JUDICIAL COUNCIL MEETING

Minutes
Friday, May 29, 2015
Judicial Council Room
Matheson Courthouse
Salt Lake City, Utah

Chief Justice Matthew B. Durrant, Presiding

ATTENDEES:
Chief Justice Matthew B. Durrant
Hon. Kimberly K. Hornak, Vice Chair
Justice Thomas Lee
Hon. Marvin Bagley
Hon. Ann Boyden
Hon. Glen Dawson
Hon. Thomas Higbee
Hon. Rick Romney for Hon. David Marx
Hon. David Mortensen
Hon. Reed Parkin
Hon. John Sandberg
Hon. Randall Skanchy
Hon. Kate Toomey
John Lund, esq.

EXCUSED:
Hon. David Marx

STAFF PRESENT:
Daniel J. Becker
Jody Gonzales
Dawn Marie Rubio
Debra Moore
Tim Shea
Alison Adams-Perlac
Nancy Volmer
Rosa Oakes
Alyn Lunceford
Brent Johnson

GUESTS:
Judge Charles Behrens
Jerry Taylor, Escalante City Mayor
Stephanie Steed, Escalante City

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

Chief Justice Matthew B. Durrant welcomed everyone to the meeting. He extended a special welcome to Judge Rick Romney who was sitting in for Judge David Marx and to Justice Thomas Lee who has replaced Justice Parrish on the Council.

Motion: Judge Skanchy moved to approve the minutes from the April 27, 2015 Judicial Council meeting. Judge Parkin seconded the motion, and it passed unanimously.

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

Chief Justice Durrant reported on the following items:

The Supreme Court has created the *Supreme Court Task Force to Examine Limited Legal Licensing*. The task force will review Washington State's limited license legal technician program, as well as, other similar programs.

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

Mr. Becker reported on the following items:

Judicial Council Membership. The Utah State Bar Commission recently approved the reappointment of Mr. John Lund to serve a second term on the Judicial Council.

Treatment Center Dedication. The Atherton Community Treatment Center (formerly the Fremont Community Correctional Center), was dedicated in honor of Judge Judith Atherton on May 14.

Ten-Month Case Filing Update. District court case filings, overall, reflect a 1% decrease. Juvenile court referrals, overall, reflect a 2% decrease. Justice court case filings, overall, reflect a 6% decrease.

District Court Conference. The conference was held May 18-20. A presentation on the evaluation of Rule 26 was provided by Ms. Paula Hannaford-Agor of the National Center for State Courts, and considerable time was set aside for a presentation and discussion on the justice reinvestment initiative and evidence-based practices.

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:

No meeting was held in May.

Policy and Planning Meeting:

Judge Parkin reported on the following items: 1) the Policy and Planning Committee continues to address rule changes and policies brought before them; 2) a rule for final action is on the agenda, for approval, later in the meeting; and 3) the committee will hold their next meeting on June 5.

Bar Commission Report:

Mr. Lund reported on the following items: 1) the Bar Commission has created the Affordable Attorneys for All Task Force, 2) license renewal for bar members this year will include a question relative to what pro bono work the attorney has participated in, 3) the Bar's fall forum this year will be expanded to a two-day event, and 4) the policy issue of whether segments of a bar conference can be sponsored in exchange for a presentation slot will be discussed further by the Bar Commission.

Justice Thomas Lee, Supreme Court, was sworn in to replace Justice Jill Parrish who resigned due to her confirmation as a federal judge for the Utah district.

Today will be Judge John Sandberg's last day on the Council. Chief Justice Durrant expressed his gratitude to Judge John Sandberg for his many contributions on the Council and for his many years of service to the Utah court system.

5. COUNCIL COMMITTEE APPOINTMENTS: (Chief Justice Matthew B. Durrant)

Chief Justice Durrant recommended the following Council Committee appointments: 1) Judge Kate Toomey to replace Judge Jim Davis on the Management Committee, 2) Judge David Marx to replace Judge John Sandberg on the Management Committee, 3) Judge Paul Farr to replace Judge David Marx on the Liaison Committee, and 4) Justice Thomas Lee to replace Justice Jill Parrish on the Liaison Committee.

Motion: Judge Hornak moved to approve the Council committee appointments as recommended. Judge Boyden seconded the motion, and it passed unanimously.

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

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

The Policy and Planning Committee recommended final action be taken on Rule CJA 04-0401.01 – Electronic media coverage of court proceedings. Ms. Alison Adams-Perlac reviewed the amendments to the rule and comments received during the public comment period with members of the Council.

Rule CJA 04-0401.01 – Electronic media coverage of court proceedings. The rule was amended to address the following: 1) provides a presumption of electronic media coverage in court proceedings where the predominant purpose of the coverage is journalism or dissemination of news to the public, 2) provides that all requests for electronic media coverage must come through the court's public information office, and 3) requires that new reporters providing pool coverage shall promptly share their files with other news reporters and that news reporters must be willing and able to share their files to be approved to provide coverage.

The amendments to the rule were approved by the Council at their February meeting, and they were then sent out for public comment. Ms. Adams-Perlac noted that the majority of the comments were favorable. After consideration of the public comments by the Policy and Planning Committee; they voted to recommend the proposed amendments to the rule, as written, to the Judicial Council.

At the request of Mr. Becker, Ms. Adams-Perlac provided background information on the history of the rule for new members of the Council. Ms. Adams-Perlac responded to questions asked of her.

