

AGENDA

JUDICIAL CONDUCT COMMISSION MEETING

**Tuesday, 2 June 2026
11:00 a.m.**

**Judicial Conduct Commission
1385 S. State Street
Salt Lake City, Utah 84115**

NO.	ITEM	REPORTING	TAB
1	Welcome, Call to Order, Public Comment	Chair	1
2	Approval of Public Minutes	Chair	2
3	Director's report	Alex Peterson	3
4	Budget	Alex Peterson	4
5	Statistical Report	Alex Peterson	5
6	Motion to Close Public Meeting Approval of Confidential Minutes Confidential Matters	Chair	6
7	Next Meeting	Chair	
8	Other Business	Chair	
9	Adjournment	Chair	

Notice is hereby provided that the JCC will be meeting in person at our anchor location. The public is invited to attend at anchor location address above.

Persons with disabilities who require special accommodations are requested to contact the Judicial Conduct Commission, (801) 468-0021, at least 48 hours before the scheduled meeting date and time.

Tab 2

**MINUTES OF THE PUBLIC PORTION OF THE
JUDICIAL CONDUCT COMMISSION MEETING**

Tuesday, 5 May 2026 at 11:00 a.m.

**Judicial Conduct Commission
1385 S. State Street
Salt Lake City, Utah 84115**

Meeting was conducted at anchor location

Present:

Ms. Cheylynn Hayman Chair
Ms. Michele Ballantyne Vice-Chair
Rep. Jordan Teuscher (video)
Rep. Grant Miller
Sen. Brady Brammer
Sen. Jen Plumb
Hon. Ryan Harris (video)
Hon. Michael Edwards (video)
Mr. Stephen Studdert (video)
Ms. Georgia Thompson
Ms. Linda Dunn

Excused:

Staff:

Alex Peterson
Aimee Thoman
Cindi Cowles
Joe McGivern

Guests / Public: Ruth
Hackford-Peer, Robert
Gehrke

1. **Welcome.** Chair called the meeting to order. The public was welcomed. The Chair noted that no public comment would be allowed. Chair reminded Commissioners that there should be no discussion of any particular case.
2. **Commission discussion on Confidentiality and Distribution of JCC Materials to JCC members.**
 - a. Ex. Dir. requested a motion to establish a special committee of 3 Commissioners to assist him in examining recent disclosure, JCC practices, and necessary changes going forward.
 - b. Commissioners discussed motion, clarified that questions may be asked about Commissioners' discussions of Commission matters, and resolved questions of scope and authority.

Motion:	Sen. Brammer	To establish a special committee consisting of Ms. Ballantyne, Mr. Studdert and Hon. Harris to support the Ex. Dir in examining the recent disclosure, JCC confidentiality practices, and any necessary changes going forward.
Second:	Ms. Thompson	
Vote:	Unanimous by roll call	

- c. Report by Ex. Dir. on steps taken so far in light of recent disclosure.
- d. Review of Historical Basis for JCC Confidentiality by Ex. Dir.
- e. Discussion on specific protocols for distribution of materials.
 - i. Agreement to supported analog distribution as interim measure.
 - ii. Additional future technological security measures (e.g. Data rooms).
- f. Discussion of "Trust-building" steps going forward.

- i. Internally and Externally with Utah citizens, complainants, other governmental branches (Legislature, Executive, Judiciary) and constituencies.
- ii. Responding to Judge D. Mortensen's email regarding confidentiality. Staff will draft and circulate a response for external audiences among Commission.

3. Next Meeting. The Commissioners agreed to conduct a public meeting on 2 June at the anchor location at 11:00 am. The Chair approved Commissioner electronic attendance.

4. Adjournment.

Motion: Ms. Hayman To adjourn.
Second: Not required
Vote: Unanimous

**MINUTES OF THE PUBLIC PORTION OF THE
JUDICIAL CONDUCT COMMISSION MEETING**

Tuesday, 7 April 2026 at 11:00 a.m.

**Judicial Conduct Commission
1385 S. State Street
Salt Lake City, Utah 84115**

Meeting was conducted at anchor location

Present:

Ms. Cheylynn Hayman Chair
Ms. Michele Ballantyne Vice-Chair
Rep. Jordan Teuscher
Rep. Grant Miller
Sen. Brady Brammer
Sen. Jen Plumb
Hon. Ryan Harris
Hon. Michael Edwards (video)
Mr. Stephen Studdert (video)
Ms. Georgia Thompson (video)
Ms. Linda Dunn (video)

Excused:

Staff:

Alex Peterson
Aimee Thoman
Cindi Cowles
Joe McGivern

Guests / Public: None

1. **Welcome.** Chair called the meeting to order. Chair re-organized the agenda.
2. **Closure of Meeting via roll call vote.**

Motion:	Hon. Harris	To close the meeting to the public for the purpose of discussing: the character, professional competence, or physical or mental health of an individual; or investigative proceedings regarding allegations of criminal misconduct; or pending or reasonably imminent litigation; or matters covered by attorney client privilege.
Second:	Ms. Ballantyne	
Vote:	Unanimous by roll call	

At the conclusion of the confidential portion of the meeting, the meeting was re-opened to the public.

