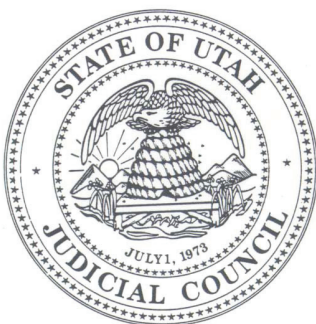




Utah Judicial Council History

The Foundation Period,
The Period of Dynamic Change,
The Period of Consolidation
1973-1997



Published March 1998

Utah Judicial Council History: 1973-1997

Authored by Cheryll L. May,
Administrative Office of the Courts

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Introduction

The face of Utah has been transformed in the last quarter century. The handsome new downtown skyscrapers reflect the state's growing confidence and prosperity. Tens of thousands of new homes have displaced fields and orchards from Ogden south to Payson, to accommodate a rapidly growing population. The growth of new high tech and service enterprises has more than made up for declines in mineral extraction and federal military installations.

Since 1973, the face of Utah State court system has also been transformed, perhaps even more dramatically. Twenty-four years ago, no real state courts "system" could be said to exist. The trial courts were divided into District Courts maintained by the 29 counties; a statewide, independent Juvenile Court, City Courts operated by some municipalities, and Justice of the Peace courts run by municipal or county governments. Rules, forms and procedures varied with each jurisdiction. Judicial salaries were the lowest in the nation, leading to a significant turnover on the District Court bench. No single voice spoke for the interests of the judicial branch as a whole, or for the citizens the branch was established to serve.

Today, the Utah court system enjoys a reputation as one of the most efficiently run and forward looking in the nation. All courts of record are part of a single, unified system that shares the same district boundaries, and uses the same rules, procedures, and forms. Centralized planning, finance, human resource management, education, and other services save hundreds of thousands of dollars previously spent on duplicated services and resources. Utah judges' salaries now hover around the national average.

The system now speaks with a single, strong voice when communicating its priorities and concerns to those within and outside the judicial branch. The voice is that of the Utah Judicial council. Since its establishment in 1973, the Council has led the court system to its present position of national prominence. From a modest beginning, the Council has widened its jurisdiction and refined its effectiveness as a policy generator.

The following brief history, commissioned by the Council, follows its activities from its establishment in 1973 to the present. The creation and development of the Utah Administrative Office of the Courts (AOC) are important parts of this story. The account begins with an examination of the pressures within and outside the court system leading to creation of the Council, and reviews the reasons that some prominent Utah judges were opposed to both the Council and the AOC.

The *foundation period* in the history of the Council extends from 1973 when the Council was created, through 1984, when the new judicial article to the state constitution was ratified. This period corresponds approximately to Richard Peay's tenure as the system's first State Court Administrator. During this period the Council instituted the first long range planning process, initiated a computerized, statewide case processing and record keeping system, created the Circuit Court system to replace the old city courts, and made progress in increasing judges salaries.

The *period of dynamic change* began with William Vickrey's assumption of the office of State Court Administrator in 1985. Vickrey and a Council expanded and invigorated by powers granted in the new judicial article, engineered a series of far reaching improvements in the system within a short seven year period. The changes included incorporating the District Courts into the state system, establishing common boundaries for all court districts, creating the Court of Appeals, developing and implementing a facilities masterplan, establishing a judicial education program, upgrading the Justice Courts, increasing judicial compensation and retirement benefits, adopting the Code of Judicial Administration, and consolidating the District and Circuit Courts.

The *period of consolidation*, from 1992 until the present, covers the tenures of Ron Gibson and Dan Becker as State Court Administrators. During this period, the council has concentrated on digesting the sweeping changes of the previous period, and moving forward at a more measured pace in many areas, including advanced technology, alternative dispute resolution, juvenile justice, and service to domestic abuse victims.

The Foundation Period

1973-1984

The initial meeting of the Utah Judicial Council, on July 23, 1973, gave little hint of the powerful esteemed body the Council has become. Of the five men in attendance, one did not want to be there. Justice Henri Henroid, the Supreme Court representative, had vigorously fought proposals for establishing a council, and attended more in a spirit of keeping his eye on the Court Administrator Richard Peay, was away on a two week tour of outlying judicial districts, and didn't make it to the first meeting.

The meeting was chaired by D. Frank Wilkins, Chief Judge of the Utah District Court. Wilkins, with his superb negotiating skills and the reservoir of good will he had built up in the legislature and executive branch, was the person most instrumental in securing passage of the *1973 Court Administrator Act*. This act had, for the first time, established the Utah Judicial Council and the administrative Office of the Courts to provide the Council centralized staff support.

The first Judicial Council bore little resemblance to its current namesake. The most obvious differences were in the group's composition and leadership. Four members of the original seven- person Council represented the District Courts, (with one each from the Supreme Court, City Courts, and Justice Courts) and the Council was chaired by the Chief District Court Judge¹. While courts policy-making groups in other states were usually led by the Supreme Court Chief Justice and dominated by the appellate courts, the Utah Judicial Council was led and dominated by the state's top trial court.

This unusual model of organization was produced by the political realities of the Utah court system in the late 1960s and early 1970s. The majority of the Supreme Court during those years had little interest in court administration. The justices seriously questioned the need for *any* centralized administrative services. Justice Albert H. Ellett, responding to proposals to establish an AOC, commented that, "Any administration needed by the court system I could take care of with a telephone on a Saturday afternoon."²

At the same time, several District Court judges from the Wasatch Front acted as vigorous and able champions both of court reform and of District Court primacy.

1 *Utah Code of Criminal Procedures*, Chap. 202. The "President of the Utah State Bar or his designee" also sat on the council ex-officio with no vote

2 Mr. Ronald Gibson, interview by author, Salt Lake City, Utah, 14 April 1997.

Under these circumstances, the “ideal” consolidated, Supreme Court-led model of court system management proposed by a major reform group gave way to a more limited, District Court-led system.

The Juvenile Court; the First Statewide Trial Court

The first herald of change in the Utah court system came from an unexpected quarter. The Juvenile Court, which had for decades been administered as a quasi-judicial agency under the Department of Welfare in the executive branch, was reorganized in 1965, and became a part of the judicial branch. The reorganization was a response to the 1963 *In re Woodward* decision of the Utah Supreme Court. The decision held that the executive control model for the court, which had been in place since 1941, was an unconstitutional violation of the separation of powers principle.³

The *Woodward* decision gave the green light to a Juvenile Court reform program that had nearly passed the 1963 Legislature. The reform package, with a few revisions, sailed through the 1965 Legislature, and the new “judicial” Juvenile Court was established on July 1 of that year. The new Juvenile Court was a “different kind of animal” than had ever been seen in Utah before. It was unified in a single state system; it was governed by a board of judges authorized to set policy for the system and provide administrative guidance. It was staffed by a court administrator, whose office provided centralized budgeting, staff recruitment, in-service training, record keeping and other administrative services.

The model for the new court had been developed by a Utah State Bar study committee originally chaired by Professor Bridgitte Bodemheimer from the University of Utah College of Law. Professor Bodemheimer used as a point of departure the *Standard Juvenile Court Act* developed by the National Council on Crime and Delinquency.⁴ Her committee colleagues and others involved with the establishment of the new Juvenile Court in the 1960s praised Professor Bodemheimer for her commitment to a truly independent and professionally managed court, and her persuasiveness in bringing around recalcitrant Juvenile Court judges and others to her point of view.⁵

The court proposed by the Bodenheimer Committee and established in 1965 provided a significant model for those in the early 1970s working to reform the larger court system. The efficiencies of centralized services, compared to the may-times-replicated services in the District and City Courts, were glaringly apparent. By the early 1970s the Juvenile court had created a semi-automated statewide information system that provided immediately accessible data on case history, management information, and program effectiveness measures. The ability of the court to speak with one voice in terms of policy priorities was proving its worth when it came time to lobby the Legislature to approve court programs.

While the Juvenile Court model eventually proved to be important, it was not embraced immediately by the larger court system. Some judges felt that the Juvenile Court was

3 *In re Woodward*, 14 Utah 2nd 331, 384 P2d 110, (1963).

4 Glenn R. Winters, “The Juvenile Court Act of 1965,” *Utah Law Review*, IX (1965), 509.

5 Regnal W. Garff, “The Emancipation of the Juvenile Court,” *Utah Historical Quarterly*, 63 (1993), 277-8.

still more a social service agency than a “real Court.”⁶ These views somewhat diluted the influence of the successful Juvenile Court model. Establishment of the Juvenile Court was undoubtedly aided by the fact that the *Woodward* decision gave planners a mandate to start from the ground up and build an entirely new institution. No such galvanizing event had occurred to spur the larger court system to seriously consider radical departures from established structures and habits.

Early Efforts at Court System Reform

As the Utah population and accompanying court caseloads grew, it became clear that something needed to be done to better allocate judicial resources. The widely differing rules, forms and procedures in different court locations provided an increasing irritation as court business increased. The system’s antiquated

And inconsistent methods of record keeping were becoming increasingly problematical, as was the departure of several of the top judges from the urban districts because of notoriously low judicial salaries.

But none of these problems constituted what could be called a crisis. Under these circumstances, it is not surprising that the first efforts at judicial reform attempted to deal with Utah’s judicial branch problems without spending any money or stepping on anybody’s toes. The *Administration of District Courts Act* of 1967 asked the Supreme Court as “State Court Administrator.” In addition to his Supreme Court duties, the clerk was now given a long list of new responsibilities, including compiling statistical data on courts business, establishing uniform administrative policies, and providing the data needed for the “assignment justice” to efficiently allocate judicial resources.⁷

The success of this first, small scale attempt at centralized administration was limited at best. The Supreme Court staff lacked the manpower to perform the assigned duties effectively, and many District Court judges resented the “orders” from the assignment justice to travel, often hundreds of miles out of their district, to cover another docket.⁸

The “assignment justice” system was revised in 1971.⁹ The “assignment justice” was no longer actually a justice. That title and accompanying duties were now granted to the elected Chief Judge of the District Court. As with the previous act, no appropriation was voted to implement its provisions. The District Court Chief Judge at the time, D. Frank Wilkins, determined to do what he could with the resources at hand. He called on his county-appointed court clerk, Ron Gibson, to help with the tasks of gathering caseload data and processing requests for additional judicial resources. It quickly became clear that performing these duties was much too great a burden for a fully calendared judge and his clerk.

6 Arthur G. Christean, *The Utah Juvenile Court: A Brief Summary of the Six Distinctive Periods of the Court’s History, 1852-1996*, (State of Utah Juvenile, Salt Lake City), 1997, 13-14

7 *Laws of Utah 1967*, Chap. 222. The Administration of District Court Act replaced a 1963 bill that provided that a District judge be elected by his peers as “presiding judge” for the state. The presiding judge was given the authority to require submission of judicial workload data and to assign judges where needed to deal with a heavier workload in other courts.

8 “Editorial,” *The Salt Lake Tribune* (Salt Lake City), February 2, 1973. The impact of the efforts of the first “State Court Administrator” (the Supreme Court Clerk) were generally perceived as ineffectual. A Tribune editorial concluded that “the office never functioned.”

9 *Laws of Utah 1971*, Chap. 209.

Wilkins next approached the state Finance Department to request a small allocation (a few hundred dollars) to pay for “field representatives” to help perform his central management duties. With this allocation he hired Gibson and two other deputy county clerks working for District judges to work overtime framing forms and collecting information. Wilkins was well aware that this was a stop-gap arrangement that failed to address increasingly pressing needs for statewide professional court administration.¹⁰

The Unified Court Advisory Committee

In September 1972, a report was issued containing the most carefully studied and comprehensive proposal for reform of the Utah court system thus far completed. Titled *Utah Courts Tomorrow*, the report outlined a plan for unifying all the courts in the state, from the Supreme Court down through the smallest part-time Justice of the Peace Court, into a single system led by a peer elected judicial council and managed by an administrative office of the courts.

The report was issued by the *Unified Courts Advisory Committee*, a distinguished group which included many leading Utah court reform advocates of the preceding decade. Among these reform leaders were D. Frank Wilkins, Chief Judge of the District Court, J. Thomas Greene, former Bar President and long-time chair of the Bar’s Unified Court Committee, Arthur G. Christean, Administrator of the Juvenile Court (later named a Juvenile Court judge), and District Court Judge Thornley K. Swan, a long-time advocate of District Court-led administrative reform. Utah House Speaker (later Supreme Court Justice) Richard C. Howe played a pivotal role in framing the report, and in securing passage of the subsequent *Court Administrator Act*. Harry O. Lawson, the nationally known expert on judicial administration from the University of Denver Law School, consulted on the project. The majority of the staff work was provided by project research director E. Keith Stott Jr., a local attorney who had performed research and liaison duties for Thomas Greene’s bar committee. Staffing for the project was supported by a grant from the Law Enforcement Planning Agency.

The committee began its work in the spring of 1972, gathering reams of information on court reform efforts and proposals from across the country, and garnering advice from the top local and national experts. The revamping of the court system envisioned in the report could only be described as radical. Under the unified system, the Juvenile Court, City Courts, and Justice of the Peace Courts would all be swept away. After the system was fully phased in, Juvenile matters were to be handled by a family court division of the District Court Judges, or by newly designated “magistrates.” Magistrates were to be “subordinate judicial officer(s) of the District Courts,” nominated by local nominating commissions and chosen for a four year term by the District’s Chief Judge.¹¹

The Chief Justice would become the court system’s “CEO,” chairing the Judicial Council, acting as the official mouthpiece of the judicial branch, and assuming responsibility for overall operation of the system.¹² The Judicial Council would act as a “board of directors” setting policy for the system.

¹⁰ Hon. D. Frank Wilkins, interview by author, Salt Lake City, Utah, 22 April 1997.

¹¹ Unified Courts Advisory Committee, *Utah Courts Tomorrow*, (Salt Lake City: Utah State Courts) 39.

¹² Ibid., 22.

The state would assume virtually all financing responsibilities for the system, and the judicial council would submit a single, system-wide budget to the legislature. Under judicial council direction, the AOC would provide in-service training, personnel administration, planning and other management services, and would supervise the standardization of judicial record keeping throughout the state.¹³

The Unified Court Advisory Committee Report was presented to 50 Utah judges attending a Judicial Conference in the Governor's Board Room on November 17, 1972. Despite vigorous defense by D. Frank Wilkins and a few other supporters, most judges were less than impressed by the proposal. The sweeping plan appeared to most judges to be going too far too fast. Chief Justice E.R. Callister, Jr. and Justice J. Allen Crockett claimed that the report "imputed faults... where they did not exist." These jurists expressed many doubts about the "practical

Aspects" of the proposal and the majority of their colleagues were equally unenthusiastic.¹⁴ By the end of the day on the afternoon of the 17th, it was clear that the ambitious, comprehensive program for transforming the Utah Judicial Branch was not going to fly.¹⁵

But while the Unified Committee plan was dead, Wilkins, Greene and other reformers were determined that significant changes could still be wrought by the 1973 Legislature. Court system reform groups from the bar and the community had been framing reform plans for the past decade, and state legislative leadership was now convinced that reform measures. With this much momentum, 1973 appeared to be the year when a meaningful step could be taken toward a more cohesive and efficient judiciary.

The 1973 Court Administrator Act

Despite the momentum toward establishing some sort of centralized scheme of court administration, several Supreme Court Justices continued the fight to maintain the status quo. The active opposition of four of the five Supreme Court justices was not enough to totally defeat legislation. The Supreme Court's hostility to any change made it clear that any reform program based on the court's leadership would be likely to fail.

In these circumstances, District Court judges were happy to jump into the breach. D. Frank Wilkins, Thornley Swan, Thomas Bullock (a District judge from Provo) and other District Court leaders argued persuasively for creation of a judicial council led and dominated by the District Court. Wilkins and his colleagues frequently voiced the argument that the judicial article of the state constitution gave the District Courts "general control" over inferior courts and tribunals within their respective jurisdictions, and that this constitutional provision justified the state's top trial court playing the leadership role in the council.¹⁶

It is hard to say how seriously this argument would have been taken if the Supreme Court had not essentially abdicated its leadership role in the new system. The framers of the Unified Court Advisory Committee plan, which envisioned a system led by

¹³ Ibid., 26

¹⁴ Dave Jonsson, "Revamp of Courts Stirs debate," *The Salt Lake Tribune* (Salt Lake City), November 18,, 1972, B1.

