

JUDICIAL COUNCIL MEETING

Minutes
Monday, May 19, 2014
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. John Pearce for 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
Rick Schwermer
Tim Shea
Rob Parkes
Alison Adams-Perlac

EXCUSED:

Hon. James Davis

GUESTS:

Joanne Slotnik, JPEC
Prof Eric De Rosia, JPEC

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

Chief Justice Durrant welcomed everyone to the meeting. A special welcome was extended to Judge John Pearce who was sitting in for Judge James Davis.

Motion: Judge Harmond moved to approve the minutes from the April 28, 2014 Judicial Council meeting. Judge Skanchy seconded the motion, and it passed unanimously.

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

Chief Justice Durrant reported on the following items:
He met with members of a Kenyan delegation visiting the Utah courts on May 1 and 2. A meeting with the Utah State Bar leadership will be held this afternoon. The Appellate Court Conference was held last week.

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

Mr. Becker reported on the following items:
Kenyan Delegation. Members of a Kenyan delegation visited the Utah courts on May 1 and 2. The levels of court represented by the delegation were noted. Court staff worked with the Kenyan delegation in creating a planning document for use by the Kenyan courts.

Civil Justice Reform Commission Meeting. An initial meeting was held on May 12-13 in Arlington, VA. Mr. Becker noted the makeup of the Commission membership. The Commission will focus their discussion on the seven states engaged in civil justice or discovery reform, with interest shown of the changes made by the Utah courts. The Commission is charged to identify practices and models that should be advanced for consideration by other states by way of civil justice reform and report back to the conference in 18 months. Judge Derek Pullan is working on this matter with the Federal Commission, and they are looking at Utah as a model in civil justice reform as well.

CCJJ Commission Meeting. This meeting was held on May 15. The majority of the meeting was devoted to an initial presentation by the PEW Charitable Trust Fund. PEW is working with the State of Utah on criminal justice reform, more particularly, corrections reform. PEW's focus deals with prison population, admission, and readmissions.

Mr. Becker highlighted various corrections-related statistics provided at the meeting. He mentioned that Representative Eric Hutchings and Senator Stuart Adams are members of the Commission.

Judiciary Interim Committee Meeting. They will meet on Wednesday, May 21 to hear long-range plans from the following: 1) courts, 2) Utah State Bar, 3) CCJ, and 4) JPEC. Mr. Becker provided a brief overview of what he plans to cover in his presentation to the Interim Committee.

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 Maughan reported that the Policy and Planning Committee has not met since the April Council meeting.

Bar Commission Report:

Mr. Lund reported on the following:

The Bar Commission has not met since the April Council meeting.

The Bar Admission's Ceremony will be held today.

Ms. Katherine Fox, Utah State Bar's General Counsel, has announced her retirement.

Ms. Elizabeth Wright has been selected to replace Ms. Fox upon her retirement.

The Bar Commission hopes to have received feedback by their next meeting from the Supreme Court Advisory Committee on Rules of Professional Conduct on advertising rules for lawyers.

5. JUDICIAL PERFORMANCE EVALUATION COMMISSION UPDATE: (Joanne Slotnik and Professor Eric D. de Rosia)

Chief Justice Durrant welcomed Ms. Slotnik and Professor Eric D. de Rosia to the meeting.

He acknowledged Ms. Slotnik's recent letter to the judiciary requesting input on the judicial performance evaluation survey questions. Judges, from all court levels, were asked to provide input on the survey questions as currently written.

Ms. Slotnik introduced Professor Eric D. de Rosia to the Council.

Professor de Rosia provided background information on his experience.

Ms. Slotnik and Professor de Rosia highlighted the following in their update to the Council: 1) no major changes to the survey or evaluation process are anticipated at this time, and 2) different formats of conducting courtroom observations will be piloted in the near future.

Discussion took place relative to the surveys questions. Ms. Slotnik and Professor de Rosia responded to the questions asked of them.

Chief Justice Durrant thanked Ms. Slotnik and Professor de Rosia for their update.

6. EMPLOYEE SATISFACTION SURVEY RESULTS: (Rob Parkes)

Chief Justice Durrant welcomed Mr. Parkes to the meeting.