3. **Public Comment.** Public comment allowed, none was given.
4. **Approval of Minutes.**

Motion: Mr. Studdert To approve the minutes of the public portion of the 10 March 2026 meeting.

Second: Ms. Thompson

Vote: Unanimous

5. **Director's Report.** Ms. Thoman reviewed the Director's Report, updating the Commission on AJDC / CJEⁱ (x2), JPECⁱⁱ (x0), CCJJⁱⁱⁱ (x4), UCCD^{iv} (x0), AOC^v (x1), and GRAMA^{vi}/Press (0) monthly requests. Staff reported on implementation of new Vantage system.

6. **Budget.** Staff reported on the FY26 budget through February 28, 2026, with total expenditures of \$373,336. Prior year savings and legislative additions to budget resulted in a carry forward balance of \$395,000. The JCC spent 63.9% of available funds through 66.6% of current FY.

7. **Statistical Report.**

Number of complaints filed to date in FY26	153
Number of cases pending before the Supreme Court	3
Number of cases under formal charges	0
Number of cases under full investigation	8
Number of cases under preliminary investigation	21
Total number of open files	32
Oldest Case	397 days
Average Case age	58 days

In FY26, zero (0) Public Actions and three (3) Dismissal with Warnings have been issued. Twenty-two (22) reconsideration requests received to date.

It has been acknowledged that the greater public access to complaint forms via the online complaint portal starting in FY22 has resulted in a significantly increased complaint case load with no similar increase in meritorious complaints submitted. Staff implemented a loading page for the online complaint portal to emphasize the correct way to file appeals.

8. **Next Meeting and other matters.** The Commissioners agreed to conduct a public meeting on 5 May at the anchor location at 11:00 am. The Chair approved Commissioner electronic attendance.

9. **Adjournment.**

Motion: Ms. Hayman To adjourn.
Second: Not required
Vote: Unanimous

ⁱ Association of Judicial Disciplinary Counsel / Center for Judicial Ethics

ⁱⁱ Judicial Performance Evaluation Commission

ⁱⁱⁱ Commission on Criminal and Juvenile Justice

^{iv} Utah Council for Citizen Diplomacy

^v Administrative Office of the Courts

^{vi} Government Records Access and Management Act

Tab 3



Alex G. Peterson
Executive Director

State of Utah

JUDICIAL CONDUCT COMMISSION

1385 S. State St., Suite 401
Salt Lake City, Utah 84115
Telephone: (801) 468-0021

MEMORANDUM

TO Judicial Conduct Commissioners

FROM Alex G. Peterson

DATE 28 May 2026

RE Director's Report

- MESSAGE**
1. JCC staff activities that have occurred beyond investigative responsibilities since our last meeting.
 2. Information requests regarding the JCC processes / organization:

AJDC / CJE - 3, JPEC - 0, judicial nominations / CCJJ - 1, UCCD - 0, AOC / judicial retirements - 0 and GRAMA / Press - 8.
 3. Director established JCC Commissioner specific emails for electronic communications allowing use of end-to-end encryption. Director prepared updated draft JCC confidentiality policy for review and affirmation (attached). Director prepared draft response to judiciary (attached).
 4. Director and staff are supporting ongoing Legislative Audit. Director completed an "Accountable Based Budget Review" with Department of Government Operations, Finance Office.

AJDC / CJE is the Association of Judicial Disciplinary Counsel / Center for Judicial Ethics
JPEC is the Judicial Performance Evaluation Commission
CCJJ is the Commission on Criminal and Juvenile Justice
UCCD is the Utah Council for Citizen Diplomacy
AOC is the Administrative Office of the Court
GRAMA is the Government Records Access and Management Act