¹⁵ Hon. D.Frank Wilkins, interview by author, Salt Lake City, Utah 22 April 1997

¹⁶ *Utah State Constitution*, 1973, Art. 8, Sec. 7

the Supreme Court Chief Justice, clearly assumed that the Chief Justice would not be inhibited by any constitutional limitation on assuming his leadership role. D. Frank Wilkins recounts a discussion with State Senator Hughs Brockbank during the debate on the *1973 Court administrator Act*. Brockbank expressed his concern about a judicial council led by the District Court rather than by the top court in the state. “According to sound organization principles,” Brockbank argued, “the Chief Justice should act as chief executive for the court system.” “I know that,” Wilkins replied, “and eventually he *will be*. But if you put in the Chief right now it will kill the whole thing.”¹⁷ Brockbank was apparently convinced. He and the overwhelming majority of his Senate and House colleagues voted for the measure. The new, District Court dominated Utah Judicial council was slated to come into being on July 1, 1973.

The Utah Judicial Council, First Steps

The stated purpose of the *Court Administrator Act*, as passed by the Legislature on March 8, 1973, was to “create an administrative system for district, city and justices’ courts, subject to central direction by the judicial council, which will enable these courts to provide uniformity and coordination in the administration of justice.”¹⁸ Absent from the list of courts mentioned were the Juvenile Courts, which had their own independent administrative system, and the Supreme Court, which in the apparent view of the drafters was not in need of the services the Council and AOC were to provide.

Council members were to be elected for staggered two year terms at the annual judicial conference. The Council was charged with “development of uniform administrative policy for the courts throughout the state.” The District Court Chief Judge was responsible for implementation of Council policies, and general management of the courts with aid of the court administrator.¹⁹ The Council was to report annually to the Governor, Legislature and Chief Justice on its work.

The state court administrator, selected by the Supreme Court, was to act as “chief administrative officer” of the Council, and serve “at the pleasure of the council and/or the Supreme Court.” The administrator was charged with supervising and directing the work of all the “non-judicial officers of the courts.” Specifically mentioned duties included personnel administration, in service training, budget preparation, planning, and research.²⁰ In addition to the creation of a Judicial Council, the most important provision of the 1973 act was the appropriation of a budget of \$134,000 for hiring a permanent management staff and renting AOC office space.²¹

The key person responsible for putting meat on the bones of the new administrative structure was the full-time state court administrator. Richard V. Peay, who had served most recently as Director of the Utah Selective Service System, was chosen for the position. Peay had worked since 1950 in various management capacities for the Selective Service System, and had served in World War II and the Korean War, rising to

¹⁷ Hon. D. Frank Wilkins, interview by author, Salt Lake City, Utah, 22 April 1997.

¹⁸ *Laws of Utah 1973*, Ch. 202, 699-703.

¹⁹ *Ibid.*, 701

²⁰ *Ibid.*, 702

²¹ *Ibid.*, 703

the rank of Colonel in the Army Reserve. “The Colonel” assumed the administratorship with conflicting “orders,” but he soon developed his own picture of what needed to be done in the court system, and how to do it.

The message of Peay from the Supreme Court that chose him was, in his words, “make no waves; do as little as possible.” The message from the District Court leadership was “let’s get something done.”²² But District Court judges were far from unified about *what* needed to be done.

The minutes of the first Council meeting reflect the members’ differing priorities. Judge Wilkins emphasized the importance of procuring solid basic caseload statistics, and proposed formation of a citizen’s advisory committee to the Council. Judge Floyd H. Gowans from the Salt Lake City Court proposed using the Council as a vehicle for upgrading court physical facilities throughout the state, and suggested that the Council establish guidelines for explaining their rights to defendants in City and Justice of the Peace Courts. Justice Henroid wanted to get out the word that both Supreme Court and the District Courts were processing their caseloads with little if any delay. Judge Thornley Swan supported Judge Wilkins’ proposal for more comprehensive and systemic information gathering from all courts. Swan went on to propose framing standards and general policies for court operations, establishing a “public relations program” to inform other government branches and the public about the work of the courts, and developing more effective liaison with agencies that work closely with the courts, and with courts in other states.²³

Transforming this assortment of proposals into an integrated administrative program would obviously require effective staffing from the State Court Administrator and his aides. In a recent interview, Peay recounted his early impressions of the court system from the vantage point of someone whose previous contact with the system had been minimal. “The constitution said the judiciary was a co-equal branch of government,” Peay commented, “but it was not. It was a put-down depressed branch.”²⁴

Peay gave several examples of the “depressed” state of the Utah judiciary. His initial statewide tour in which he visited every District Judge convinced him that the clerk and facilities services provided for judges in many counties were seriously inadequate. Many of the counties, said Peay, were “very miserly” in allocating resources to the courts, and “there was no pressure to do better.” The fact that Utah was 50th among the 50 states (and \$4,000 a year behind number 49) in judicial salaries Peay saw as another evidence of low judicial branch self esteem.²⁵

Two incidents during the week of his return from the statewide tour reinforced Peay’s impression that Utah’s judicial branch was “less equal” than the others. First he received a phone call from the State Board of Examiners (made up of the Governor, the Lt. Governor, and the Attorney General) asking him to attend their next meeting and justify Chief Justice Callister’s request for travel funds to attend the annual conference of

22 Mr. Richard V. Peay, interview by author, Salt Lake City, Utah, 7 May 1997.

23 Judicial Council Minutes, July 23, 1973.

24 Mr. Richard V. Peay, interview by author, Salt Lake City, Utah, 7 May 1997.

25 Ibid.

chief justices. Peay duly attended the meeting and even Governor Rampton's assurance after the meeting that, "We always let him go," failed to quell Peay's concerns about the independence of the judicial branch. Later in the same week, Peay received a call from a clerk at the Department of Finance, informing him that they were putting together the budget for the judicial branch and wanted him to come down and approve it. At Peay's insistence, Council input was included for the first time in the courts budget submitted to the 1974 Legislature.²⁶

These early impressions molded the main goals and priorities which Peay pursued throughout his 11 plus years as State Court Administrator. He was determined to make the judicial branch equal in practice as well as in theory, and to convince those inside and outside the court system that judges needed respectable salaries and first rate support services and facilities to deliver the quality of justice Utah citizens deserved.

The original home of the AOC was quite literally "under the thumb" of the Supreme Court, in the "surplus furniture room" south of the court's library. In that 12' x 26' space, Peay, his secretary, (who he brought over with him from Selective Service), and Ron Gibson, chosen as the first Assistant Court Administrator, worked to set up a courts management system. A few months later, the AOC was moved to rented office space at 250 East Broadway in Salt Lake City.

Open Meetings

The new Council made some basic procedural decisions in its first few months that have stood the test of time. Despite objections from some of the charter members that such frequent sessions would be a waste of time, the Council decided to meet monthly, using Robert's Rules of Order. The question of whether to open or close Council meetings to the press and other interested individuals provoked lively debate at one of the initial meetings. Most of the judges were initially opposed to open meetings, but Peay argued for openness. He predicted that court system business would generally be considered dull enough by most reporters that they wouldn't attend frequently in any case. Those that did attend, he argued, would receive an education in court system operations that they could then share with the public.

Peay's view prevailed, and his predictions have been borne out. Reporters have not attended meetings regularly, but over the years, several Salt Lake reporters specializing in state court matters *have* occasionally attended, and their subsequent articles have done much to enlighten the public about state courts operations. Prize winning reporters writing on state courts topics include Richard Mullins and Jan Thompson from the *Deseret News*, and Sheila McCann from the *Salt Lake Tribune*. Mullins was presented the Judicial Council's Amicus Curiae Award for his contributions to public understanding of the court system.²⁷

²⁶ Ibid.

²⁷ Ibid.

First Year Highlights

During the Council's first year of operation, the reins of leadership were passed from D. Frank Wilkins to Thornley Swan. Wilkins resigned his judgeship on February 1, 1974, (in frustration over low judicial salaries) and Judge Swan, from the Second District, was elected to take his place. Swan held his leadership post on the Council for the next eight years, giving him ample opportunity to pursue his particular vision of its role and mission. Throughout his tenure, Swan championed the cause of a strong, independent judicial branch under the leadership of the District Court. Only toward the end of his chairmanship, when the new judicial article to the state constitution was being framed, was Judge Swan confronted with a conflict between achieving greater judicial branch independence and maintaining District Court Leadership.

It fell to Richard Peay to transform the strongly held, but vaguely articulated principles supported by the Council into real programs, procedures, and products. He was well aware of the constraints under which he was laboring. In addition to Supreme Court hostility, many District Court judges tempered their support with concern that the Council and AOC might limit the broad freedom they enjoyed to order judicial business pretty much the way they wanted it within their own districts. Under these circumstances, Peay pursued his goals with quiet, but firm resolve.

One of Peay's immediate projects in the fall of 1973 was organizing an annual judicial conference as prescribed by the *Court Administrator Act*. While the main goal of the meeting was educational, Peay's conference arrangements incorporated other goals as well. For the first time, the conference was held at a hotel, removed from daily courthouse concerns, with nationally known speakers and trappings including a reception, banquet, and program for judicial spouses. These signs of respect were parts of Peay's campaign to convince Utah judges that they deserved to be treated like the leaders of a co-equal branch of government.²⁸

One of Peay's top priorities was to establish a more consistent and reliable record keeping system. Initial steps were taken to designate field representatives of the court administrator in all districts to promote the use of AOC designated forms and procedures. City and District Courts started submitting monthly information reports to the AOC, which were used to compute caseload information.²⁹

Opportunities for judicial education both inside and outside the state were expanded. A Council committee began studying the steps needed to develop uniform laws of practice throughout the state. Judicial benefits were upgraded by reducing the judges' contribution to their retirement system.³⁰

The AOC prepared and submitted a budget to the 1974 Budget Session of the Legislature, which was approved with only minor cuts. Getting over the "second year funding hump" was a significant victory for Peay and the Council. Referring to the

28 Ibid.

29 *Annual Report Utah Courts, 1973-1974*, (Salt Lake City: Utah Judicial Council, 1974), 9.

30 Ibid., 10.

1974 legislative session, Peay remarked, “We feared that now that the power brokers saw that we were going to get things done, they would try to unfund us.” The attempt was indeed made, led by two Supreme Court justices. “But,” said Peay, “by that time we’d made some friends of our own.” He specifically mentioned the key role of House Speaker Richard Howe and bar leader and lobbyist Wayne Black in repulsing the attempt to kill the AOC.³¹

Court System Planning

With its legitimacy and staying power now established, the AOC, working with the Council, initiated the first systematic planning program for Utah Courts. The process for adopting the first official court system plan, *Goals for the Utah Judiciary, 1975-77*, was framed by Richard Peay and his staff.³² Peay, whose military background gave him a deep respect for planning, was surprised at how resistant Council members were at first to try to look at the big picture and set goals. “The problem was,” he remarked recently, “that the day to day problems these judges were facing were so urgent, that they found it very difficult to get out of the ‘crisis mode’ of putting out one fire after another, and into ‘planning mode.’ I was finally able to get them to an isolated location, away from telephones and other interruptions, and we began a serious planning process.”

The new Deputy Court Administrator, Arthur Christean, played a prominent role in staffing the planning effort, using the experience he had gained during his four and a half years as Juvenile Court Administrator. At the initial Council planning meeting in June 1975, Peay proposed eight major categories of Council concern:

- Court organization and structure
- Supporting the office of judge
- Rule-making, policy-making, and general administration
- Court facilities
- Court support personnel
- Court system financing and budgeting
- Court records, statistics, and information systems
- Liaison to other agencies and the public

At its June 1974 meeting, the Council debated recommendations for improvement in each of the eight areas. At the end of the session, 58 recommendations were distributed under the eight major headings. Every year thereafter under Peay’s administration, the annual report contained an update on the status of each recommendation or goal. When goals were met, they were taken off the “to do” list, and others were added as appropriate.³³

31 Mr. Richard V. Peay, interview by author, Salt Lake City, Utah, 7 May 1997.

32 Arthur Christean’s appointment as Deputy Court Administrator in January 1974 increased the AOC staff to four full-time personnel.

33 *Annual Report Utah Courts, 1974-1975*, (Salt Lake City: Utah Judicial Council, 1975), 11-17.

Council input in the planning process was aided by the creation on 1974 of Judicial Council Committees, made up of one or two Council members and other judges from throughout the system. Subject areas for the six committees were:

- Court facilities, Equipment and Libraries
- Continuing Judicial Education
- Court Financing and Organizational
- Rules of Practice and Forms
- Judicial Information Systems
- Judicial Compensation and Retirement and Personnel Practices³⁴

From the beginning, the reach of the planning process exceeded the grasp of the Council's statutory power. The original plan was titled *Goals for Utah's Judiciary*, not "Goals for Utah's District and City Courts," though the latter two courts were the only ones over which the Council had clear statutory power.³⁵ The 1976 version of the plan added the specific new goal that the Judicial Council be established as "the responsible entity for judicial planning with authority to prepare multi-year plans for the entire State Court System..."³⁶ Though the Supreme Court, the Juvenile Court, and the various Justice of the Peace Courts continued for several years to claim independence from Council jurisdiction, the compelling logic of system-wide planning suggested by the yearly plans gave impetus to the idea of a truly united state judicial branch."³⁷

During Peay's tenure, the planning process gradually became more extensive and sophisticated. In later years, a priority number was assigned to each goal, and specific funding mechanisms were spelled out. The goal category of "planning and research" was added to the initial eight.³⁸ In the 1981-82 plan, the Juvenile Court made the decision to work with the Council and AOC staff to produce a single planning document, instead of the separate plan it had prepared in previous years.³⁹

The yearly planning updates indicate progress in many areas, including systematic record keeping, judicial education, and upgrading some of the worst of the court facilities. Judges' salaries were creeping up to the point that they were no longer the lowest in the nation, although in the early 80s they were still in the bottom 20 percent.⁴⁰

Establishing the Circuit Court System

But the court system was still operating under a number of constraints that prevented it from addressing deep seated problems. Many of these problems related to the state's City Courts. In 1975, there were 18 City Courts staffed with 25 judges. Judges in these misdemeanor courts, established in the state's larger municipalities, were paid by the city or town government, and were often accused by court reformers of being looked

³⁴ Ibid., 18-19

³⁵ Of course, the Council's statutory power over even the District Courts was limited by county control over judicial support personnel and facilities.

³⁶ *Utah Judicial Council Statement of Goals for 1975-1977*, (Salt Lake City: Utah Judicial Council), 8.

³⁷ The Justice Courts remain entities of cities and counties, free from direct Council control.

³⁸ *Goals for the Utah Judiciary 1981-82*, (Salt Lake City: Judicial Planning Committee, State of Utah, 1981), 1-60.

³⁹ Ibid.

⁴⁰ Dexter Ellis, "Utah Judge Salaries Could be Improved," *Deseret News* (Salt Lake City), July 3, 1978, A5.

upon by city officials to be a “revenue arm” of the municipal government. City Courts were courts “not of record.” This meant that an official, word record of proceedings was not kept. If a defendant appealed a City Court decision, a totally new trial (trial de novo) would be held in the District Court, in which any findings of the City Court judge would not be considered.

In the late 1975, the Judicial Council and the Legislature commissioned the National Center for State Courts (NCSC) to conduct a study of limited jurisdiction courts in Utah. The then month study, directed by NCSC Western Regional Director Larry Sipes, recommended that the City Courts be replaced by a state sponsored Circuit Court system. Circuit Courts would be state courts of record, with judges appointed by the Governor from a list submitted by a local nominating commission.⁴¹ The state would be divided into 12 circuits within the existing seven Districts. Circuit Court judges would “ride circuit” to cover all county seats not served by a resident Circuit judge.⁴²

Circuit Court jurisdiction was to be expanded to cover all misdemeanors (City Court judges had jurisdiction over lesser misdemeanors only) and civil claims up to \$5,000, twice the previous City Courts limit. The report proposed that eight judges be added to the 25 then serving in City Courts, to allow all counties in the state to be served by a well qualified, law trained judge.⁴³ Fees generated by the court were to be divided among the state, counties, and municipalities,.

The cause of City Court reform was aided by a high profile court case in June of 1976. The Congressman serving Salt Lake City at the time was arrested for soliciting sex from a prostitute.

