

**MINUTES OF THE
SENATE JUDICIAL CONFIRMATION COMMITTEE**
Tuesday, November 14, 2006 – 11:30 p.m. – Room W140 House Building

Members Present:

Sen. D. Chris Butters, Chair
Sen. Patrice M. Arent
Sen. Mike Dmitrich
Sen. Lyle W. Hillyard
Sen. David L. Thomas
Sen. Michael G. Waddoups

Staff Present:

Ms. M. Gay Taylor, General Counsel
Mr. Jerry D. Howe, Policy Analyst
Ms. Brooke Ollerton, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Butters called the meeting to order at 11:36 a.m. and explained that this meeting was a continuation of the November 1, 2006 meeting held to consider the appointment of Ms. Bazzelle to the Fourth District Juvenile Court. Committee members and staff introduced themselves.

2. Interview of Ms. Suchada P. Bazzelle

Judge Sharon McCully, Fourth District Juvenile Court, was placed under oath.

Chair Butters asked if Judge McCully found Mr. Wayne Searle's testimony during the November 1 meeting regarding Ms. Bazzelle to be credible.

Judge McCully responded that she had not heard all of it, but from what she understood he had said, she found it to be false. She presided over the case Mr. Searle described and was concerned that what he said under oath to the Senate Judicial Confirmation Committee about the case was generally untrue and that his characterization of the candidate was not credible.

Chair Butters asked Judge McCully about the letter of recommendation she had written for Ms. Bazzelle.

Judge McCully responded that she had received many candidate letters for judicial openings, but wasn't always able to complete them because of her workload. Said she had no reservations in recommending Ms. Bazzelle, who had appeared before her consistently for the last six years and was always professional and very well prepared.

Sen. Thomas asked Judge McCully how he thought Ms. Bazzelle would perform in delinquency cases since most of her experience has been in child protection cases. Judge McCully responded that Ms. Bazzelle has had a fair amount of delinquent experience in her role as Guardian ad Litem (GAL) and would be competent.

Sen. Hillyard asked Judge McCully if she thought it was a good practice to make GALs juvenile court judges. Judge McCully responded that the GAL program is something the Legislature should be proud of. Recently a number of judges have come from the GAL. Their experience has been in advocating for the best interest of the children so GALs may be the best source of juvenile judges.

Sen. Arent thanked Judge McCully for attending and providing the information because it had influenced her decision to support Ms. Bazzelle.

MOTION: Sen. Hillyard moved to close the meeting for the purpose of discussing the character, professional competence, or physical or mental health of Ms. Bazzelle. The motion passed unanimously.

MOTION: Sen. Hillyard moved to open the meeting. The motion passed unanimously.

MOTION: Sen. Arent moved to recommend to the full Senate the confirmation of Ms. Suchada P. Bazzelle as a judge in the Fourth District Juvenile Court.

Sen. Waddoups spoke in opposition to the motion on the basis of Ms. Bazzelle's bankruptcy. He commented that he did not think that it showed the integrity needed in judges.

Ms. Bazzelle replied that her financial record since her bankruptcy has showed her financial responsibility.

Sen. Thomas stated that he was prepared to vote in opposition to Ms. Bazzelle's confirmation, but Judge McCully's testimony had swayed his opinion.

Sen. Arent stated that Ms. Bazzelle did not have a perfect record, but she had the background, demeanor, and intelligence needed to be a good judge.

Chair Buttars called for a vote on the motion to recommend Ms. Bazzelle. The motion passed with Sen. Waddoups voting in opposition.

Chair Buttars asked the Committee what action it wanted to take regarding Mr. Searle's comments.

Sen. Thomas declared a conflict of interest as a district attorney.

Ms. Taylor suggested referring the case to the appropriate legal authority and assured the Committee that staff would do so.

MOTION: Sen. Hillyard moved to refer to the appropriate legal authority possible perjury charges against Mr. Wayne Searle. The motion passed unanimously.

3. Other Items / Adjourn

MOTION: Sen. Waddoups moved to adjourn.

Chair Buttars adjourned the meeting at 12:10 p.m.