

**MINUTES OF THE
SENATE JUDICIAL CONFIRMATION COMMITTEE**
Tuesday, August 31, 2010 – 12:00 p.m. – Room 450 State Capitol

Members Present:

Sen. Scott K. Jenkins, Chair
Sen. Jon J. Greiner
Sen. Lyle W. Hillyard
Sen. Karen Mayne
President Michael G. Waddoups

Staff Present:

Ms. Esther D. Chelsea-McCarty, Associate 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 Jenkins called the meeting to order at 12:09 p.m.

MOTION: Sen. Greiner moved to close the meeting for the purpose of discussing the character, professional competence, or physical or mental health of Ms. Michelle E. Heward. The motion passed unanimously, with Sen. Hillyard and President Waddoups absent for the vote.

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

2. Interview of Ms. Michelle E. Heward

The Committee introduced themselves to the candidate and the audience. Ms. Heward introduced her family, friends, and colleagues to the Committee.

Ms. Heward was placed under oath by Mr. Howe. Ms. Heward stated that, through her interview, she hoped to provide the Committee with an impression of her character to complement the comments from others in regard to her reputation. She expressed a strong value for education and a passion for the law. She provided a personal and professional background statement to the Committee. She answered questions from the Committee concerning appellate review; ability to provide fair and balanced judicial rulings; improving the juvenile court system; mental health and drug courts for juveniles; termination of parental rights; the consequences of sentencing in the juvenile system; writing and communication skills; timing and reasons for applying for a judgeship position; how to rule on a conflict between judicial rule and state statute; bias and diversity in the juvenile system and applying the law; failure in life; service in the justice court system; substance abuse and revoking a juvenile's drivers license; direct filing of juveniles into the adult judicial system; and the Pledge of Allegiance in schools, the motto "In God We Trust," and prayer in school.

President Waddoups asked if Ms. Heward had ever engaged in conduct which would, if committed while being a judge, violate the Code of Judicial Conduct or be grounds for judicial discipline. Ms. Heward stated that she has not.

MOTION: Sen. Greiner moved to favorably recommend to the full Senate that Ms. Michelle E. Heward be confirmed as a judge on the Second District Juvenile Court. The motion passed unanimously.

3. Interview of Ms. Karla Staheli

MOTION: President Waddoups moved to close the meeting for the purpose of discussing the character, professional competence, or physical or mental health of Ms. Karla Staheli. The motion passed unanimously, with Sen. Greiner and Sen. Mayne absent for the vote.

MOTION: President Waddoups moved to recess for a few minutes. The motion passed unanimously.

MOTION: President Waddoups moved to open the meeting. The motion passed unanimously, with Sen. Hillyard absent for the vote.

The Committee introduced themselves to the candidate, Ms. Karla Staheli, and the audience. Ms. Staheli introduced her family, friends, and colleagues to the Committee.

Ms. Staheli, was placed under oath by Mr. Howe and provided a personal and professional background statement to the Committee. She told the Committee about her experience adopting her sons through foster care, and explained how that experience will contribute to her judicial philosophy. She answered questions concerning adopting children; issues regarding custodial fathers; organizational skills; handling tardiness, unpreparedness, or an argumentative attorney as a judge; philosophy on special interests; moving a juvenile to a different district as a deterrent; direct filing of juveniles into the adult judicial system; improving the juvenile justice system; substance abuse and revoking a juvenile's drivers license; the Pledge of Allegiance in schools, the motto "In God We Trust," and prayer in school; rendering a judicial opinion and then discovering that opinion was incorrect; mental health and drug courts for juveniles; and timeliness of the judicial system.

President Waddoups inquired if Ms. Staheli had ever engaged in conduct which would, if committed while being a judge, violate the Code of Judicial Conduct or be grounds for judicial discipline. Ms. Staheli answered no.

MOTION: Sen. Mayne moved to favorably recommend to the full Senate that Ms. Karla Staheli be confirmed as a judge on the Fifth District Juvenile Court. The motion passed unanimously.

4. Interview of Mr. Noel S. Hyde

MOTION: Sen. Greiner moved to close the meeting for the purpose of discussing the character, professional competence, or physical or mental health of Mr. Noel S. Hyde. The motion passed unanimously.

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

The Committee introduced themselves to the candidate, Mr. Noel S. Hyde and the audience. Mr. Hyde introduced his family, friends, and colleagues to the Committee.

Mr. Hyde was placed under oath by Mr. Howe and provided a personal and professional background statement to the Committee. Mr. Hyde informed the Committee of his commitment to lifelong learning, his feeling that it is a privilege to be a courtroom practitioner, and his motivation for applying to become a judge. Mr. Hyde answered questions concerning the boy scout credo and its application to the position of judge; whether errant judicial behavior should be dealt with publically or privately; role of

government versus religion; the Pledge of Allegiance in schools, the motto "In God We Trust," and prayer in school; judicial philosophy; the Second Amendment; storage lockers for firearms in the courtroom; interpreting the law; judicial role models; judicial impartiality; pro se litigation; the death penalty; timeliness and costliness of the judicial system; Mr. Hyde's solo law practice; fault or no fault divorce; child support; the cloistered life of a judge; appellate review; immigration issues and the Tenth Amendment; judicial activism; bankruptcy; the separation of personal values from judicial decisions; and the administration of the death penalty.

MOTION: Sen. Greiner moved to favorably recommend to the full Senate that Mr. Noel S. Hyde be confirmed as a judge on the Second District Court. The motion passed unanimously.

5. Other Items / Adjourn

MOTION: President Waddoups moved to adjourn. The motion passed unanimously.

Chair Jenkins adjourned the meeting at 4:35 p.m.