When the case came up in City Court, the Representative’s lawyer didn’t even offer rebuttal evidence. When the congressman was convicted, his lawyer immediately got a new trial in District Court, where the prior conviction could not be taken into account. It was widely noted that the City Court trial gave the defense the advantage, since the prosecution had to display its witnesses during the trial, and present its evidence, while the defense did not.⁴⁴

Legislation based on the NCSC proposal passed the 1977 Legislature with only minor amendments. Few would have argued with Judge Thornley Swan’s statement at the time that passage of the Circuit Court Act was “the most significant change in court structure in Utah since statehood.”⁴⁵ The state’s highest caseload courts had been removed from the control of municipal executives, and had been accorded the dignity and safeguards of courts of record. This was a large step in the direction of a single, unified court system.

On July 1, 1978 the 25 sitting City Court judges and eight new appointees were administered the oath of office for their new positions as Circuit Court judges.⁴⁶ Few

41 National Center for State Courts, *Utah Courts of Limited Jurisdiction: Analysis and Recommendations*, 1996, 9-15

42 Robert D. Mullins, “Circuit court proposal aired,” *Deseret News* (Salt Lake City), September 2, 1976.

43 *Laws of Utah 1977*, Ch. 77, 326-330

44 “New circuit court plan for Utah looks good,” *Deseret News* (Salt Lake City), September 3, 1976

45 “33 judges take oaths in circuit court rites,” *Deseret News* (Salt Lake City), July 1, 1978.

46 Ibid

would have anticipated at the time that this widely hailed new court would prove to be a transitional step to full consolidation of all adult courts of record into the District Court 18 years later.

Framing the New Judicial Article

At the beginning of the 1980s, supporter of an efficient and professionally managed court system could point to significant improvements within the state judicial branch. In addition to the creation of the Circuit Court, the Council had achieved significant judicial input in the budget preparation process, introduced system-wide planning and goal setting, adopted uniform rules of practice and a uniform bail schedule, attained the hiring of court executives in nearly every district and in major circuits, expanded judicial education opportunities, created a judicial branch personnel system, and created the first semi-automated judicial information system.⁴⁷ The idea of the court system being governed by a peer-elected group of judges had been well established.

But Richard Peay and other judicial reform leaders were intensely aware of structural roadblocks to meaningful progress in several areas. The most serious continuing weakness of the system was its fragmentation. In terms of leadership, it was a “hydra-headed system,” with the Chief Justice acting as the leader of the system in some cases and the Chief District judge assuming that position in other cases.⁴⁸ The Council had no control over the Supreme Court, Juvenile Court, or Justice of the Peace Courts. Council control over even the District and Circuit Courts was hampered by the fact that counties and cities still selected, paid and supervised support personnel for their judges.

The system in place for selecting judges was also criticized by reformers. District and Circuit judges were chosen through a process where local nominating commissions submitted names to the governor for final choice. But when judges came up for reelection at the end of their term, they were open to electoral challenge by any lawyer wishing to file against them. Judges who were challenged were forced to fight a political campaign to save their seats, with all the attendant dangers of compromising neutrality through soliciting campaign contributions or advertising one’s “record” in respect to the content of particular judicial decisions. A judicial election in the early 1980s in which a highly regarded sitting judge was forced to campaign for office provided a vivid reminder of the dangers of this electoral system in terms of demeaning the office of judge and decreasing judicial independence.⁴⁹

Arrayed against the pressure for further reform were a group of rural legislators and members of the District Court bench. The legislators saw unified court proposals as a “big government” threat that undermined local control. A number of District Court judges were also suspicious of reform proposals that included a Council under Supreme Court leadership. They were already chafing under the new AOC requirements for uniform procedures and monthly reports. “In the early years of my law practice the power of District Court judges was virtually absolute,” commented former Senate President Kay Cornaby. “Many of them didn’t like the idea of somebody

47 *Annual Report Utah Courts, 1980-1981*

48 Mr. Roger Tew, interview by author, Salt Lake City, Utah 10 June 1997. Mr. Tew used the term, “hydra-headed system.”

49 *Ibid*

looking over their shoulder or second guessing them.”⁵⁰ Many feared that further efforts at reform after the passage of the Circuit Court Act would not be successful.

What broke the stalemate between pro and anti-reformers was the alarming growth in the Supreme Court caseload that manifested itself by the mid-70s. Between 1960 and 1976 Supreme Court filings almost tripled. Filings data indicated that the trend was accelerating.⁵¹ Associate (soon to be Chief) Justice Richard Johnson Maughan of the Supreme Court, who served as Supreme Court representative to the Council from 1979 until his death in 1981 assumed leadership of the drive to solve the growing Supreme Court backlog problem by creating an intermediate appellate court. In 1980, Maughan gained the support of the state Constitutional Revision Commission (CRC) for the amendment, though many Commission members believed that a more comprehensive review of the judicial article was preferable to this piecemeal approach. The amendment was ultimately rejected by the Legislature.⁵²

After the amendment failed in the 1980 session, then Chief Justice Maughan wanted to gather more support and run the bill again the next year. But the CRC had in the meantime decided to launch the comprehensive review of the entire judicial article which court reform groups had been requesting for many years.⁵³

Roger Tew, a new young CRC staff member from the Office of Legislative Research, was given major staffing responsibilities for the Judicial Article project, under the general direction of State Senate Majority Leader and CRC Chair Karl Snow. Tew attacked the project with great vigor, interviewing every District Court judge and Supreme Court Justice, and gathering information from across the country. Tew was well aware of the fact that a big part of his job was political. He was not charged with helping to frame the Platonic ideal of court system organization. His mission was to frame a model that would push the court system toward greater integration and efficiency *and* which the major justice system players would buy into.

The Judicial Article revision effort, like other major such CRC projects, was goal driven. Roger Tew and Commission member (and later District Judge) John Memmott framed a set of goals that were endorsed by the Commission and became a kind of mantra for the judicial branch for the next fifteen years. The goals were:

- To enhance the status of the judiciary as a co-equal branch;
- To improve the ability of Utah to attract and retain qualified jurists;
- And
- To provide the means to develop a more efficient and effective judicial system.⁵⁴

CRC members quickly became convinced that the key to reaching all of the goals was creation of a strong judicial council with the power to effectively govern the

⁵⁰ Hon. Kay Cornaby, interview by author, Salt Lake City, Utah, 15 July 1997.

⁵¹ *Utah Supreme Court Project*, (Williamsburg, VA: National Center for State Courts, 1977), 6-8

⁵² Utah Constitution Revision Commission, *Report of the Constitutional Revision Commission, 1982 and 1983*, (Salt Lake City: State of Utah, 1983), 17

⁵³ *Ibid.*, 17-18

⁵⁴ Utah Constitution Revision Commission, *Report of the Constitutional Revision Commission, 1982 and 1983*, 15-16

entire court system. The logic of a Council representing all court levels and led by the Supreme Court Chief Justice was compelling to the CRC and its consultants and advisors. The problem was to win over the judges, especially the less than enthusiastic District Court bench.

A Supreme Court Turn-around

By 1980 the perspectives of the Supreme Court on judicial reform had changed considerably. Three of the four justices that had joined the court since 1973 (namely D. Frank Wilkins, Gordon R. Hall, and I. Daniel Stewart) Supported the idea of Supreme Court leadership of the Council. Chief Justice Maughan saw the CRC study as an unnecessary road block in his drive for quickly establishing an intermediate appellate court.⁵⁵

Upon Maughan's death in July 1981, Gordon R. Hall became Chief Justice. Soon after, Richard Howe, who had played a central leadership role in shepherding judicial reform bills through the legislature, was appointed to fill the vacancy created by Wilkins' resignation. Only Justice Crockett remained of the "old guard" anti-reform group. He was replaced in late 1981 by Dallin H. Oaks, a strong supporter of reform. And in February 1982, Christine M. Durham, a District judge with strong reform credentials, filled Maughan's vacancy.

While the newly constituted Supreme Court supported the CRC recommendations, its members were sensitive to the concerns of many District Court judges, and did not want to appear "pushy" in advocating a program that would greatly enhance its own power and that of the Chief Justice. Thus, during the judicial article debate, Supreme Court justices lent the proposals quiet support, but did not lead the campaign to have them adopted.⁵⁶

Gaining District Court Support

The CRC's next challenge was to get the District Court on board. Second District Judge Thornley Swan, who still chaired the Judicial Council, wasn't willing to give up on the District Court leadership model without a fight. He represented the still considerable number of District Court judges who had said to Roger Tew, "They can reverse us but they can't tell us what to do."⁵⁷

But the Commission did not back down. Indeed several CRC members proposed a governing structure in which the Supreme Court had total control of judicial branch governance structure in which the Supreme Court had total control of judicial branch governance, as is the case in many other states. These proposals made the strong council option, in which the District Courts would retain considerable power, look relatively more appealing. In the end,, Swan and the majority of his colleagues decided to support the CRC proposal.⁵⁸ To further legitimize the power of the new judicial

55 Richard J. Maughan, "Times for a change; the Quest for modernization," *Utah Bar Journal*, 7(1979), 3-7.

56 Mr. Roger Tew, interview by author, Salt Lake City, Utah, 10 June 1997.

57 Ibid.

58 *Annual Report Utah Courts, 1980-1981*, (Salt Lake City: Utah Judicial Council, 1981), 5.

council, the Commission adopted the recommendation of Vice Chair William G. Fowler that the group be specifically mentioned in the constitution as the judiciary's governing body.⁵⁹

The second major contentious issue addressed by the Commission was the judicial selection process. The Commission proposed eliminating contested elections, going to a "Missouri Plan" model, with a merit selection process including local nominating commissions sending a list of names to the governor to fill a judicial vacancy, and regular "retention" elections for the judge so appointed. Voters would decide whether or not to retain the judge for the next term. If a judge failed to receive a majority vote, the nominating commission would begin the selection process again. Several legislators expressed the fear that this provision would leave judges unaccountable to the people. Others were concerned that the legislature was totally excluded from the selection process.⁶⁰

The proposal for revising the constitution to allow for creation of an intermediate appellate court was readily adopted by the CRC, and with the conversion of several legislators to the cause (Senator Kay Cornaby being perhaps the most important) this section of the new judicial article no longer looked to be highly controversial.

The Struggle to Enact the New Judicial Article

Adoption of the new Judicial Article did not come quickly or easily. It was over four years before between the time the Commission began the comprehensive revision process, and the "yes" vote of the electorate that completed the process. But considering the scope of power granted to the judicial branch to order its own affairs, the remarkable thing is that the new article was passed at all.

In addition to the main provisions mentioned above, several secondary provisions had to be hammered out, in consultation with the several groups impacted by each revision. This process took many months to complete.

The longest delay was caused by a major constitutional squabble between Governor Scott M. Matheson, a Democrat, and the Republican dominated Legislature. In late 1981, Governor Matheson challenged in court a statute giving the Senate power to review judicial appointments. In January 1982, the Supreme Court struck down the law as unconstitutional. Shortly before the 1983 session, the Supreme Court ruled on another Matheson challenge to legislative "interference" in the judicial selection process. In the second case, Matheson was challenging the Senate's right to confirm judicial appointments. Again, the Supreme Court struck the law down. As the Commission concluded in its report printed in 1984, "The political atmosphere surrounding the case(s) made adoption of the Judicial Article revision impossible."⁶¹

In early 1984, the pieces finally started falling into place for passage of the new judicial article. The Commission had negotiated an agreement with the State Senate whereby

⁵⁹ Mr. Ronald Gibson, interview by author, Salt Lake City, Utah, 14 April 1997.

⁶⁰ LaVarr Webb and Joe Constanzo, "Senate passes major revision of judicial article after battle." *Deseret News* (Salt Lake City), March 27, 1984. A1.

⁶¹ Utah Constitution Revision Commission, *Report of the Constitutional Revision Commission 1982 and 1983*, 15-16

senatorial approval of judicial appointments by majority vote became part of the new article. In return, the Legislature forswore any other involvement in the judicial selection process. The Commission also agreed to include a reference to “judges of courts not of record” (though Justice of the Peace Courts were not specifically mentioned) in the constitutional text, and bowed to the legislators’ insistence that a provision stipulate that these judges were *not* required to be law-trained. With these provisos, the new judicial article passed the Legislature in a March 1984 special session, with only a few dissenting votes. The next job was to convince Utah citizens to vote in favor of the new article in the November election.

The Utah State Bar Commission gave the new article enthusiastic support. Bar Presidents including James Novak, Harold Chirstianson, and James Lee had worked for years to upgrade the quality and efficiency of the judiciary, serving on various reform committees and on the Judicial Council (as the non-voting bar representative).⁶² Bar leaders were particularly pleased about a provision of the new article that assigned the Supreme Court the responsibility for governing the practice of law. Several legislative proposals had been made in the early ‘80s to place bar governance and discipline under the state Department of Commerce as a business regulation function. Bar leaders saw this as a threat to their professional status as officers of the court.⁶³

Another important group working hard to garner support for the new judicial article was the Utah Judicial Council Advisory Committee. The advisory committee had been established by the Council in 1975 to study and make recommendations to the Council on various aspects of court operations, and to promote understanding of the courts and their mission. The Committee made up of community leaders from across the state, had proved a valuable sounding board for Council proposals and had established citizen education programs and arranged judges’ speaking engagements with community groups. Once appointed to the committee, most members stayed on it for many years, becoming familiar with all aspects of court operations and emerging as strong advocates of reform. Advisory Committee members actively lobbied for passage of the new article in the legislature, and campaigned vigorously for voter support when the article came up on the 1984 ballot.⁶⁴ Judge Thornley Swan, who completed his term as Council Chair in 1982, came through for the reformers in 1984, successfully urging wavering legislators from his district to vote for the new article.⁶⁵

The members of the CRC worked equally hard to secure passage of the amendment. Orchestrated by Roger Tew, the campaign for voter ratification featured speaking engagements with community groups, press conferences, and meetings with editorial boards. Editorials and press coverage on the proposed article were very positive.⁶⁶ Both of the 1984 gubernatorial candidates, Norman Bangerter and Wayne Owens, endorsed the new judicial article.

62 Mr. James B. Lee, interview by author, Salt Lake City, Utah, 20 May 1997.

63 Mr. Roger Tew, interview by author, Salt Lake City, Utah, 10 June 1997.

64 *Annual Report Utah Courts, 1980-1981*, (Salt Lake City: Utah Judicial Council, 1981), 9.

65 Hon. Thornley Swan, interview by author, Salt Lake City, Utah, 20 May 1997.

66 LaVarr Webb and Joe Constanzo, “Senate passes major revision of judicial article after battle,” *Deseret News* (Salt Lake City), March 27, 1984, A1-2

In spite of the broad based effort to promote voter ratification, polls a couple of weeks before the election indicated that a positive vote on the new article was still in doubt.⁶⁷ Nine days before the election, the Utah State Bar ran a full page advertisement listing supporters of the new article. Prominent on the list were Dallin H. Oaks, former Supreme Court Justice who had recently been called to an Apostleship in the L.D.S. Church, and James E. Faust, another L.D.S. Apostle who had served on the CRC when the new judicial article was being framed. Oaks had testified before the legislature and spoken to other groups in support of the article. The deep regard in which he was held by most Utah voters was reflected in the 56 to 44 percent margin of approval received by the new judicial article in the November balloting.⁶⁸ In Tew's words, "Oaks gave us the missing link in the legitimizing process."⁶⁹

As Richard Peay's term as Court Administrator drew to a close in the spring of 1985, he could draw great satisfaction from the progress made in the previous dozen years in the Utah judiciary. A broad coalition of individuals and groups managed to overcome the differences that usually divided them, and work together to produce remarkable change in the judicial branch. The Judicial Council, Peay and his small band of state and local administrators, Governor Scott Matheson, legislative leadership, bar leadership, and many community leaders had played prominent roles in the process, pushing it forward a step at a time.

The courts now enjoyed a much more coherent and unified administrative structure than existed in 1973. The system was now led by a constitutionally sanctioned, fully inclusive Judicial Council. Governor Matheson was hailed for the high caliber of judges he appointed to the Supreme Court and District Court benches. Judicial salary levels, while still lagging behind the national average, had been significantly improved. Peay recently remarked that "Our philosophy from the beginning was that we would do everything slowly, by degrees, to create a strong, co-equal branch."⁷⁰ Considering the hostility against which he and the Council were contending in the early years, he did not really have the option of adopting a policy of speedy reform.