RULES, PRINCIPLES, AND POLICIES TO PROTECT CONFIDENTIALITY

Adopted June 2, 2026

1. Introduction

The Judicial Conduct Commission ("JCC") – including both staff and individual commissioners – remains firmly committed to the rules, principles, and policies of confidentiality of JCC investigations and hearings as embodied in the Utah Constitution Article VIII, § 13 and the Utah Code § 78A-11-112. Per the Utah Constitution, the Judicial Conduct Commission shall investigate and conduct confidential hearings regarding complaints against any justice or judge. Per Utah statute, the complaints, papers, testimony, or the record of the commission's confidential hearings may not be disclosed to anyone outside the JCC except in limited circumstances. The JCC acknowledges the historical basis, the constitutional and statutory basis, and the significant policy reasons supporting confidentiality. Confidentiality protects the complainants, the participants in the judicial system (court staff, attorneys, witnesses, adjacent parties, and litigants). Similarly, trust and confidence in the Utah judiciary is improved by resolution of accusations. The JCC recognizes the chilling effect that disclosure of confidential material would have across this spectrum, regardless of how it might occur. The JCC remains committed to reinforcing current JCC processes, protocols, and procedures to protect confidential records, and it will regularly examine other methods to further protect records.

2. JCC Staff and Office Confidentiality Measures

- a. JCC staff are prohibited from disclosing confidential information to anyone outside the JCC without the consent of the accused judge or an order from the Utah Supreme Court authorizing disclosure.
- b. The fact that a complaint has been made, a statement has been given, and all papers and matters submitted to the JCC, together with the investigation and initial proceedings conducted pursuant to these rules, shall be confidential.
- c. The JCC shall maintain all paper copies of confidential materials either in secured locked rooms or in the personal possession of a JCC staff member or commissioner except as noted below. The JCC shall maintain all electronic copies of confidential materials in a password-protected, limited access shared drive or encrypted G:Drive.
- d. The JCC may distribute confidential materials to commissioners under the following guidelines.
 - i. Each commissioner will sign a written agreement acknowledging their commitment to comply with the terms of these Rules, Principles and Policies, as set forth herein.

- ii. JCC staff may distribute paper copies of materials only to commissioners who have signed the written agreement referenced in Section 2.d.i.
- iii. JCC staff may share electronic copies of materials only with commissioners who signed the written agreement referenced in Section 2.d.i.

3. Commissioners and Staff Members Confidentiality Measures

- a. JCC commissioners and staff members are prohibited from disclosing confidential JCC information to anyone outside the JCC without the consent of the accused judge or an order from the Utah Supreme Court authorizing disclosure. The fact that a complaint has been made, a statement has been given, and all papers and matters submitted to the JCC, together with the investigation and all proceedings conducted pursuant to these rules, shall be confidential.
- e. Commissioners and staff members must maintain that strict confidentiality. Each commissioner and staff member shall instruct personal staff about the requirement of confidentiality.
- f. Commissioners and staff members will use only jcc.utah.gov email addresses for JCC-related business. Commissioners will not use personal email addresses, le.utah.gov email addresses, or other non-jcc.utah.gov email addresses for any JCC-related business. Commissioners will never attach confidential JCC documents to any email – even one sent to other JCC commissioners or staff – that is sent using a non-jcc.utah.gov email address.
- g. Commissioners and staff members will not copy, screenshot, forward, share, or otherwise disclose JCC confidential materials with anyone outside the JCC. They may discuss such materials with other commissioners or JCC staff members. Commissioners and staff members shall ensure that all confidential JCC materials (whether hard copy or electronic) in their possession are secured. They will return all paper materials to the JCC staff members at the conclusion of JCC meetings, proceedings, or hearings for disposal. Commissioners who attend meetings remotely shall ensure that all confidential materials in their possession are returned to JCC staff within a reasonable time for disposal. Commissioners and staff members will use the established end-to-end encryption email process for receipt of electronic materials.

As a Commissioner of the Judicial Conduct Commission, I acknowledge that I have received and read the JCC "**RULES, PRINCIPLES, AND POLICIES TO PROTECT CONFIDENTIALITY**" and have been given the opportunity to ask questions that I may have concerning any of the policies and procedures contained therein. I agree that as a condition of my service as a Commissioner, I will abide by these JCC Rules, Principles and Policies and not act in breach of any of the provisions. I understand that each Commissioner is responsible for knowing and adhering to the JCC Rules, Principles, and Policies to Protect Confidentiality.

Print Name

Signature

Date



Alex G. Peterson
Executive Director

State of Utah

JUDICIAL CONDUCT COMMISSION

1385 S. State St, Suite 401
Salt Lake City, Utah
Telephone: (801) 468-0021

June 02, 2026

Honorable David N. Mortensen
Utah Court of Appeals
450 South State Street, 5th Floor
Salt Lake City, UT 84111

Re: JCC Confidentiality

Dear Judge Mortensen:

Prior to the 5 May 2026, Judicial Conduct Commission ("JCC") public meeting, I shared your 1 May 2026 email regarding JCC Confidentiality, and every Commissioner reviewed, weighed, and carefully considered your email. During our meeting, JCC Confidentiality as well as your email were discussed.

