

**MINUTES OF THE
SENATE JUDICIAL CONFIRMATION COMMITTEE**
Wednesday, November 7, 2007 –10:00 a.m. – Room W110 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. Amanda K. Majers, 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 10:10 a.m. The Committee and staff introduced themselves to the candidate and the audience.

MOTION: Sen. Waddoups moved to close the meeting for the purpose of discussing the character, professional competence, or physical or mental health of Mr. David M. Connors. The motion passed unanimously with Sen. Hillyard absent for the vote.

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

2. Interview of Mr. David M. Connors

Mr. Connors was placed under oath by Mr. Howe. Mr. Connors expressed appreciation for his nomination, and introduced his family. He discussed his background, values, and judicial philosophy.

Sen. Waddoups asked Mr. Connors if there was anything in his background that would be an embarrassment to the state or the judiciary. Mr. Connors stated that there was not.

Sen. Waddoups inquired about Mr. Connors's position on the effectiveness of mediation and arbitration. Mr. Connors replied that most disputes are resolved best in mediation or arbitration, and added that trials should be the last resort.

Sen. Waddoups asked how well Mr. Connors is known as an attorney in the Second District, since his law practice is primarily in Salt Lake City, and wondered if Mr. Connors would have to recuse himself from many cases. Mr. Connors responded that he has probably appeared before half the judges in the Second District, and he stated that he does not anticipate this as being a problem.

Sen. Buttars asked about Mr. Connors's opinion of granting summary judgements. Mr. Connors expressed frustration with judges who will not grant a summary judgement when it is appropriate. He further commented that litigation is not accessible and is expensive because it tends to be drawn out, and he said summary judgements narrow the issues and narrow the scope of discovery.

Sen. Buttars summarized public comments that the Committee received privately, which spoke against Mr. Connors's nomination, and asked him to address those concerns. Mr. Connors addressed those concerns.

Sen Buttars asked about Mr. Connors's position on Legacy Highway. Mr. Connors stated that he has always been in favor of the highway, and he worked as a mediator with environmental groups and Davis County legislators to resolve the conflict over the construction of the highway.

Sen. Buttars asked about Mr. Connors's position on the Second Amendment. Mr. Connors replied that he would uphold and defend all aspects of the Constitution.

Sen. Buttars inquired about Mr. Connors's position on capital punishment. Mr. Connors replied that it would be his obligation to uphold and impose the sentence, and to insure that the process was fair.

Sen. Buttars asked Mr. Connors about the timeliness of verdicts. Mr. Connors stated that the judicial process takes too long, and expressed that as a judge he will do everything in his power to expedite the process.

Sen. Waddoups asked about Mr. Connors's position on the separation of church and state. Mr. Connors responded that it is a judge's job to figure out how the law applies to a case; it is not his job to think through political or social ramifications. Sen. Waddoups inquired if Mr. Connors meant to imply that church and state are always separate. Mr. Connors stated that there has always been a relationship and a balance between church and state. Mr. Connors further explained that religious beliefs do not have a place in making judicial decisions.

Sen. Bell spoke in favor of the candidate, and highlighted Mr. Connors's experience in complex civil litigation, his background in multistate and federal litigation, and his overall value to the community.

Ms. Carla Eskelsen, Farmington resident and friend of the Connors's family, was sworn in by Mr. Howe, and stated that certain people misconstrue Mr. Connors's pleasant demeanor as patronizing.

MOTION: Sen. Bell moved to recommend to the full Senate the confirmation of Mr. Connors as a judge in the Second District Court. The motion passed unanimously.

MOTION: Sen. Bell moved to adjourn. The motion passed unanimously.

Chair Buttars adjourned the meeting at 11:29 a.m.

3. Interview of Mr. Kevin Fife

Chair Buttars reconvened the meeting at 11:33 a.m.

Sen Hillyard explained that Mr. Fife withdrew from the appointment process. Sen. Hillyard informed the Committee that the nomination process in the First District would have to begin again.

4. Other Items / Adjourn

MOTION: Sen. Bell moved to adjourn. The motion passed unanimously.

Chair Buttars adjourned the meeting at 11:39 a.m.