A strong foundation had been laid. The reform "pioneers," including Richard Peay, Thomas Greene, D. Frank Wilkins, Thornley Swan, Arthur Christean, Scott Matheson, Richard Howe, Roger Tew, and many others, were moving on to other responsibilities.⁷¹ A new leadership group would now determine what would be built on the foundation. As Chief Justice Gordon R. Hall consulted with his Supreme Court colleagues on the choice of a new court administrator, the prospects for further progress looked bright. What was needed was the right person to seize the opportunities opened by the judicial article, and give substance to the hopes of the hundreds of people who had labored to make that article a reality.

67 Mr. James B. Lee, interview by author, Salt Lake City, Utah, 20 May 1997. Mr. James B. Lee, interview by author, Salt Lake City, Utah, 20 May 1997.

68 "Utah voters approve all five propositions," *Deseret news* (Salt Lake City), Nov. 7, 1984, p.A9

69 Mr. Roger Tew, interview by author, Salt Lake City, Utah, 10 June 1997

70 Mr. Richard V. Peay, interview by author, Salt Lake City, Utah, 7 May 1997.

71 Of Course Judges Howe and Christean continued to play important roles within the court system.

The Period of Dynamic change

1985-1991

Bill Vickrey Takes Over

The justices of the Supreme Court determined that one candidate for the 1985 Court Administrator vacancy stood out above the others. This was William C. Vickrey, then Director of Corrections. Vickrey's first state justice system, many of which seemed to be working at crosses purposes with each other."⁷² Vickrey's efforts led to the creation of the Commission on Criminal and Juvenile Justice (CCJJ) in 1983, a coordinating body with representative from all major justice system agencies. The CCJJ eliminated much of the duplicated effort and many of the inconsistent policies of earlier years.

In his years as Corrections Director, Vickrey succeeded in establishing Corrections as a separate state department, gained greatly improved security and information systems for the department, and implemented a prison industries program that provided training in mainstream skills and guaranteed a state-wide market for prison products.

After some initial hesitation, wondering, he admitted in a recent interview, if there would be enough to do to keep the job interesting, Vickrey decided to take the job. "I became interested in the position solely because of the new judicial article," Vickrey commented, "With the new article in place, I was intrigued with the potential for accomplishing major changes."⁷³

Vickrey became Utah's second full-time State Court Administrator on May 1, 1985. "I was very lucky," he remarked recently, "that I did not have to hit the ground running. There was no big crisis that we had to respond to right away. My deputy, Ron Gibson, was a fine administrator, and he supervised court operations very efficiently while I took some time to meet people, read tons of stuff, and work with ideas about where system needed to go and how to get there."

The Governor's Task Force on the New Judicial Article

When Vickrey "came down from the mountain" in the summer of 1985, he had a clear and broad vision of where he thought the court system should go. The key to realizing that vision was a vigorous, committed Judicial Council with the necessary tools to do

⁷² Quoted from William Vickrey in press release titled "William C. Vickrey Steps Down as State Court Administrator," March 27, 1992, p.3

⁷³ Mr. Williams C. Vickrey, interview by author, Salt Lake City, Utah, 5 May 1997.

its job. Gaining those tools required passage of enabling legislation for the new judicial article. In June, the *Governor's Task Force on the Judicial Article*, charged with framing the statutory changes needed to give substance to the new judicial article provisions, began its sessions. The Task Force, chaired by Representative Jim Moss, maintained an intense schedule, meeting twice a month for full day sessions. Vickrey provided the majority of the staff work, aided by a young research staff attorney (now AOC Senior Counsel) Tim Shea. CCJJ Director Craig Barlow served as the Governor's staff designee and Legislative Research Director Richard Strong was the legislative staff member. The Task Force was made up of four state legislators, four judges, three citizens' representatives, and one representative each from the bar, higher education, and the CRC. Aileen Clyde, a long-time veteran of the Judicial Council Advisory Committee, served as Vice Chair. The judicial branch contingent was led by Supreme Court Justice Christine Durham.

The Task Force addressed four main issue areas:

1. *Appellate Courts*- Should an intermediate appellate court be created? If so, how should that court be configured and what should be the range of its jurisdiction? How should the Chief Justice be selected?
2. *Judicial branch leadership*- How many seats should be given to each court level on the Judicial Council? How should individual court levels be organized to provide more meaningful input into the Council policy making process?
3. *Judicial selection, retention, evaluation, and discipline*- Who should serve on judicial nominating commissions? How great an electoral majority should be required to retain a judge? Should judges be regularly evaluated and certified? Should a judge be added to the Judicial Conduct Commission?
4. *Trial Court jurisdiction and salaries*- What should be the monetary limit for Circuit Court jurisdiction in civil cases? Should appeals from the Circuit Court go to an appellate court rather than the District Court, as was current practice? Should the salaries of trial court judges be some stated percentage of Supreme Court salaries?

In the eyes of the task force members, none of the long list of questions being addressed had self evident answers. Task Force sessions were described by various participants as "contentious"⁷⁴ and "volatile,"⁷⁵ with several "strong personalities"⁷⁶ contending for their points of view.

Establishing the Court of Appeals

The question of whether or not to establish a court of appeals was the first "hot" issue on the table. Several Task Force members proposed that the Supreme Court be expanded to deal with the rapidly growing appellate backlog. However, the majority of the group came to agree with the conclusion reached in an NCSC report on the Utah Appellate system released in July 1985.⁷⁷ The study indicated that expanding the number

⁷⁴ Hon. Christine M. Durham, interview by author, Salt Lake City, Utah, 29 May 1997

⁷⁵ Mr. Timothy Shea, interview by author, Salt Lake City, Utah, 3 June 1997.

⁷⁶ Hon. Christine M. Durham, interview by author, Salt Lake City, Utah, 29 May 1997

⁷⁷ Mr. Timothy Shea, interview by author, Salt Lake City, Utah, 3 June 1997.

of justices would decrease the backlog for only a limited time, and that within a few years, the number of pending cases would start shooting up again.⁷⁸ Other alternatives to an intermediate appellate court were carefully reviewed, but eventually rejected.

Once the decision was made to establish a court of appeals, the Task Force turned to equally contentious questions about the number of judges for the new court, the court's operating procedure, and its jurisdiction. Determining the number of Appeals Court judges was influenced by another issue, the question of whether or not to change the appeals route for Circuit Court cases from the District Courts to the Court of Appeals. When this appeals route changeover was decided upon, projections of the number of cases likely to be filed in the new court went up sharply, and the case for a larger court was reinforced. The Task Force finally reached consensus on a seven judge court of appeals with the judges sitting in rotating three-judge panels.

Under the Task Force plan, Supreme Court jurisdiction would continue over first degree and capital felony appeals, District Court civil appeals, the Public Service Commission, the Tax Commission, the Board of Oil, Gas, and Mining, the Board of State Lands, the State Engineer, the Judicial Conduct Commission, on statutes held unconstitutional, questions certified from the federal courts, transfers from the Court of Appeals, and petitions for certiorari.

The Court of Appeals jurisdiction would cover administrative agencies not specifically routed to the Supreme Court, Circuit Court cases, domestic relations, Juvenile Court cases, criminal cases not involving a first degree or capital felony, and transfers from the Supreme Court.⁷⁹

Other Organizational Issues

After spirited debate in which several Task Force members contended that the Supreme Court Chief Justice should be chosen by the Governor, it was finally agreed upon that the Supreme Court justices should elect the Chief for a four year term, and the Associate Chief for a two year term.⁸⁰

The second hotly contested issue related to court level representation on the Judicial Council. Many on the Task Force supported the idea that each trial court level should have the same number of Council representatives. But District Court judges vehemently maintained that the state's general jurisdiction trial court deserved an extra Council representative. Ultimately, the Task Force was won over, and the proposed Council included one representative each from the Supreme Court and Court of Appeals, three District Court judges, two Juvenile Court Judges, two Circuit Court Judges, and two Justices of the Peace. The Chief Justice served as presiding officer of the Council, as provided by the new judicial article. As before, the Council included a non-voting bar representative named by the Bar Commission.

78 *The Utah Appellate System; A Review*, (Williamsburg; VA: National Center for State Courts, 1985), 3.

79 Governor's Task Force on the Judicial Article, *A Blueprint for Reform of the Utah Judicial System*, i.

80 Ibid.

To further strengthen court administration, the Task Force proposed creation of peer-elected boards of judges for each level of court, and an AOC administrator for each court level. This proposal was based on the model presented by the Board of Juvenile Court Judges and the Juvenile Court Administrator, which had been operating successfully since 1965. The Boards were to act as conduits for communicating concerns of their court to the Council, and for helping to implement Council decisions on their particular court level.

Task Force proposals relating to selection and retention reflected the concern of some legislators that judges were not held sufficiently accountable to the people they served under the retention election system outlined in the new judicial article. Responding to these concerns, the Task Force framed a system of judicial performance evaluation and certification. The evaluation plan, one of the first in the country, surveyed all the lawyers appearing before each judge in the previous two years, asking questions about the judge's fairness, demeanor, knowledge ability, punctuality, etc. On the year a judge was up for retention election, a portion of that judge's most recent survey results was released to the public.

Wishing to ensure that the judicial candidate nominating process for trial court judges was rooted in the judge's local community, the Task Force proposed that trial court nominating commissions be comprised of residents from the district served by that judge.

Under the Council certification process, judges up for retention that gained at least a 70 percent approval rating on 9 of the 12 questions, a 70 percent approval rating overall, and met other standards of competence, would be certified as qualified to be retained at the next election. Judges not meeting these standards would not be certified. While some suggestions for requiring a "super-majority" vote to retain a judge, the Task Force decided that judges should be retained on a simple majority vote.

With strong support from judges and members of the Conduct Commission itself, the Task Force decided that a trial court judge should be chosen by the commission to serve as one of its 10 members. The Commission (which investigates charges against judges and orders sanctions as appropriate) needed a sitting judge to provide familiarity with standards of conduct and to help determine their applicability to real situations.⁸¹

On the important issue of judicial salaries, the Task Force decided to peg the salaries of all judges of courts of record to those of the Supreme Court. The salary of an Associate Supreme Court Justice would be used as a base, with Court of Appeals judges making 95 percent of that figure, District and Juvenile Court judges make 90 percent, and Circuit Court judges making 85 percent of the Supreme Court benchmark.⁸²

Finally, the Task Force decided to keep the Circuit Court monetary limit on civil cases at \$5,000, where it had been placed in the original Circuit Court Act. But the Task Force newly stipulated that petitioners could not choose, as they had been able to do in the past, to file the smaller suit in the District Court if they wished. The rationale was that this rule would allow the District Court to devote its limited resources to the more serious civil and criminal matters.⁸³

81 Governor's Task Force on the Judicial Article, *A Blueprint for reform of the Utah Judicial System*, 5.

82 Ibid.

83 Ibid.

Forgoing agreement on a series of such complex and diverse issues in a span of less than four months is a remarkable feat. Participants consistently mention the roles of Task Force Chair Jim Moss, (at that time a State Representative from Orem) and Bill Vickrey for the impressive productivity of the group. Moss is cited for his “remarkable capacity to facilitate consensus,” his ability to “make everyone feel they had been heard without halting the forward impetus.”⁸⁴ Vickrey provided an important “stabilizing influence” on the Task Force, working hard to provide the group with all the relevant information and to maintain a spirit of civil debate and forward momentum. “He was great at keeping the pot stirred up, but not letting it boil over,” said Task Force participant.⁸⁵

To gain maximum citizen input, (and maximum statewide support) the Task Force held a series of public hearings throughout the state in September of 1987.

In October, the campaign to sell the Task Force recommendations began. Vickrey left no stone unturned in his drive to gain legislative support for the Task Force proposals, which were eventually titled *House bill 100*. The Task Force legislators, led by Jim Moss, spearheaded the legislative battle. As with the new judicial article, opponents of the bill were mostly legislators from rural areas.⁸⁶ Governor Bangerter supported the Task Force recommendations, recommending funding of the Court of Appeals in the fiscal 1987 budget despite the fact that the legislature was facing one of its tightest budget years ever.⁸⁷ The Governor’s support for HB 100 was a portent of his relationship to the judicial branch during his eight years in office. Though showing little interest in the judicial branch as a legislator, Governor Bangerter supported virtually all the judicial reform legislation presented during his two terms in office.

Vickrey obtained HB 100 endorsements from 25 justice system groups, including the State Bar and all the local bar associations, the Statewide Association of Prosecutors, the Women’s Legislative Council, the Judicial Council and all the court level judges’ associations, The Judicial Council and Juvenile Court Advisory Committees, the CCJJ, the Departments of Public Safety and Corrections, the Board of Pardons, the Association of Counties and the Sheriff’s Association.⁸⁸ He spent some time discussing the bill with reporters and editorial boards, and the resulting press coverage was informed and positive.⁸⁹

Despite pitched opposition, HB 100 passed the 1986 Legislature with a comfortable margin. The most notable change in the bill was a mandated rise in civil filing fees at all court levels to cover the \$737,000 cost of the new appellate court. Vickrey and the task force members would have preferred not to raise the fees, for fear of impeding court access to people with limited resources. But they were willing to accept the increases, since the new fee levels were about average in comparison with other states.⁹⁰

84 Hon. Christine M. Durham, interview by author, Salt Lake City, Utah, 29 May 1997.

85 Mr. Timothy Shea, interview by author, Salt Lake City, Utah, 3 June 1997.

86 Hon. Kay Cornaby, interview by author, Salt Lake City, Utah, 15 July 1997.

87 Jan Thompson, “Jurists say ‘86 bills could alter the face of Utah’s justice system,” *Deseret News* (Salt Lake City), January 12, 1986, A7.

88 “Organizations endorsing the recommendations of the Governor’s Task Force on the Judicial Article and HB 100,” (0009T), *Papers of the Governor’s Task Force on the Judicial Article*, (Salt Lake City: State of Utah, 1986).

89 “Justice Hall says appellate court would cut delays,” *Deseret News*(Salt Lake City), January 15, 1986, B1 “How to help the courts speed justice in Utah,” *Deseret News*(Salt Lake City), ___, p. ___. “House approves new appeals court to ease burden of Supreme Court, *Salt Lake Tribune* (Salt Lake City), A4-1.

90 Jan Thompson, “Session Makes Mark on Judiciary,” *Deseret News*(salt Lake City), February 28, 1986, B1

After the rapid drafting and passage of HB 100, many in the judicial branch might have thought that Bill Vickrey would take a little time to digest such a big and complex change. They couldn't have been more wrong. Referring to passage of the new judicial article, Roger Tew recently remarked that "Bill (Vickrey) had the freeway paved for him,"⁹¹ If this was true then Vickrey was willing to press down on the accelerator. Vickrey remarked recently that "I knew that the new judicial article had given us a window of opportunity. But we had to accelerate the pace or inertia would take over and change would be slow and piecemeal."⁹² Vickrey's sense of urgency, his eagerness to grasp a unique opportunity to leap forward, was felt by virtually every member of the judicial branch throughout his seven year tenure.

Vickrey's Vision

The people who worked with Bill Vickrey during his turbulent seven years as State Court Administrator use similar terms to describe his approach to his job. All agree that Vickrey was a "big picture man" who was "always looking ahead."⁹³ Vickrey, District Court Administrator, Myron March, who had known him since their early days together as young probation officers in the Department of Corrections, spoke in a recent interview about Vickrey's broad perspective. "He looked not only at the court system," noted March, "but at the government as a whole. His ideas and plans were always looking out five, 10, or 15 years ahead."⁹⁴ Details of Vickrey's vision for the future of the Judicial Branch changed frequently, but the goals remained constant. They were Vickrey's distillation of the goals of the new judicial article: to bolster the independence of the judiciary, and to upgrade judicial branch performance and accountability.

Vickrey believed that a key to achieving these goals was ensuring that "people from all parts of society invested in the role and future of the courts." As Vickrey stated recently, "Instead of being reclusive and defensive, the courts needed to reach out into their communities."⁹⁵ To this end, he greatly expanded citizen participation in judicial operations. Scores of community representatives were drafted into the many Council and ad hoc committees created to push forward new programs. Community leaders become essential players on the courts legislative team as Vickrey worked to complete his ambitious agenda. A public information officer was hired to expand the media and community education effort. Policy reports in draft form were widely distributed throughout all levels of government, and sent to bar leaders and too many other community leaders for input prior to final drafting. When a local court executive was to be chosen, community representatives were included on the interview team.