Mr. Parkes mentioned that the response rate for the 2013 employee satisfaction survey was 70% compared to the response rate for the 2011 employee satisfaction survey of 72%.

He highlighted the following in his update of the employee satisfaction survey results: 1) statewide survey trends; 2) Factor 1, the immediate supervisor; 3) Factor 2: the management team; 4) Factor 3, the work environment; 5) Factor 4, engagement; 6) themes resulting from the comments provided; and 7) positive and negative areas of focus resulting from the survey.

Mr. Parkes noted that each district was provided with a personalized version of the survey, and he mentioned what action was being taken in response to the survey. The survey results are available on the courts intranet.

7. COURT INPTERPRETER HOURLY RATE: (Alison Adams-Perlac)

At the request of the Council at their April 28 meeting, Ms. Adams-Perlac requested information from the following western states regarding the hourly pay rates for their contract interpreters, as well as, the hourly pay rate for rare language(s) to compare with Utah's contract interpreter pay rate: 1) Arizona, 2) California, 3) Colorado, 4) Idaho, 5) Montana, 6) Nevada, 7) New Mexico, 8) Oregon, 9) Washington, and 10) Wyoming. Seven of the ten states provided responses. Ms. Adams-Perlac reviewed Utah's contract court interpreter hourly pay rate compared to the western states providing information.

Ms. Adams-Perlac mentioned the average hourly rate for certified interpreters as reported by the National Center for State Courts in 2013 is \$31.86 - \$53.74.

Discussion took place.

Motion: Judge Skanchy moved to approve a 1% increase cost-of-living increase for contract court interpreters, to coincide with the 1% cost-of-living increase approved for court employees during the 2014 Legislative Session. Judge Dawson seconded the motion. The motion passed with Judge Mortensen voting no.

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

The Policy and Planning Committee recommended the following two rules, which were published for comment, be approved for final action: 1) Rule CJA 4-603 – Mandatory electronic filing, and 2) Rule CJA 10-1-602 – Orders to show cause.

Ms. Perlac noted that comments were received and reviewed relative to Rule CJA 4-603. The Policy and Planning Committee recommended approval of the rule, as written, without any changes.

No comments were received relative to Rule CJA 10-1-602.

Motion: Mr. Lund moved to approve the recommendations as proposed for Rule CJA 4-603 – Mandatory electronic filing and Rule CJA 10-1-602 – Orders to show cause. Judge Higbee seconded the motion, and it passed unanimously.

9. CODE BOOK PURCHASE: (Tim Shea)

A memo regarding code and rule books was distributed to each Council member.

After discussing the matter of code and rule book purchases, for judges and commissioners, at the April Council meeting; it was proposed to survey the judges to determine their individual preferences. The survey would include the following preferences: 1) Annotated Utah Code, 2) Unannotated Utah Code, and 3) online research tools.

It was noted that new judges would be given the same options. Discussion took place.

Motion: Justice Parrish moved to approve a variant of Mr. Shea's proposal relative to the purchase of code and rule books to allow for judges to complete a survey noting their preference of up to one annotated and one unannotated copy per year. Judges would be surveyed every three years regarding any change in their preference. Upon confirmation, new judges would be allowed to determine their preference, as well. Upon selecting a preference and determining it is not to their liking, the judge may select a different option. Judge Dawson seconded the motion, and it passed unanimously.

10. FIRST DISTRICT – MENTAL HEALTH COURT SPENDING PLAN: (Rick Schwermer)

This item was deferred to the June meeting for further discussion and action.

11. JUSTICE COURT JUDGE CERTIFICATIONS: (Rick Schwermer)

Mr. Schwermer recommended the certification of the following two justice court judges who recently completed justice court judge orientation and passed the orientation exam: 1) Mr. Jon R. Carpenter, Carbon County and Wellington Justice Courts; 2) Mr. Mark Kay McIff, Sevier County Justice Court.

Motion: Judge Sandberg moved to approve the certification of Mr. Jon R. Carpenter and Mr. Mark Kay McIff as justice court judges. Judge Harmond seconded the motion, and it passed unanimously.

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

12. EXECUTIVE SESSION:
An executive session was held at this time.

13. ADJOURN
The meeting was adjourned.