Discussion took place.

Motion: Judge Higbee moved to approve the recommended changes to Rule CJA 04-0401.01 – Electronic media coverage of court proceedings. Judge Hornak seconded the motion, and it passed unanimously.

7. LANGUAGE ACCESS COMMITTEE UPDATE: (Judge Rick Romney, Alison Adams-Perlac, and Rosa Oakes)

Chief Justice Durrant welcomed Judge Rick Romney, Ms. Alison Adams-Perlac, and Ms. Rosa Oakes to the meeting.

Judge Romney highlighted the following in his update, on behalf of the Language Access Committee: 1) committee membership, 2) program timeline, 3) strategic plan update, 4) continued dedication to committee goals, and 5) the committee's current focus.

The strategic plan goals set by the Language Access Committee include: 1) cultural awareness – provide training for court staff, 2) community outreach – continue to educate the public on the right to interpreters, 3) quality interpretation – establish methods of ensuring the quality of interpretation, and 4) education – improve educational opportunities for court staff, judges, attorneys and others.

Ms. Oakes and Ms. Adams-Perlac responded to questions asked of them.

Chief Justice Durrant thanked Judge Romney, Ms. Adams-Perlac and Ms. Oakes for their update to the Council.

8. FACILITIES STANDING COMMITTEE UPDATE: (Judge Charles Behrens and Alyn Lunceford)

Chief Justice Durrant welcomed Judge Behrens and Mr. Lunceford to the meeting.

Judge Behrens and Mr. Lunceford highlighted the following in their update to the Council relative to the committee's responsibilities: 1) completed a study of Carbon County; 2) a current and ongoing study is being completed in Sanpete County; 3) a future study will be completed in Iron County; 4) the additional courtroom in Summit County has been completed; 5) the Ogden Juvenile Courthouse is nearing completion; 6) the Duchesne County Courthouse expansion project is underway; 7) the design phase for the new Provo Courthouse will start this summer, with anticipated completion by mid 2018; 8) reviewed the 2015 Facilities Master Plan; 9) reviewed the list of leased court facilities; 10) reviewed the list of juvenile probation facilities projects; and 11) reviewed the list of other projects relative to county court facilities.

Chief Justice Durrant thanked Judge Behrens and Mr. Lunceford for their update.

Motion: Judge Boyden moved to reauthorize the Court Facilities Standing Committee and approve the 2015 Facilities Master Plan as prepared. Judge Hornak seconded the motion, and it passed unanimously.

9. JUVENILE COURT E-FILING UPDATE: (Dawn Marie Rubio and Brody Arishita)

Chief Justice Durrant welcomed Ms. Rubio and Mr. Arishita to the meeting.

Ms. Rubio and Mr. Arishita highlighted the following in their update to the Council regarding the juvenile court e-filing efforts: 1) provided an overview of the phases and timelines, 2) reviewed the CARE and e-filing functionality, and 3) provided an overview of the implementation and roll-out activities.

The juvenile court e-filing implementation plan is outlined as follows: 1) Phase I – MyCase Module, 2) Phase II – New Case Creation Module, and 3) Phase III – Self –Represented Litigant Module.

The following roll-out activities were highlighted: 1) a series of information flyers announcing the juvenile court e-filing rollout have been prepared, 2) an article has been drafted for the Utah Bar Journal, 3) development of OTP modules, and 4) availability of CARE trainers and e-filing specialist to provide in-depth training.

Ms. Rubio expressed her appreciation to Mr. Arishita and all of the IT staff involved with the juvenile court e-filing efforts.

10. ESCALANTE CITY JUSTICE COURT DISSOLUTION REQUEST: (Daniel J. Becker)

Chief Justice Durrant welcomed Mr. Jerry Taylor, Escalante City Mayor and Ms. Stephanie Steed, Escalante City clerk to the meeting.

Mr. Becker provided background information relative to Escalante City's request to waive the two-year waiting period and dissolve their justice court effective June 30, 2015.

Escalante City has contacted the Garfield County Justice Court relative to consolidating their court with Garfield County. Garfield County has expressed interest in the consolidation.

Motion: Judge Hornak moved to waive the two-year waiting period required for dissolution of the Escalante City Justice Court and approve dissolution of their court, effective June 30, 2015. Judge Toomey seconded the motion, and it passed unanimously.

Motion: Judge Hornak moved to enter into an executive session to discuss professional competency and litigation issues. Judge Toomey seconded the motion, and it passed unanimously.

11. EXECUTIVE SESSION

An executive session was held at this time.

12. ADJOURN

The meeting was adjourned.

Sworn Statement under Rule 2-103(4)(B) of the Utah Code of Judicial Administration Regarding Judicial Council Meeting Closure

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I, Chief Justice Matthew B. Durrant, state as follows:

1. On 5-29-15 (date), the Judicial Council closed its meeting. The meeting was closed only to discuss:

   - ☒ the character, competence, or physical or mental health of an individual;
   - ☒ litigation; (potential)
   - ☐ the deployment of security personnel, devices, or systems;
   - ☐ allegations of criminal misconduct; or
   - ☐ consideration of a private, protected, sealed, juvenile court social, juvenile court legal, or safeguarded record.

2. For the reason(s) noted above, a recording and minutes were not kept during the closed portion of the meeting.

I declare under penalty of perjury that the statements made in this document are true and correct.

5-29-15
Date

Chief Justice Matthew B. Durrant
Chair, Utah Judicial Council