Vickrey was an avid believer in the power of information. Massive documentation was gathered on every issue being examined by the Council. Vickrey's three-inch wide briefing books became legends. The Council was not the only target of Vickrey's information blitz. He also targeted legislative committees, bar groups, editorial boards and scores of community groups. He assembled colorful slide shows on a host of issues

91 Mr. Roger Tew, interview by author, Salt Lake City, Utah, 10 June 1997.

92 Mr. William C. Vickrey, interview by author, Salt Lake City, Utah, 5 May 1997.

93 Hon. Kay Cornaby, interview by author, Salt Lake City, Utah, 15 July 1997.

94 Mr. Myron K. March, interview by author, Salt Lake City, Utah, 13 August 1997.

95 Mr. William C. Vickrey, interview by author, Salt Lake City, Utah, 2 May 1997.

and presented them to all interested groups. Very early in Vickrey's tenure, an education officer was hired for the AOC to expand and professionalize the court system effort to upgrade education for judges and staff.

Vickrey and Hall

Vickrey was well aware that a vigorous and committed Judicial Council would be required to give substance to his vision. The newly constituted Council met for the first time in July 1986, chaired by Chief Justice Gordon R. Hall. All observers agree that his relationship turned out to be a very productive one. Hall was a strong supporter of the new judicial article and of the article's goals as Vickrey articulated them. Hall and Vickrey soon developed a high level of mutual confidence. Hall supported the initiatives being framed by Vickrey and the activist judges and staff he soon gathered around him. But the Chief Justice devoted most of his time to his "full-share" Supreme Court caseload and to several national judicial leadership positions, and let the Vickrey team handle the day-to-day battles.

As Hall describes the relationship, he was "held in reserve" for when he was needed.⁹⁶ When those times arrived, whether it was a special speech, a discussion with the Governor, or a briefing with judges or community leaders, Hall always came through. Hall's manner was quiet, courtly and gracious, but he was fully capable of displaying firmness and resolve when needed. Many proposals, like establishing the Gender and Justice Task Force or consolidating the District and Circuit Courts, were highly controversial, even within the judicial branch. But once Council approval had been gained, Hall gave the proposals unwavering support. Being able to count on this support gave Vickrey a great advantage as he worked to move his reform agenda forward on several fronts.

Vickrey and the Council

The 13 men and one woman who sat around the Council table at the first meeting of a fully representative Utah Judicial Council proved themselves a good match for the energetic new court administrator. Prominent on the Council were several recently appointed "young lions" of Supreme Court representative Michael D. Zimmerman, Appeals Court representative Gregory K. Orme, and District Court representatives J. Dennis Frederick and Timothy R. Hanson.⁹⁷ These leaders consulted frequently with Vickrey, and spearheaded some of the Council's most important initiatives.

Members of the first "new" Council agree on the importance of a three day seminar held in the fall of 1986 with Dr. Isaiah Zimmerman, an organizational behavior expert from California. With Dr. Zimmerman's coaching, the Council made the decision that all of its members had to focus their attention on the general good of the court system as a whole, and not on the particular good of the court levels who elected them. Court level advocacy was to be left to the boards of judges and other groups.

⁹⁶ Hon. Gordon R. Hall, interview by author, Salt Lake City, Utah, 6 June 1997.

⁹⁷ Mr. William C. Vickrey, interview by author, Salt Lake City, Utah, 2 May 1999. The term, "young lions" was used by Vickrey in the interview.

Though Council members might occasionally slip into the advocacy mode in the first few months, the manifest advantages of system-wide thinking pushed them in the direction of Dr. Zimmerman's ideal. In a recent interview, current Supreme Court Chief Justice Michael D. Zimmerman mentioned that after serving several years on the Council, the practice of "Council members separating themselves from constituent groups has made an invaluable contribution to the system." Justice

Zimmerman went to say that, "when some members first come on the Council, they tend to behave parochially, but almost everybody comes to see the work in a larger way." ⁹⁸ Dr. Zimmerman has returned often since his first visit in 1986 for orientation sessions with newly constituted Judicial Councils.

Internal Organization of the New Council

The new Council organized itself into three permanent committees. The four member *Management Committee*, which always includes the chief Justice, serves as an executive committee, determining each Council agenda and dealing with the many aspects of court system planning, including proposals for significant innovations such as the Family Court, and also superintends the rule promulgation process. The *Liaison Committee* coordinates relations with other government branches, the bar, and the public at large. This committee meets frequently during the legislative session to direct the Council's legislative efforts.

Council Standing Committees

The new Council also established standing committees to review activities and proposals of continuing interest. Standing committee members include non-Council judges, bar members, experts in relevant fields, and court system staff. The original standing committees were the *Judicial Performance Evaluation Oversight Committee*, ("Oversight" has since been dropped from the committee name), the *Ethics Advisory Committee*, the *State Judicial Information System Committee*, (now called the Information, Automation, and Records Committee), The *Uniform Fine and Bail Committee*, and the *Citizen's Advisory Committee*.

The *Citizen's Advisory Committee*, a holdover from the original Judicial Council, was abolished in 1988 at Vickrey's recommendation. As Vickrey explained recently, "we put such a high value on citizen participation that we didn't want these citizens to be in a body apart. We wanted them actively involved on *all* of our committees."⁹⁹ Vickrey got his wish. The great majority of citizen's Advisory Committee members continued their dedicated service to the court system, working on the scores of committees, task forces and commissions that proliferated during Vickrey's tenure.

In the last decade, the Council has established standing committees on Judicial Branch Education, Court Facilities Planning, and Justice Court Standards, bringing the total number of standing committees to seven.

⁹⁸ Hon. Michael D. Zimmerman, interview by author, Salt Lake City, Utah 12 August 1997.

⁹⁹ Mr. William C. Vickrey, interview by author, Salt Lake City, Utah, 2 May 1997.

The Vickrey Program: Unified District Court Funding

Passage of HB 100 and the organization of the new Council were important steps toward the Vickrey/Council goal of a strong and independent judicial branch. The unification of all courts of record under the new judicial article allowed the court system to prepare a consolidated budget for the first time.

At last the Council could determine system-wide priorities and build them into its fiscal planning. But judicial branch independence was still seriously hampered by the funding formula for the District Court. Much of District Court staff and facilities was provided by the 29 individual counties. Levels and quality of service varied greatly from county to county. The Council could do little to ensure high, uniform levels of service for their courts of general jurisdiction when they had so little control over funding. Under Council direction, a study commission was established to make recommendations for a more unified system of District Court funding. Study commission members represented all court levels, the Governor's office, the Legislature, county commissions, the state bar, county clerks, law schools, the Association of Counties and citizens at large. Commission members drafted a plan for state assumption of financial responsibility for the District Courts. Impact statements were developed for each county, and Vickrey and study commission members spent many hours reviewing these statements with various county commissions, assuring them that state advantageous. The District Court funding plan was based on the Circuit Court funding plan that had been successfully implemented a decade earlier.¹⁰⁰

With united support from the study commission and the organizations it represented, a bill providing for state assumption of District Court funding passed the 1988 Legislature without major opposition.¹⁰¹ Full state funding for the District Court went into effect on July 1, 1988.

Comprehensive Planning

With the court system having finally gained the ability to speak with one voice, Bill Vickrey wanted to make sure the court system had something significant to say. He quickly grasped the opportunity for comprehensive, system-wide planning made possible by the court system's new constitutional authority and organizational muscle. Two extra days for planning were added to the Council's August meeting. During the planning session, representatives from each court level and from AOC departments made presentations to the Council respecting proposed priorities for the next fiscal year. The council then deliberated and decided which of the many worthy projects would be deemed the most essential.

The 1989 planning session was typical of the Vickrey era its ambitious scope. Three basic planning categories were established: Quality of Justice, Managing Growth, and Court Efficiency and Effectiveness. A total of 31 objectives were judicial compensation, judicial education, judicial retirement, and Justice Court Bill implementation.

¹⁰⁰ *State Court Funding: the Utah Experience*, (Salt Lake City: Administrative Office of the Courts, 1988,) 9, 12-14

¹⁰¹ "Court Boundaries Amendments" Laws of Utah 1988, Ch. 115, 529-530

Managing growth objectives included capital facilities plans, additional judicial resources, courtroom technology, and data processing personnel. Court efficiency and effectiveness goals included master plans for jury management and personnel, expansion of the work restitution supervision program and development of case processing time standards.¹⁰²

In the 1989 plan, each objective was briefly explained, and broken down into specific tasks. Completion dates were listed for each task, and an AOC staff member was given specific responsibility for following through with the appropriate committee, task force, etc., to see that the task was completed. The plan also listed the Council's priorities for budget items, legislation, facilities, and policy research.¹⁰³

Commission on Justice in the 21st Century

The opportunity to look at the system as a whole and decide on yearly priorities was invaluable, but Vickrey was eager to push the planning horizon beyond the next fiscal year and to significantly broaden the planning base. To achieve these goals, he gained Council support for initiating the "Inside the Bench and Bar" project. Significant financial support for the project was secured through a State Justice Institute (SJI) grant awarded in August 1989. The project called for the creation of one of the first of the state courts "future commissions." The Utah group was named the *Commission on Justice in the 21st century* (CJTC). As its name implied, the Commission's mandate was to develop a comprehensive system should be in the early years of the 21st century, and a "road map" for achieving the vision.¹⁰⁴

The Commission's methodology was guided by the goals of expanding the sources of information available to court system planners and disseminating information about the courts to the citizens they serve. The methods used to expand the information base are described below. The major vehicle for disseminating court system information was the *Doing Utah Justice* media project. This project was coordinated by Jan Thompson took a 21 month leave of absence from her regular beat to write a series of in-depth articles on justice system issues being addressed by the commission. Thompson retained total journalistic independence in her work, and was paid entirely from SJI funds.

KSL television and radio were the other major participants in the *Doing Utah Justice* project. Under the direction of KSL Public Affairs Supervisor Maggie St. Clair, KSL Television produced scores of FOCUS magazine shows on general justice system issues, as well as four 30 second public service messages on specific court system issues. St Clair's production team also produced four documentaries (one 30 minute, three hour-long) on important issues facing the justice system such as the juvenile crime crisis and the prospect of choosing mediated, as opposed to litigated divorces. Half a dozen KSL radio talk shows were also devoted to justice system newspaper radio and television effort, thousands of Utahns were exposed to information about the state court system that went well beyond the reports on sensational trials that usually dominate the media's courts coverage. Thompson and St. Clair each received several

102 *Utah State Judicial Plan, 1989-1990* (Salt Lake City: Administrative Office of the Courts, 1989), 1.

103 *Ibid.*, pp. 1,4.

104 *Final Report, Commission on Justice in the 21st Century*, (Salt Lake City: State of Utah, 1991), 4-6.

prestigious awards for their work, including the *Silver Gavel Award* from the American Bar Association.¹⁰⁵

The first step in expanding the sources of information available to the courts was to choose Commission members from a wide variety of backgrounds. Roy Simmons, board Chairman of Zion's First National Bank chosen to chair the Commission. Simmons had been a highly respected community

Leaders for decades. Having served for the previous two years on the Citizen Commission on Judicial Compensation, Simmons had gained a working knowledge of court system operations and issues. James Lee, a well known corporate lawyer, assumed the Vice Chairmanship. Lee was a former bar president and Council representative who had worked actively to strengthen the court level, bar leaders, and legislators. Also included were representatives from law enforcement, education, the state executive branch, local law schools, the clergy, and the public at large.

The information gathering process began with the commissioning of series of four opinion surveys. The first was a telephone survey of the general public; the second a phone survey of 100 key stat leaders; the third mail survey of the general public; the second a phone survey of the judges of state courts of record. The general and key leader surveys were aimed at determining how much ordinary citizens and "opinion molders" knew about the state courts, and how well they thought the courts were performing their mission.

The bench and bar surveys were aimed at gauging the attitudes of the central actors in the court system about its adequacy in meeting current and emerging needs. These surveys also monitored judges' and attorneys' views about controversial justice issues such as proposed restrictions on contingency fees and reform proposals for medical malpractice suit procedures. Prior to framing its final report, the Commission conducted a "follow-up" public survey, to monitor any changes in public views of the court system, and try to assess the impact of the *Doing Utah Justice* media project.

Information from the surveys and community representative meetings was combined with extensive orientation materials prepared by Vickrey and his staff on national and local justice system issues. In a two day retreat, commission members reviewed the sores of issues raised by the information gathered to that point and divided the issues into five general categories: Access to the Courts; Court Organization; Court Technology; Public Information and Outreach, and Quality of Justice. A subcommittee was formed to explore the issues in each subject area more deeply. Commission members were distributed among the five subcommittees, and subcommittee membership was expanded to include those with special interests and qualifications in each area. Each committee was assigned to conduct an in-depth investigation of the issues and options in its subject area, and produce a report with recommendations for action.

The Subcommittees commissioned staff research, and sought information from in-state and out-of-state experts, and well as from interest group representatives. Members of

¹⁰⁵ Ibid., 6-7

the Court Technology Committee traveled to Williamsburg, Nashville, and Phoenix to view examples of the latest breakthrough in court technology.¹⁰⁶

The 1990 Annual Judicial Conference was transformed into a “Bench and Bar” conference, to which several score bar leaders were invited. The conference was devoted to “The future of the Courts,” and featured sessions with prominent “futurists,” nationally known jurists, and court system reform leaders from across the country.¹⁰⁷

In the spring of 1991, after all the draft reports had been reviewed by the full commission, a preliminary commission report was widely distributed throughout the justice community and to other state and local leaders. Panels of commission members and local judiciary then attended a series of 15 town meetings across the state, where commission recommendations were presented to local leaders and citizens at large. Responses to the recommendations were drawn from town meeting discussions and evaluation forms, from feedback sent by several of the state leaders who had received a copy of the preliminary report, and from court employees who had attended a presentation of Commission proposals at their 1991 annual conference.¹⁰⁸

A number of proposed revisions were incorporated into the final report, which was presented to the Judicial Council in December 1991. The Policy and Planning Committee was assigned to review the Commission recommendations and report to the Council.

To date, over 80 percent of the Commission recommendations have been implemented. In discussing the CJTC project recently, Bill Vickrey suggested that the importance of the report went beyond its specific recommendations. He noted that the commission report validated the changes that had taken place in the prior 15 years and laid a foundation for continuing change. He suggested further that the process through which the Commission reached its recommendations was at least as important as the proposals themselves. “Most of these futures studies and other long range reports just get dusty on a shelf.” Vickrey stated. “We worked to include a lot of people at every stage to create greater commitment to improving the system and to keep ideas alive. In an effort like this, the process is the product you’re after,” he continued. “it’s the journey.”¹⁰⁹

The Vickrey Program; Judicial Branch Performance: Judicial Salaries

Vickrey and his supporters knew that as important as judicial independence was, it would not by itself bring the court system up to a consistently high performance level. To achieve that, additional pieces of the policy picture needed to be put into place.

One of the most urgent concerns of Vickrey and the Council in the late ‘80s was the precariously low level of judicial salaries. With the economic downturn of the mid to late 1980s, the moderate salary gains made by judges during the Peay era had been mostly eaten away. By early 1987, Supreme Court salaries were down to 47th among

¹⁰⁶ Ibid., 11.

¹⁰⁷ Ibid., 12.

