judge through December 31, 2014. Judge Higbee seconded the motion, and it passed unanimously.

The following judges terms as senior judges will expire at the end of 2014, and they have applied for recertification: 1) Judge William Barrett – active senior judge, 2) Judge Rand Beacham – active senior judge, 3) Judge Judith Billings – active senior judge, 4) Judge James Box – active senior justice court judge, 5) Judge Arthur Christean – inactive senior judge, 6) Judge Roger Dutson – active senior judge, 7) Judge Dennis Frederick – inactive senior judge, 8) Judge Floyd Gowans – inactive senior judge, 9) Judge Sheila McCleve – active senior judge, 10) Judge Rodney Page – active senior judge, 11) Judge David Roth – inactive senior judge, 12) Judge Sterling Sainsbury – active senior judge, 13) Judge Gary Stott – inactive senior judge, and 14) Judge Sara Watson – inactive senior justice court judge.

The following judges have recently applied to be certified as senior judges: 1) Judge Dar Butcher – active senior justice court judge, 2) Judge Terry Christiansen – active senior judge, 3) Judge L.A. Dever – active senior judge, 4) Judge Denise Lindberg – active senior judge, 5) Judge Kent Nielsen – active senior justice court judge, and 6) Judge Robin Reese – active senior judge.

Ms. Sylvester noted that there was a problem with survey data being reported to the survey contractor for Judge Billings and Judge McCleve. The results of the attorney surveys and the surveys of presiding judges and trial court executives were provided with the Council meeting materials.

Motion: Justice Parrish moved to forward the recommendations, on behalf of the Council, to the Supreme Court to certify the judges applying for active and inactive senior judge status. Judge Davis seconded the motion, and it passed unanimously.

7. EXECUTIVE SESSION:

An executive session was held at this time.

8. ADJOURN

The meeting was adjourned.