

**MINUTES OF THE
SENATE JUDICIAL CONFIRMATION COMMITTEE**
Monday, January 15, 2007 – 8:00 a.m. – Room W140 House Building

Members Present:

Sen. D. Chris Buttars, Chair
Sen. Gregory S. Bell
Sen. Mike Dmitrich
Sen. Lyle W. Hillyard
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 Buttars called the meeting to order at 8:03 a.m.

2. Interview of Ms. Vernice S. Trease

Ms. Vernice Trease was placed under oath. She introduced herself, citing examples of personal characteristics she said would be important for a good judge to possess.

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

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

Sen. Hillyard asked Ms. Trease if she knew why it took a year and a half for the Utah State Bar's Office of Professional Conduct to decline to prosecute a complaint originally filed against her in October 2000.

Ms. Trease said that she did not know why it took so long.

Chair Buttars asked Ms. Trease for her opinion on the death penalty.

Ms. Trease said that it is the law in Utah and she would apply it when required.

Chair Buttars asked what she believed judicial activism to be.

Ms. Trease responded that an activist judge is one who follows his or her policy opinions rather than the law. She said a judge's role is to apply the law and the Legislature's role is to pass laws.

Sen. Waddoups asked Ms. Trease about her views on gun control in public places.

Ms. Trease said that Utah statute and the Second Amendment to the U. S. Constitution address the issue and, as a judge, she would uphold the law.

Sen. Waddoups asked Ms. Trease if she had engaged in conduct which would, if committed while a judge, violate the code of judicial conduct or be grounds for judicial discipline. He also asked if she had done anything that, if not illegal, would be an embarrassment to the state.

Ms. Trease said she had not.

Sen. Bell asked Ms. Trease to describe her background.

Ms. Trease explained that she was born in Samoa and had German, Chinese, and Samoan heritage. She described her educational background and her ties to the Pacific Islander community in Salt Lake City.

Sen. Bell commented that it will be challenging, given her lack of practice in civil law, to become a judge.

Ms. Trease said she knew that as a judge she would have to learn continually. She gave an example of a case in which she took the initiative to learn about mental illness for a competency hearing and expressed confidence in her ability to learn.

Sen. Waddoups asked Ms. Trease how she felt about children reciting the pledge of allegiance in school, signs reading "In God We Trust" in courtrooms and classrooms.

Ms. Trease responded that she helped her son memorize the pledge and that her personal opinion and religious background favor such signs; however, she wants to be a judge who is fair minded and tolerant of others' beliefs.

Sen. Waddoups asked about Ms. Trease's ability to handle a large caseload.

Ms. Trease said that in her work as a public defender, she has usually had a large case load and managed it well.

Sen. Dmitrich asked if it would be hard for Ms. Trease, as a judge, to sentence the same type of people she has defended as an attorney.

Ms. Trease said that she would not have a problem with it because she does not have sympathy for crime, but feels an ethical obligation to represent her client. She said that as a judge it would be her obligation to follow the law as written.

MOTION: Sen. Hillyard moved to recommend to the full Senate the confirmation of Ms. Vernice S. Trease as a judge in the Third Judicial District. The motion passed unanimously.

MOTION: Sen. Waddoups moved to adjourn the meeting. The motion passed unanimously.

Chair Buttars adjourned the meeting at 9:13 a.m.