¹⁰⁸ Ibid., 12-13

¹⁰⁹ Mr. William C. Vickrey, interview by author, Salt Lake City, Utah, 2 May 1997.

the 50 states, with salaries of lower level judges similarly depressed.¹¹⁰ The uncompetitive salary levels were reflected first, in the steep decline in the number of lawyers applying for judgeships. For example, when a District Court vacancy was announced in Second District in early 1988, only three out of the approximately 1,000 lawyers in the district submitted an application in the mandatory thirty day application time period.¹¹¹ Application numbers in other districts were also dropping sharply. The quality of judicial candidates, as measured by the Martindale-Hubble Law Directory was also declining, and top judges were continuing to leave the bench to seek better pay.¹¹²

As indicated in the 1988 report of the independent Committee on Judicial Compensation, the judicial salary situation was reaching crisis proportions. Vickrey assembled a team to work toward a gaining a significant salary increase in spite of the depressed economy. Vickrey assembled a team to work toward a gaining a significant salary increase in spite of the depressed economy. A key ally was Senator Kay S. Cornaby, then Chair of the State Senate Appropriations Subcommittee for Executive Offices, Courts and Corrections. Since Vickrey had become State Court Administrator, Cornaby had become converted to the Vickrey vision of what the Utah judicial branch could become, and took an active role in framing and securing passage of the legislation needed to realize the vision. Lawyers James E. Lee, Robert S. Campbell, Jr., and Randy Dreyer played central roles in testifying before legislative committees and buttonholing individual legislators. Business leaders from the Compensation Committee also worked hard to impress legislators with the urgency of the need for a significant judicial salary increase.

The Vickrey team was successful in the 1989 session, securing passage of a two step salary increase over two years that brought Utah judges close to the national salary average. Since the 1990 increase, Utah judicial salaries have stayed slightly below, but fairly close to the national average. As a result of the salary increases and significant improvements in the judicial retirement program, the number and quality of applicants for judicial vacancies has appreciably increased.¹¹³

While the legislators has been willing to keep judicial salaries at a fairly competitive level in the '90s, it has not been willing to attach these salaries to some automatic indicator, such as the cost of living index, as has been suggested by court reform groups for at least two decades. It appears that for the indefinite future the legislative will keep the year-by-year determination of judicial salaries firmly in its own hands.

Other Reforms to Upgrade System Performance and Efficiency: District Boundary Consolidation and The Code of Judicial Administration

One of the most important efficiency moves of the late '80s was securing the passage of the *Common Boundaries Act in 1988*. This bill replaced the hodge-podge resulting from different district boundaries for each court level with eight districts with same boundaries for each level of trial court of record. (In 1990 the Justice Court boundaries

110 *Biennial Report; Utah Courts; July 1, 1985- June 30, 1987*, (Salt Lake City: Utah Judicial Council, 1987), 6-7

111 *Report on Judicial Compensation; November, 1988*, (Salt Lake City: Committee on Judicial Compensation, 1988), 2-3

112 *Ibid.*, 4-6

113 *Citizen Committee on Judicial Compensation Report on Judicial Compensation*, (Salt Lake City: Citizen Committee on Judicial Compensation, 1991), 8-9

were adjusted to fit into the uniform eight district plan.) This Boundary realignment made court districts vastly easier for members of the public to understand, made cross-training of staff across court levels possible, and promoted a stronger feeling of belonging to a single, unified system among all court personnel.¹¹⁴

One of the greatest hindrances to efficiency and predictability in Utah Courts has been the differing procedures and rules of practice in each court jurisdiction. Under the new judicial article, the Judicial Council was given jurisdiction over rules of practice. In the late '80s, these rules and other administrative procedures were standardized into a single *Code of Judicial Administration*. The Code, which is updated yearly, is a huge step in the direction of uniform procedures, forms and rules. But even today, some tension remains between the desire of the AOC for perfect uniformity in these matters, and the tradition right of local judges to make decisions about how their courts conduct business.

Facilities Master Plan

By the 1980s, many court facilities across the state were antiquated, and inadequate to the increasing demands being placed upon them. As Vickrey and the Council approached the State Building Board with increasing numbers of requests for new construction and renovation, the board asked that a comprehensive assessment of current facilities and plan for the future be drafted. A State Court Capital Facilities Task Force, chaired by State Representative Lamont Richards, coordinated the four volume master plan study which was prepared by the Salt Lake architectural firm of Gilles Stransky Brems in association with the Carter Goble Associates consulting firm from Columbia South Carolina. The master plan effort was staffed by AOC Administrative Services Director Gordon Bissegger.¹¹⁵

The Master Plan Study covered four general subject areas:

Volume I: Statewide workload, Judicial and Non-Judicial Personnel Growth

Volume II: Judicial Planning, Goals, Facility Design Guidelines, and Space Standards

Volume III: Evaluation of Existing Judicial Facilities

Volume IV: Executive Summary and Capital Improvement Plan¹¹⁶

The study used a point system to prioritize the requests, so that the most urgent needs would be met first.

The facility construction proposals in the long range plan have enjoyed a high degree of success. Since 1986, 23 new court facilities have been constructed across the state, with two more (including the Salt Lake Courts Complex) scheduled to open in 1998. Ten facilities have undergone major remodeling or expansion during the same period.¹¹⁷

¹¹⁴ *Laws of Utah 1988*, H.B. 209, 529-532

¹¹⁵ *Utah Judicial System Master Plan for Capital Facilities, Vol. II: Judicial Planning Goals, Facility Design Guidelines, Space Standards*, (Salt Lake City: Administrative Office of the Courts, 1987), i.

¹¹⁶ *Ibid.*, iii.

¹¹⁷ "Table Seven (1986); Court Facility Rating Summary-Updated March, 1997," *Facilities Master Plan Update*, (Salt Lake City: Administrative Office of the Courts, 1997), 1-5

Several ingredients contributed to the success of the facilities proposals. The comprehensiveness and professionalism of the master plan study provided a strong foundation of legitimacy for the proposals, and the building board generally gave them a high spot on the state's capital expenditures priority list. Local city and county officials worked closely with local court executives and the AOC to develop creative bonding plans and other cooperative financing mechanisms. State senators and representatives provide leadership to help secure the appropriations needed to fund these important public buildings in their districts.¹¹⁸ The new facilities have contributed greatly to public safety and convenience, and to the efficiency of court services.

District-Circuit Court Consolidation

Toward the end of the 1991 legislative session, the Vickrey forces achieved yet another impressive legislative coup. House Bill 436, consolidating the District and Circuit Courts over a five year period, was passed by both houses, and was later signed by the governor. Vickrey, Chief Justice Hall, and the members of the Judicial Council were delighted that a legislative goal which they thought would probably take another year or two had been gained so speedily. In the months and years after passage of HB 436, many came to realize that it had been won at a higher price than was originally thought.

The consolidation legislation was one of the last major sections of the court system organizational framework Vickrey had been building for the last five years. In 1989 and 1990, at the behest of the legislature, the Judicial Council conducted a comprehensive study of Utah court organization. The resulting report, issued in October, 1990, concluded that consolidating the District and Circuit Courts would produce significant advantages for the court system. The increased flexibility gained from eliminating the Circuit Courts and making the Circuit Court judges District Court judges would, according to the report, greatly increase judicial efficiency. Instead of requiring 25 new judges in the next five years to meet rising and shifting caseloads, the consolidated system would require only five, or less.¹¹⁹ Additionally, the consolidated courts would require fewer court facilities and support personnel, and would benefit from the efficiencies brought about by uniform procedures in a single level trial court.

The consolidation bill called for the District and Circuit Courts in the rural districts (Five through Eight) to consolidate in 1992. The more complex transition process in the urban districts (one through four) was to be completed between July 1996 and July 1998. During the transition phase, Circuit Court vacancies were generally to be transformed into District Court vacancies. Statewide and district Transition Teams, made up of judges, court executives, bar members, and other justice system representatives, were established to supervise and smooth the transition process.¹²⁰ Consolidation in the rural districts proceeded relatively smoothly in 1992, aided by the well established tradition of judges from different court levels helping each other in cases such as illness and vacations.

But in the urban districts, the transition proved difficult. While Judicial Council members were firmly behind the consolidation effort, some of the District Court

118 Mr. Gordon Bissegger, interview by author, Salt Lake City, Utah 25 August 1997.

119 Utah Judicial Council, *Utah Court Organization Study*, (Salt Lake City: Utah Judicial Council, 1990), 17.

120 *HB 436 Summary*, (Salt Lake city: Administrative Office of the Courts, 1992), 1.

judges in the urban districts did not support the measure. They complained that they had not come onto the District Court bench to preside over the traffic, small claims, and other “low end” cases handled by Circuit and Justice Court judges. Some also felt that Vickrey’s general practice of thoroughly vetting any new proposal with all affected parties will all affected parties had broken down in this instance; that he had grasped the chance to gain passage of HB 436 without gaining full District Court support.¹²¹ Prominent bar members complained about the sections of the consolidation plan expanding jurisdiction of Justice Court judges, who were not required to be law trained. They also complained about the planned expansion of the powers of court commissioners to do much of what Circuit Court judges had previously done.¹²² When legislators heard these rumblings, some began to think they had been pushed to act too quickly on HB 436, and they adopted more of a “go slow” attitude with Judicial Council sponsored legislation in subsequent years.

During the transition period, legislation and a significant Supreme Court decision somewhat changed the character of the consolidation process in the urban districts. HB 188, passed in the 1993 Legislature, provided that District and Circuit Court judges on the bench prior to passage of HB 436 could choose not to take on cases that had previously been under the jurisdiction of the other court.¹²³ The Council anticipated that within a short time most judges would choose to drop the “grandfathering” provisions, as had most Minnesota judges when a similar consolidation had taken place there a few years earlier.¹²⁴

In *Salt Lake v. Ohms* in August, 1994, the Supreme Court, in a split decision, ruled that the expanded powers given District Court Commissioners in some of the urban districts under the consolidation plan were unconstitutionally broad.¹²⁵ In the 1995 legislative session, six new District judgeships were created to fill the gap in services opened by the Ohms decision’s restriction of commissioners’ powers. The consolidation process was completed in districts one through four in July of 1996.

In spite of the controversy and struggle involved in implementing the consolidation plan, its sponsors remain strong supporters. In a recent interview former Chief Justice Gordon R. Hall listed HB 436 as “one of the most important things” accomplished during his tenure as Chief, and “the most appropriate thing to have done to strengthen the judicial branch.”¹²⁶ Bill Vickrey recently commented, “I still think Utah has probably the leading judicial system in the nation, and the consolidation of the District and Circuit Courts contributed to that. It provided an organizational structure that was simple, strong, and effective.”¹²⁷ The promised efficiencies of court consolidation appear to have been borne out. Only 9 new District Court judgeships were created between 1991 and 1997.¹²⁸

121 Hon. Michael Zimmerman, interview by author, Salt Lake City, Utah, 12 August 1997.

122 Craig M. Snyder, “Court Consolidation: It’s Not Too Late To Stop the Train,” *Utah Bar Journal*, Dec. 1993, 8-9

123 *Laws of Utah 1993*, Ch. 59, 359.

124 Mr. Myron K. March, interview by author, Salt Lake City, Utah, 14 November 1997.

125 *Salt Lake City v. Ohms*, 245 Utah Adv. Rep. 23 (August 23, 1994).

126 Hon. Gordon R. Hall, interview by author, Salt Lake City, Utah, 6 May 1997.

127 Mr. William c. Vickrey, interview by author, Salt Lake City, Utah, 2 May 1997.

128 This does not cause the replacing of commissioners for judges compelled by the Ohms decision.

The Period on Consolidation

1992-1997

Ron Gibson takes the Reins

In March of 1991, Bill Vickrey announced that he had accepted an offer from the California Judicial Council to take the top administrative position in the biggest state court system in the nation. He was to become the State Court Administrator for the State of California. The Supreme Court began the search for Vickrey's replacement. With Vickrey's strong recommendation, they chose Ronald W. Gibson, the man who had served as Deputy Court Administrator to both Vickrey and Richard Peay. Gibson was a veteran insider who had entered the court system in 1966 as a deputy county clerk in Salt Lake County. His abilities quickly earned the trust of Judge D. Frank Wilkins, and then of Peay and Vickrey. He had played an important role in virtually every major step forward taken by the many important projects that were left uncompleted at Vickrey's departure.

Gibson's instructions from the Council and Supreme Court were to slow down the pace of new projects, committees, commissions, and task forces that had characterized the Vickrey years. While support for Vickrey's initiatives remained strong, Council members felt that a period of stability and consolidation would allow the system to digest the changes to assess where they were and where they wanted to go.¹²⁹

Gibson was well suited to follow these instructions. While highly supportive of Peay's and Vickrey's programs, he was by nature inclined toward ensuring that the current system was operating effectively that toward launching daring new initiatives.

Gibson Administration Accomplishments: Salt Lake Courts Complex Authorization

But the system did achieve several important milestones under Gibson's administrative leadership. Perhaps the most important was completing the groundwork needed to gain legislative approval for design and construction of the Salt Lake Courts Complex (now named the Scott M. Matheson Courthouse). The idea of a "super-courthouse" for all Salt Lake City courts was recommended by the Judicial Council as early as 1975.¹³⁰ But an organized campaign to build a complex which included District and Juvenile Courts, the two appellate courts, the Administrative Office, and the State Law Library began in

129 Mr. Ronald Gibson, interview by author, Salt Lake City, Utah, 14 August 1997.

130 *Utah Judicial Council Statements of Goals for 1975-1977*, (Salt Lake City: Utah Judicial Council).

1987 with the facilities master plan. The plan pointed out the serious inadequacies of the facilities for the Salt Lake District and Juvenile Courts, problems that became acute in the early '90s as caseloads steadily increased.¹³¹

In the early '90s, the courts complex idea underwent an exhaustive series of studies commissioned by the Legislature and other groups. All the studies concluded that co-locating the downtown District and Juvenile Courts with the Supreme Court, Court of Appeals, Administrative Office and State Law Library would greatly enhance the efficiency of judicial services and save millions of dollars currently being poured into leases and upkeep on old and inefficient facilities.¹³²

While the Legislature approved programming costs for the complex in 1991, and land acquisition costs in 1992, it hesitated to authorize funding for project design and construction. The near \$70 million dollar price tag for constructing the project was, at the time, the most that had ever been spent on a single state structure, and legislators found the sum intimidating.

The Judicial Council's campaign to secure approval for the complex was waged on many fronts. The *Courts Complex steering Committee*, chaired by Justice Michael Zimmerman and later by Third District Court Judge Michael Murphy, continued to collect documentation on the need for a consolidated downtown court building, and to present its findings to legislative committees and community groups. In 1993, after additional scrutiny by the Council and the Division of Facilities and Construction Management, the size of the project was reduced.¹³³ In 1994, the Legislature passed a Judicial Council bill raising several civil court fees to help pay for project design.¹³⁴

Close Council collaboration with Salt Lake City and County government and with the private sector was essential to securing approval for the complex. Salt Lake City provided three million of the five and a half million dollars needed to buy the land, and Mayor Dee Dee Corridini and her predecessor Palmer DePaulis vigorously lobbied for the complex.¹³⁵ County Commissioners also traveled regularly to Capitol Hill to lobby for the project. Hal Clyde and other leaders of the Salt Lake Downtown Alliance also gave their energetic support to the cause.

The long campaign to gain complex funding ended in early 1995, when the Legislature voted for the revenue bond needed to finance project construction. The groundbreaking ceremony for the complex was held July 1995. The Scott M. Matheson Courthouse is scheduled for completion in early 1998.

131 *Utah Judicial System Masterplan for Capital Facilities, Vol. III: Evaluation of Existing Judicial Facilities*, (Salt Lake City: Administrative Office of the Courts, 1987), 59-63.

132 In 1988, the Regional Urban Design Assistance Team recommended a collocated courts complex in downtown Salt Lake; in 1990, a study commissioned by the Utah State Legislature recommended adoption of the courts complex plan; in 1991, the Legislative Auditor General's Report #91-06 found co-location could generate large savings.

133 *Courts Complex History Outline*, (Salt Lake City: Administrative Office of the Courts, Administrative Services Division, 1997).

134 *Ibid.*

135 *Ibid.*

While a few legislators continued to complain that the state was building an ostentatious “Taj Mahal” for the Salt Lake courts, the costs per square foot seem more reflective of Judge Michael Murphy’s characterization of the complex as displaying “frugal solemnity.” The basic construction cost of the complex is only \$116 per square foot, far below the cost of any comparable judicial facility in the country. AOC Administrative Services Director Gordon Bissegger receives frequent calls from other court jurisdictions asking about how a complex with the most up to date technology, security and patrons’ services could be built at such a low cost.