As a Commission and as individual Commissioners, the JCC remains firmly committed to the rules, principles, and policies of confidentiality of JCC investigations and hearings as embodied in the Utah Code § 78A-11-112 and the Utah Constitution Article VIII, § 13.

As part of that commitment during our recent meeting, the JCC reviewed the historical basis, the Constitutional and statutory basis, and significant policy reasons supporting confidentiality. We discussed the importance of confidentiality as to the complainants, the participants in the judicial system (court staff, attorneys, witnesses, adjacent parties, and litigants), as well as to the judges. We acknowledged the chilling effect that disclosure of confidential material would have across this spectrum, regardless of how it might occur. We remain committed to reinforcing current JCC processes, protocols, and procedures to protect confidential records and we have begun the examination of technological methods to further protect records.

For the near-term, we will return to a solely paper-based distribution system until improved technological methods can be implemented. As these additional security measures are deployed, we will inform you and the public we serve.

Sincerely,

A. G. Peterson
Executive Director

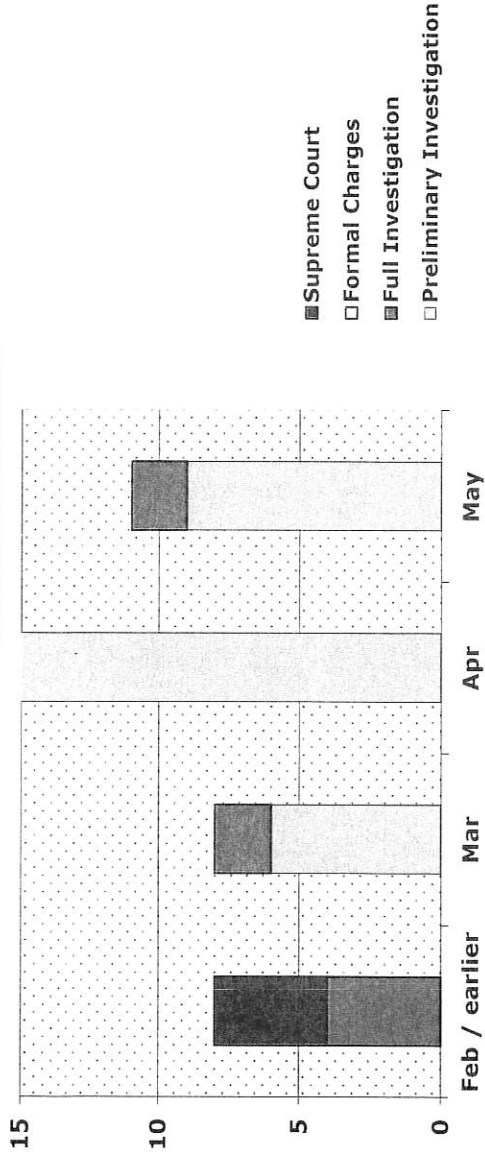
Tab 4

FY 2026 Budget Report - Through April 30, 2026

Description	Amount	Balance
FY 2026 Legislative Appropriation	\$584,200	\$584,200
Estimated FY 2025 Savings Carried into FY 2026	\$350,000	\$934,200
FY 2026 Expenditures through April 30, 2026	\$468,690	465,510
Percent of Current Fiscal Year Passed as of April 30, 2026	83.0%	
Percent of Legislative Appropriation Spent as of April 30, 2026	80.2%	
Percent of Available Funds Spent as of April 30, 2026	50.2%	
Estimated Carry Over From Prior Years	\$350,000	
Projected Remaining Balance Excluding the Balance From Prior Years	\$395,000	
Authorized non-lapsing Balance	\$350,000	

Tab 5

PENDING CASES



	Feb / earlier	Mar	Apr	May	Total
Preliminary Investigation	0	6	19	9	
Full Investigation	4	2	1	2	
Formal Charges	0	0	0	0	
Supreme Court	4	0	0	0	
Total	8	8	20	11	45 In Process

New Complaints Received Since 4/7/2026 27
Net Increase/Decrease Since 4/7/2026 12

Oldest Case / Goal / Previous 292 days / 180 days / 397 days
Ave. Case age / Goal / Previous 56 days / 90 days / 58 days
Supreme Court & Formal Charges cases excluded

FY 26 to date
Total FY 24/FY 25/FY 26 complaints 183/197/ 186
Total Reconsideration Requests FY25 / FY26 28 / 33
Total DWW FY25/FY26 5 / 3
Total Public Actions FY25/FY26 3 / 1