One of the keys to the project’s cost efficiency was the “design/build” strategy proposed by the Judicial Council and approved by the Legislature. Architects and construction companies were required to combine efforts and bid on the project as a team. A general plan for the project was submitted by the winning design/construction team. Construction began while detailed design work on the later stages of the project was still in progress. The close collaboration among designers, builders and court facility planners required under the design/build guidelines avoided much of a delay and miscommunication that often hounds such projects and adds to the bottom line. The success of the Court complex’s design/build scheme was important supporting evidence for the Utah Department of Transportation’s decision to use the design/build approach to accelerate the schedule for reconstruction of I015 in Salt Lake County.¹³⁶

Alternative Dispute Resolution

In recent decades many court jurisdictions across the country have instituted or supported dispute resolution programs that provide more flexibility and participant input than traditional litigation. These mediation and arbitration programs are often less expensive and time consuming than litigation, and frequently more satisfying to the contestants, especially to those involved in an on-going relationship after the dispute is settled. Without the pressure of big case backlogs, the movement for court sponsored alternative dispute resolution (ADR) moved more slowly in Utah than in many other states. However, by the early ‘90s, the drive to establish a court-sponsored ADR program was picking up steam. Working with the Alternative Dispute Resolution Committee of the Bar, the Judicial Council framed an ADR bill that was passed by the 1994 Legislature.

An ADR Director was appointed at the AOC, and pilot ADR programs in Third and Fifth Districts began in January of 1995.¹³⁷ The program offered litigants in these districts the option of choosing to settle their disputes through mediation or arbitration rather than through a formal trial. Lists of practitioners certified as qualified were supplied to litigants by the ADR office. After a year’s trial, the project was judged successful, and plans are being made to expand it throughout the state, beginning in the Wasatch Front districts.

¹³⁶ Mr. Gordon Bissegger, interview by author, Salt Lake City, Utah, 14 August 1997.

¹³⁷ The Third District is comprised of Salt Lake, Tooele, and Summit Counties. The Fifth Judicial District is comprised of Washington, Beaver, and Iron Counties.

Advanced Technology

Under Gibson's administrative leadership, the court system developed one of the most advanced electronic case management systems in the country. The new system replaced 44 separate "islands" of data at individual court locations with an open system, state-wide shared information network. The new system greatly expands court services without increasing staff, and significantly reduces maintenance costs. Each computer has internet access. The new system lays the foundation for such services as the XChange Electronic Service Counter and the Data warehouse, which give law firms, private citizens, private commercial and data companies and the news media access to court information 24 hours a day.¹³⁸

Video arraignment, now available in the majority of District Courts and in a number of others, allows a judge to conduct preliminary hearings from his or her courtroom, with the defendant in a "mini-courtroom" at the jail or prison, via a two-way video hook-up. This system saves the time and money previously used to transport defendants, and eliminates security dangers stemming from extra trips to the courthouse.

Zimmerman Elected Chief Justice

In late 1993, Gordon Hall, after 24 years on the bench and 12 as Chief Justice, announced his retirement. In December 1993, Michael D. Zimmerman was elected Chief Justice by his Supreme Court peers. Zimmerman was appointed to the court in 1984 by Governor Scott Matheson. He had clerked for U.S. Chief Justice Warren Burger after graduating from the University of Utah Law School, where he had graduated first in his class. Prior to his appointment to the bench, he practiced law in Los Angeles and Salt Lake City and also taught for several years as an adjunct professor at the University of Utah College of Law. During his court system tenure, Zimmerman had held many local and national leadership positions, including two terms on the Judicial Council, Chairmanship of the Courts Complex Steering Committee, and Vice Chairmanship of the Task Force on Gender and Justice.¹³⁹ His record of dynamic leadership signaled that the new Chief Justice was going to take a more active role than his predecessor in influencing court system policy.

Zimmerman took the helm at a time when relations with the legislature were under considerable strain. Some lingering doubts about court consolidation combined with displeasure about a couple of major Supreme Court decisions had left a number of legislators feeling alienated from, if not hostile toward the judicial branch. Zimmerman turned with his accustomed energy to the task of reestablishing a positive relationship with the legislature and generally getting the system moving again. In the 1994 State of the Judiciary Address, delivered on the first day of that year's legislative session, Zimmerman indicated his willingness to work actively with legislators on court system administrative issues. In that speech, Zimmerman stated:

"Because of the unique ethical code judges must adhere to in discussing cases and legal issues, that code can be used as an excuse to frustrate communication. If we are

¹³⁸ *Utah State Courts 1995 Annual Report*, (Salt Lake City: Administrative Office of the Courts, 1995), pp.3-4

¹³⁹ Biographical sketch of Chief Justice Michael Zimmerman, (Salt Lake City: Utah Administrative Office of the Courts, 1995).

to fulfill our role as a co-equal branch of government, we cannot use the term, 'independent judiciary' and 'separation of powers' as slogans behind which we hide, nor can we use them as simplistic justifications to hold ourselves aloof and remote from discussions of the need for substantive changes in the law or in the way justice is administered. We in the judiciary must work with you to establish a dialogue and to seek mutual understanding."¹⁴⁰

Zimmerman's willingness to discuss administrative matters in a spirit of mutual respect and accommodation was well received by legislative leadership, and the 1994 legislative session went more smoothly for the courts than most observers had predicted.

In late 1994, the Supreme Court and Judicial Council decided that a change in leadership was again needed in the State Court Administrator position. Ron Gibson was transferred to the post of Appellate Court Administrator, and in January, 1995, Judicial Council Representative and Court of Appeals Judge Pamela T. Greenwood was chosen as Acting Court Administrator pending a nation-wide search for a new State Court Administrator.¹⁴¹

Daniel J. Becker Chosen as State Court Administrator

In a dramatic move, the Supreme Court chose as its fourth State Court Administrator a non-Utahn. Daniel J. Becker had worked for the previous 14 years in the North Carolina State Court system, rising to the number two position in that system. His outstanding record made him the prime candidate for the Utah Court Administrator position. In a recent interview, Becker admitted that his decision to move to Utah wasn't an easy one. He and his family had been happy in North Carolina, and pulling up stakes and starting a new life in Utah was a big move. What eventually convinced him to come, he said, was the opportunity to work in a system with a strong Judicial Council governing model, and an excellent national reputation. "It's seldom that a court system truly has the power to govern itself," he remarked, "working in that kind of system is a big inducement to an administrator."¹⁴² Becker assumed his new duties in September 1995.

An Outsider's Perspective

During his first six months on the job, Becker took advantage of his chance to assess the strengths and weakness of the system from an unbiased, "outsider's" perspective. He concluded that the basic organizational structure was sound, but that the system had untapped potential for greater effectiveness. "The system was organized to facilitate high participation and effective communication, but those things weren't always happening," Becker said. "I found that in Utah, as in every other court system, some people at every level had an 'us versus them' attitude. I thought that more extensive participation and more meaningful communication could minimize that."

To expand participation, Becker recommended that the Council cast a wider net in appointments to court system committees and advisory groups, rather than repeatedly calling on a small circle of people who had proven track records. The Council

¹⁴⁰ 1994 *State of the Judiciary Address*, (Salt Lake City: Utah Judicial Council, 1994).

¹⁴¹ Gibson officially retired from the system in 1996, but stayed on as the system's first "Senior Court Administrator," performing liaison duties relating to the complex multi-court move to the Matheson Courthouse.

¹⁴² Mr. Daniel J. Becker, interview by author, Salt Lake City, Utah, 18 August 1997.

responded positively, and today, 77 percent of Utah judges serve the system in some official capacity on a committee, taskforce, study group, etc. “I know that this level of participation leads to better quality decisions,” said Becker. “And no one can claim that the system has some small elite group calling the shots. It’s great advantage to have a court system small enough that we can set a realistic goal of having virtually everyone participate in the policy making process.”¹⁴³

Becker concluded early on that the relationship between the Judicial Council and Boards of Judges needed to be strengthened. The Boards now take a more active role in vetting proposals prior to Council review and Board representatives report more frequently and regularly to the Council.

From early on, Becker became convinced of the need to direct more AOC time and attention into increasing the effectiveness of the staff. “Our ability to serve the public depends mainly on the quality of our staff, especially our 500 plus court clerks. But to do their jobs properly, we need to give them the right tools and support. And we need to stress the importance of the work they do.”¹⁴⁴

He noted that the District Court Executives, the “front lines generals” in the effort to deliver effective judicial services, were organizationally isolated and did not feel themselves to be a valued part of the administrative team. These executives were soon asked to have a representative at each semi-weekly administrative staff meeting. At several facilitated sessions, misunderstanding and differing perspectives between AOC department heads and district executives were discussed and worked out. As a former trial court executive himself, Becker is acutely aware of the need for the direct involvement of trial court executives and other trial court personnel in framing all court system policies and programs, to ensure that they respond to the “real world” of the community courthouse.

One of the most important of Becker’s staff support initiatives establishing the *Court Services* unit in the AOC. The Court Services team, made up of front line staff veterans with a broad skill base, works continually in the field with court clerks. Team members help iron out problems with the new CORIS automated information system, and with other issues facing the clerks. They report regularly to Assistant Court Administrator Holly Bullen on how procedures and programs could be changed to allow the clerks to do their jobs more effectively. Becker and Deputy Court Administrator Myron March engage in regular “administrative visits” to every district, sitting down with all local court staff and listening for hours to their accounts of what is working, what isn’t, and why.

Becker’s Planning Model

Each court administrator had had his own distinctive philosophy of planning. As Becker put it recently, “I think that a judicial system can and should articulate a set of principles for which it should strive. But I don’t believe in rigid, detailed master plan. They tend to become quickly irrelevant as unexpected events occur and political realities intrude.” During 1996, the Judicial Council and other court system leaders

¹⁴³ Ibid.

¹⁴⁴ Ibid.

went through a series of planning sessions to pound out a mission statement, and frame a list of short term goals to promote mission statement principles. The Utah Court System Mission Statement reads as follows:

“The mission of the Utah state judiciary is to provide the people an open, fair, efficient, and independent system for the advancement of justice under the law.”¹⁴⁵

“After you’ve laid down the principles,” Becker stated, “you can start to work on a limited number of goals that are specific enough to be attained in a reasonable amount of time.” Becker stressed the importance of setting goals that could be accomplished fairly quickly, usually in less than a year. Coming up with new goals and action programs yearly maintains forward momentum and gives planners the chance to respond quickly to new problems. The following objectives were approved at the December 1996 Judicial Council meeting:

- Provide for more broad based participation on committees
- Reinforce the importance of the role of the presiding judge and of local administrators,
- Provide all new employees with an orientation on the organization and governance of the court system,
- Provide outlets for suggestions and constructive criticisms,
- Improve awareness of items being addressed by the Council, and
- Improve understanding and appreciation of roles among board and Council members on an ongoing basis

Each of these objectives had an implementation program attached. They were all completed by the July 1997 Judicial Council session, at which time another set of short-term objectives was adopted.

Deputy Court Administrator Myron K. March, who served in top administrative positions under Bill Vickrey, Ron Gibson, and Dan Becker, contrasted the three leadership styles in a recent interview. “Bill was a change artist,” March remarked. “He had a very broad perspective, and was constantly pushing people for creative ways to achieve goals. Ron was more attached to the status quo. He wanted to keep and nourish the gains we had made, and changes at a more gradual pace. Dan is a thoroughly professional administrator who understands the whole process from the inside out. He knows what information the system needs, how to get it, and what to do with it. He quickly cuts to what the real issue is, as well as to the likely solution.”¹⁴⁶

145 *Utah State Courts 1997 Annual Report*, (Salt Lake City: Administrative Office of the Courts, 1997), 3.

146 Mr. Myron K. March, interview by author, Salt Lake City, Utah, 13 August 1997.



1973-1997

Conclusion

The history of the Utah Judicial Council is a success story. The Utah State Court system in the last quarter century has experienced its share of serious problems and has taken occasional wrong turns. But the system has emerged strong, united, and effective—the envy of many other court systems in this country and abroad. The handsome and imposing Matheson Courthouse in downtown Salt Lake City stands as a powerful symbol of the competence and confidence of the state judicial branch.

Many individuals and groups contributed to today's proud judicial branch edifice. Arthur Christean and a group of committed Juvenile Court Judges took the bold move in 1965 of establishing a single state-wide Juvenile Court, governed by an elected board of judges and managed by a court administrator. This helped pave the way for the governing structure adopted by the first Utah Judicial Council. In 1973, D. Frank Wilkins, Thornley Swan and other District Court leaders defied vigorous Supreme Court disapproval and established the first Utah State Court Administrator, established a professional Administrative Office of the Courts, initiated the first system-wide planning, and slowly and painstakingly won wide support for the idea of a truly independent, professionally managed judicial branch.

Staff Director Roger Tew and the members of the Constitutional Revision Commission, working with Peay and the Judicial Council, framed a constitutional structure that gave the court system great strength and flexibility. Active support from bar leaders and from Elder Dallin H. Oaks helped to gain the majority vote needed to authorize adoption of the new judicial article.

Bill Vickrey was superbly qualified to spearhead the drive to capitalize on the potential for rapid progress presented by passage of the new judicial article. He inspired support from a group of bright and committed jurists, legislators, bar leaders and staff members to push through sweeping new initiatives that virtually remade every facet of the court system. Chief Justice Gordon R. Hall lent his great stature to the wide ranging reform efforts, backing Vickrey up even when support from other quarters faltered. Ron Gibson, who has served with dedication and competence in every judicial branch position he was asked to fill, represents the many scores of staff members who helped translate policy pronouncements into effective judicial services.

Chief Justice Michael D. Zimmerman, one of Vickrey's "young lions" of a decade ago, recently reflected on the differences between the heady days of the Vickrey era and the court system of today. "Those early days with Bill were a unique time. The Council in those first five or six years was a special, bonded group. We felt a great sense of urgency. It was kind of like a start-up business where you're trying to do everything at once. That was appropriate then," he continued, "but that style isn't appropriate for the mature system we have become today."¹⁴⁷

He went on to say that the many successes achieved during the period of dynamic change we gained at a price. Some major programs were pushed through so quickly that not all of their implications had been carefully thought out. Some judges and others in the system found themselves unpleasantly surprised. By the early '90s, some in the court system felt that the Council had moved too far too fast, with too many left behind. In recent years the Council has taken pains to ensure that every proposal is thoroughly reviewed by all appropriate bodies before being presented to the Council. Several important steps have been taken to ensure that the decision-making process is more inclusive. The Council has also worked to get a closer view of grass roots court system operations, traveling to court facilities throughout the state several times a year, and taking tours of specific court system operations at each court level.

Dan Becker's administrative style also reflects the organizational maturity the system has achieved. Bill Vickrey was brilliant at envisioning new programs and policies, and mobilizing support to enact them. But he was always more interested in getting to the next grand project than he was in framing a smoothly functioning, efficient system of administration. Dan Becker, while not shunning the role of initiator, directs his primary attention to creating and sustaining a well-oiled administrative machine. Becker does not try to influence Judicial Council elections, or run day-to-day judicial branch strategy during the legislative session. Becker's stance of administrative neutrality, in Zimmerman's view, inspires a good deal of trust from all parts of the court system.

At the end of the interview, Zimmerman noted that while the structure and operations of today's Utah state court system are solid and effective, the spark of leadership is still necessary to move the system forward. The court system under the 1984 Judicial Article is set up with three power centers, the Judicial Council, the Chief Justice, and the Court Administrator. In Zimmerman's view, for the system to stay healthy, at least one of those centers must be willing to display dynamic leadership.

In the last quarter century, leaders representing each power center have been willing to step forward when the judicial branch needed them. In today's system, with judges and staff reflecting an unparalleled level of professionalism, the chances seem good that new leaders are waiting in the wings to take on the challenges of tomorrow.

147 Hon. Michael D. Zimmerman, interview by author, Salt Lake City, Utah, 12 August 1997.

APPENDIX 1: JUDICIAL COUNCIL MEMBERSHIP

1973-74

Hon. D. Frank Wilkin, District Court Chief Judge, Chair (July 1973- Jan. 1974)
Hon. Thornley K. Swan, district Court Chief Judge, Chair (after Jan. 1974)
Hon. F. Henri Henriod, Supreme Court
Hon. J. Robert Bullocks, District Court
Hon. Bryant H. Croft, District Court
Hon. Calvin Gould, District Court
Hon. D. Frank Wilkins, District Court
Hon. Floyd H. Gowans, City Court
Hon. Geraldine Christensen, Justice of the Peace
Mr. Richard V. Peay, Court Administrator
Mr. E. La Var Stark, Esq., Utah State Bar Representative

1974-75

Hon. Thornley K. Swan, District Court Chief Judge, Chair
Hon. R.L. Trickett, Supreme Court
Hon. Ernest F. Baldwin, Jr., District Court
Hon. J. Robert Bullock, District Court
Hon. Calvin Gould, District Court
Hon. S Mark Johnson, City Court
Hon. Geraldine Christensen, Justice of the Peace
Mr. Richard V. Peay, Court Administrator
Mr. E. LaVar Stark, esq., Utah State Bar Representative

1975-76

Hon. Thornley K. Swan, District Court Chief Judge, Chair
Hon. R.L. Trickett, Supreme Court
Hon. Ernest F. Baldwin, Jr., District Court
Hon. J. Robert Bullock, District Court
Hon. Calvin Gould, District Court
Hon. S Mark Johnson, City Court
Hon. Geraldine Christensen, Justice of the Peace
Mr. Richard V. Peay, Court Administrator
Mr. Joseph Novak, Esq., Utah State Bar Representative

1976-77

Hon. Thornley K. Swan, District Court Chief Judge, Chair
Hon. Richard Johnson Maughan, Supreme Court
Hon. Ernest F. Baldwin, Jr., District Court
Hon. J. Robert Bullock, District Court
Hon. Don V. Tibbs, District Court
Hon. S. Mark Johnson, City Court
Hon. Geraldine Christensen, Justice of the Peace
Mr. Richard V. Peay, Court Administrator
Mr. Harold G. Christensen, Esq., Utah State Bar Representative

1977-78

Hon. Thornley K. Swan, District Court Chief Judge, Chair
Hon. Richard Johnson Maughan, Supreme Court
Hon. Ernest F. Baldwin, Jr., District Court
Hon. J. Robert Bullock, District Court
Hon. Don V. Tibbs, District Court
Hon. S. Mark Johnson, City Court
Hon. Geraldine Christensen, Justice of the Peace
Mr. Richard V. Peay, Court Administrator
Mr. Clyde C. Patterson, Esq., Utah State Bar Representative

1978-79

Hon. Thornley K. Swan, District Court Chief Judge, Chair
Hon. Richard Johnson Maughan, Supreme Court
Hon. J. Robert Bullock, District Court
Hon. Peter F. Leary, District Court
Hon. James S. Sawaya, District Court
Hon. Stanton M. Taylor, Circuit Court
Hon. Warren D. Cole, Justice of the Peace
Mr. Richard V. Peay, Court Administrator
Mr. James B. Lee, Esq., Utah State Bar Representative

1979-80

Hon. Thornley K. Swan District Court Chief Judge, Chair
Hon. Richard Johnson Maughan, Supreme Court
Hon. George E. Ballif, District Court
Hon. Peter F. Leary, District Court
Hon. James S. Sawaya, District Court
Hon. Stanton M. Taylor, District Court
Hon. Warren D. Cole, Justice of the Peace
Hon. Regnal W. Garff, Jr., Juvenile Court
Mr. Richard V. Peay, Court Administrator
Mr. James B. Lee, Esq., Utah State Bar Representative

1980-81

Hon. Thornley K. Swan, District Court Chief Judge, Chair
Hon. Richard Johnson Maughan, Supreme Court Chief Justice
Hon. George E. Ballif, District Court
Hon. Boyd m. Bunnell, District Court
Hon. Peter F. Leary, District Court
Hon. Arthur Christensen, Circuit Court
Hon. Joseph L. Jones, Jr., Justice of the Peace
Hon. Regnal W. Garff, Jr., Juvenile Court
Mr. Richard V. Peay, Court Administrator
Mr. W. Eugene Hansen, Esq., Utah State Bar Representative

1981-82

Hon. J. Robert Bullock, District Court Chief Judge, Chair
Hon. Gordon R. Hall, Supreme Court Chief Justice
Hon. Boyd M. Bunnell, District Court
Hon. Peter F. Leary, District Court
Hon. Arthur Christean, Circuit Court
Hon. Joseph L. Jones, Jr., Juvenile Court
Hon. Regnal W. Garff, Jr., Justice of the Peace
Mr. Richard V. Peay, Court Administrator
Mr. Carmen Kipp, Esq., Utah State Bar Representative

1982-83

Hon. J. Robert Bullock, District Court Chief Judge, Chair
Hon. Gordon R. Hall, Supreme Court Chief Justice
Hon. Boyd M. Bunnell, District Court
Hon. VeNoy Christofferson, District Court
Hon. Dean E. Conder, District Court
Hon. Larry R. Keller, Circuit Court
Hon. Joseph L. Jones, Jr., Justice of the Peace
Hon. Regnal W. Garff, Jr., Juvenile Court
Mr. Richard V. Peay, Court Administrator
Mr. O. Wood Moyle, III, Esq., Utah State Bar Representative

1983-84

Hon. Gordon R. Hall, Supreme Court Chief Justice, Chair
Hon. George E. Ballif, District Court
Hon. Boyd M. Bunnell, District Court
Hon. Dean E. Conder, District Court
Hon. Larry R. Keller, Circuit Court
Hon. Joseph L. Jones, Jr., Juvenile Court
Mr. Richard V. Peay, Court Administrator
Mr. O. Wood Moyle, III, Esq., Utah State Bar Representative

1984-85

Hon. Gordon R. Hall, Supreme Court Chief Justice, Chair
Hon. Cullen Y. Christensen, District Court
Hon. Richard C. Davidson, District Court
Hon. David B. Dee, District Court
Hon. Timothy R. Hanson, District Court
Hon. Robert F. Owens, Circuit Court
Hon. Joseph L. Jones, Jr., Justice of the Peace
Hon. Regnal W. Garff, Jr., Juvenile Court
Mr. William C. Vickrey, court Administrator
Mr. Stephen Anderson, Esq., Utah State Bar Representative

1985-86

Hon. Gordon R. Hall, Supreme Court Chief Justice, Chair
Hon. Cullen y. Christean, District Court
Hon. Richard C. Davidson, District Court
Hon. David B. Dee, District Court
Hon. Timothy R. Hanson, District Court
Hon. Robert F. Owens, Circuit Court
Hon. Joseph L. Jones, Jr., Justice of the Peace
Hon. Regnal W. Garff, Jr., Juvenile Court
Mr. William C. Vickrey, Court Administrator
Mr. Brian R. Florence, Esq., Utah State Bar Representative

1986-87

Hon. Gordon R. Hall, Supreme Court Chief Justice, Chair
Hon. Michael D. Zimmerman, Supreme Court
Hon. Gregory K. Orme, Court of Appeals
Hon. Cullen Y. Christean, District Court
Hon. J. Dennis Frederick, District Court
Hon. Timothy R. Hanson, District Court
Hon. Paul G. Grant, Circuit Court
Hon. Stanton M. Taylor, Circuit Court
Hon. Joseph L. Jones, Jr., Justice of the Peace
Hon. John Yardley, Justice of the Peace
Hon. Paul C. Keller, Juvenile Court
Hon. Sharon P. McCully, Juvenile Court
Mr. William C. Vickrey, Court Administrator
Mr. Norman S. Johnson, Esq., Utah State Bar Representative

1987-88

Hon. Gordon R. Hall, Supreme Court Chief Justice, Chair
Hon. Michael D. Zimmerman, Supreme Court
Hon. Gregory K. Orme, Court of Appeals
Hon. Cullen Y. Christensen, District Court
Hon. J. Dennis Frederick, District Court
Hon. Timothy R. Hanson, District Court
Hon. Paul G. Grant, Circuit Court
Hon. Stanton M. Taylor, Circuit Court
Hon. Joseph L. Jones, Jr., Justice of the Peace
Hon. John Yardley, Justice of the Peace
Hon. Paul C. Keller, Juvenile Court
Hon. Sharon P. McCully, Juvenile Court
Mr. William C. Vickrey, Court Administrator
Mr. Bret L. Dart, Esq., Utah State Bar Representative

1988-89

Hon. Gordon R. Hall, Supreme Court Chief Justice, Chair
Hon. Michael D. Zimmerman, Supreme Court
Hon. Gregory K. Orme, Court of Appeals
Hon. J. Dennis Frederick, District Court
Hon. Timothy R. Hanson, District Court
Hon. David E. Roth, District Court
Hon. K. Roger Bean, Circuit Court
Hon. Paul G. Grant, Circuit Court
Hon. Peggy Acomb, Justice of the Peace
Hon. John Yardley, Justice of the Peace
Hon. L. Kent Bachman, Juvenile Court
Hon. Paul C. Keller, Juvenile Court
Mr. William C. Vickrey, Court Administrator
Mr. Reed Martineau, Esq., Utah State Bar Representative

1989-90

Hon. Gordon R. Hall, Supreme Court Chief Justice, Chair
Hon. Michael D. Zimmerman, Supreme Court
Hon. Gregory K. Orme, Court of Appeals
Hon. J. Dennis Frederick, District Court
Hon. Timothy R. Hanson, District Court
Hon. David E. Roth, District Court
Hon. K. Roger Bean, Circuit Court
Hon. Paul G. Grant, Circuit Court
Hon. Peggy Acomb, Justice of the Peace
Hon. John Yardley, Justice of the Peace
Hon. L. Kent Bachman, Juvenile Court
Mr. William C. Vickrey, Court Administrator
Mr. Reed Martineau, Esq., Utah State Bar Representative

1990-91

Hon. Gordon R. Hall, Supreme Court Chief Justice, Chair
Hon. Michael D. Zimmerman, Supreme Court
Hon. Gregory K. Orme, Court of Appeals
Hon. J. Philip Eves, District Court
Hon. J. Dennis Frederick, District Court
Hon. David E. Roth, District Court
Hon. K. Roger Bean, Circuit Court
Hon. Michael Hutchings, Circuit Court
Hon. Peggy Acomb, Justice Court
Hon. Brent Fletch, Justice Court
Hon. L. Kent Bachman, Juvenile Court
Hon. Arthur G. Christean, Juvenile Court
Mr. William C. Vickrey, Court Administrator
Mr. Hans Q. Chamberlain, Esq., Utah State Bar Representative

1991-92

Hon. Gordon R. Hall, Supreme Court Chief Justice, Chair
Hon. Christine Durham, Supreme Court
Hon. Gregory K. Orme, Court of Appeals
Hon. J. Philip Eves, District Court
Hon. J. Dennis Frederick, District Court
Hon. Ray M. Harding, District Court
Hon. Michael L. Hutchings, Circuit Court
Hon. W. Brent West, Circuit Court
Hon. Jerald L. Jensen, Justice Court
Hon. Brent Feltch, Justice Court
Hon. Arthur G. Christean, Juvenile Court
Hon. Joseph E. Jackson, Juvenile Court
Mr. William C. Vickrey, Court Administrator
Mr. Dennis V. Haslam, Esq., Utah State Bar Representative

1992-93

Hon. Gordon R. Hall, Supreme Court Chief Justice, Chair
Hon. Christine Durham, Supreme Court
Hon. Pamela T. Greenwood, Court of Appeals
Hon. J. Philip Eves, District Court
Hon. Ray M. Harding, District Court
Hon. David S. Young, District Court
Hon. William A. Thorne, Circuit Court
Hon. W. Brent West, Circuit Court
Hon. Jerald L. Jensen, Justice Court
Hon. Kent Nielsen, Justice Court
Hon. Leslie D. Brown, Juvenile Court
Hon. Joseph E. Jackson, Juvenile Court
Mr. Ronald W. Gibson, Court Administrator
Mr. James Z. Davis, Esq., Utah State Bar Representative

1993-94

Hon. Michael D. Zimmerman, Supreme Court Chief Justice Chair
Hon. Christine Durham, Supreme Court
Hon. Pamela T. Greenwood, Court of Appeals
Hon. J. Philip Eves, District Court
Hon. Ray M. Harding, District Court
Hon. David S. Young, District Court
Hon. William A. Thorne, Circuit Court
Hon. W. Brent West, Circuit Court
Hon. Jerald L. Jensen, Justice Court
Hon. Kent Nielsen, Justice Court
Hon. Leslie D. Brown, Juvenile Court
Hon. Joseph E. Jackson, Juvenile Court
Mr. Ronald W. Gibson, Court Administrator
Mr. J. Michael Hansen, Esq., Utah State Bar Representative

1994-95

Hon. Michael D. Zimmerman, Supreme Court Chief Justice, Chair
Hon. Christine Durham, Supreme Court
Hon. Pamela T. Greenwood, Court of Appeals, Interim court Administrator
Hon. J. Philip Eves, District Court
Hon. Rodney S. Page, District Court
Hon. David S. Young, District Court
Hon. Parley R. Baldwin, Circuit Court
Hon. Michael K. Burton, Circuit Court
Hon. Jerald L. Jensen, Justice Court
Hon. Kent Nielson, Justice Court
Hon. Leslie D. Brown, Juvenile Court
Hon. Joseph E. Jackson, Juvenile Court
Mr. J. Michael Hansen, Esq., Utah State Bar Representative

1995-96

Hon. Michael D. Zimmerman, Supreme Court Chief Justice, Chair
Hon. Leonard H. Russon, Supreme Court
Hon. Pamela T. Greenwood, Court of Appeals
Hon. J. Philip Eves, District Court
Hon. Rodney Eves, District Court
Hon. Anne M. Striba, District Court
Hon. Parley R. Baldwin, Circuit Court
Hon. Michael K. Burton, Circuit Court
Hon. Jerald L. Jensen, Justice Court
Hon. Kent Nielsen, Justice Court
Hon. Joseph E. Jackson, Juvenile Court
Hon. Stephen A. Van Dyke, Juvenile Court
Mr. Daniel J. Becker, Court Administrator
Mr. J. Michael Hansen, Esq., Utah State Bar Representative

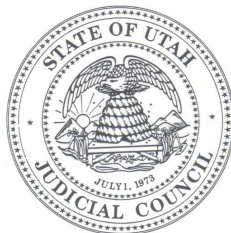
1996-97

Hon. Michael D. Zimmerman, Supreme Court Chief Justice, Chair
Hon. Leonard H. Russon, Supreme Court
Hon. Pamela T. Greenwood, Court of Appeals
Hon. Robert T. Braithwaite, District Court
Hon. Michael K. Burton, District Court
Hon. Rodney S. Page, District Court
Hon. Anthony W. Schofield, District Court
Hon. Anne M. Striba, District Court
Hon. Jerald L. Jensen, Justice Court
Hon. Kent Nielsen, Justice Court
Hon. John L. Sandberg, Justice Court
Hon. Joseph E. Jackson, Juvenile Court
Hon. Stephen A. Van Dyke, Juvenile Court
Mr. Daniel J. Becker, Court Administrator
Mr. James C. Jenkins, Esq., Utah State Bar Representative

APPENDIX 2: INTERVIEWS CONDUCTED FOR 1973-1997 HISTORY

Mr. Daniel J. Becker	Utah State Court Administrator	August 18, 1997
Mr. Gordon Bissegger	Utah State Court Admin. Services Director	August 25, 1997
Hon. J. Robert Bullock Jr.	Former District Court Judge	July 25, 1997
Hon. Arthur G. Christean	Former Juvenile and Circuit Court Judge	May 30, 1997
Hon. Kay Cornaby	Former Utah State Senate President	July 15, 1997
Hon. Christine M. Durham	Utah Supreme Court Justice	May 29, 1997
Mr. Ronald Gibson	Former Utah State Court Administrator	April 14, 1997
Hon. Gordon R. Hall	Former Utah Supreme Court Chief Justice	June 6, 1997
Hon. Richard Howe	Utah Supreme Court Justice	May 28, 1997
Mr. James B. Lee	Former Utah State Bar President	May 20, 1997
Mr. Myron K. March	Utah State Court Deputy Administrator	August 13, 1997
Mr. Richard V. Peay	Former Utah State Court Administrator	May 7, 1997
Mr. Timothy Shea	Utah State Court Senior Counsel	June 3, 1997
Hon. Thornley Swan	Former District Court Chief Judge	May 20, 1997
Mr. Roger Tew	Former Constitutional Revision Commission Staff Director	June 10, 1997
Mr. William C. Vickrey	Former Utah State Court Administrator	May 5, 1997
Hon. D. Frank Wilkins	Former District Court Chief Judge	April 22, 1997
Hon. Michael D. Zimmerman	Utah Supreme Court Chief Justice	August 12, 1997





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