

JUDICIAL COUNCIL MEETING

Minutes

November 25, 2019

Matheson Courthouse

Council Room

450 S. State St.

Salt Lake City, Utah 84111

9:00 a.m. – 3:00 p.m.

Chief Justice Matthew B. Durrant, Presiding

Members:

Chief Justice Matthew B. Durrant, Chair
Hon. Kate Appleby, Vice Chair
Hon. Brian Cannell – by phone
Hon. Augustus Chin
Hon. Ryan Evershed
Hon. Paul Farr
Justice Deno Himonas
Hon. Mark May
Hon. Kara Pettit
Hon. Derek Pullan
Hon. Brook Sessions
Hon. Todd Shaughnessy
Hon. John Walton
Rob Rice, esq.

AOC Staff:

Hon. Mary T. Noonan
Cathy Dupont
Michael Drechsel
Heidi Anderson
Shane Bahr
Kim Free
Brent Johnson
Larissa Lee
Meredith Mannebach
Bart Olsen
Jim Peters
Tiffany Pew
Karl Sweeney
Keisa Williams
Jeni Wood

Excused:

Neira Siaperas

Guests:

Sr. Judge Dennis Fuchs
Judge George Harmond, Seventh District Court
Justice John Pearce, Supreme Court
Judge Rick Romney, Provo Justice Court – by phone
Joseph Wade, Office of Legislative Research

1. WELCOME AND APPROVAL OF MINUTES: (Chief Justice Matthew B. Durrant)

Chief Justice Matthew B. Durrant welcomed everyone to the meeting.

Motion: Judge Kate Appleby moved to approve the Judicial Council minutes from the October 28, 2019 meeting, as amended to state: 1) in section 12 add Judge May opposed to the motion, and 2) in section 13 change “two seats” to “one seat” for 8 judges. Judge Augustus Chin seconded the motion, and it passed unanimously.

2. CHAIR’S REPORT: (Chief Justice Matthew B. Durrant)

Chief Justice Durrant noted court personnel are meeting with Governor Herbert, legislative leadership, and JPEC to prepare for the 2020 legislative session. Cathy Dupont noted the courts are working towards holding quarterly meetings with legislative leadership to maintain a consistent relationship.

3. ADMINISTRATOR’S REPORT: (Judge Mary T. Noonan)

The Third District Juvenile Mental Health Court (Judge Elizabeth Knight) will receive the Utah Substance Use and Mental Health Advisory Committee Annual Governor’s Award next month at the Capitol.

Judge Mary T. Noonan noted Council members will be invited to the April 21-22, 2020 Courts & Community’s Response to Those Suffering with Mental Illness Task Force (sequential intercept model) conference.

4. COMMITTEE REPORTS:

Management Committee Report:

The work of this committee is reflected in the minutes.

Ad Hoc Budget & Finance Committee Report:

The committee will present their decision on the AOC market comparability survey funding and the clerical reallocation to the Council today.

Liaison Committee Report:

The Liaison Committee met in October and will meet again in December. Judge Kara Pettit reviewed some of the bills discussed at the meeting.

Policy and Planning Committee Report:

Judge Derek Pullan noted they are working on the new courthouse closure rule, which allows a uniform process for courthouse closures in emergency situations. Judge Pullan reviewed the rules that are on the Council’s consent calendar.

The Board of District Court Judges discussed a proposed rule amendment to allow leniency of attire for litigants in courtrooms. The Board was divided as to the proposed rule changes. The current rule states individuals cannot be removed from a courtroom unless the attire will affect the proceedings, such as gang-related clothing, or they appear in a substantial state of undress as defined by the rule. Policy & Planning will continue their efforts on this topic.

Bar Commission Report:

Rob Rice said the Bar approved funding for additional administrative support for the LPP program, which continues to grow.

5. TECHNOLOGY COMMITTEE REPORT & RECOMMENDATIONS: (Justice John Pearce and Heidi Anderson)

Chief Justice Durrant welcomed Justice John Pearce and Heidi Anderson. Ms. Anderson sought approval from the Council to create a process to prioritize the various IT projects

requested by different groups in the judiciary. If approved, the Technology Standing Committee will review the list of pending projects and new IT requests, prioritize the requests, and bring their recommendations for prioritization to the Judicial Council for approval, along with the status of current projects. The committee currently meets quarterly, however, if approved, may meet more often. The IT Department currently is working on 28 projects, not including normal business duties. The Council recommended reviewing the 10-year projects' backlog to determine if any requests cannot be met, and if so, notify the requestor. The MyCase system has been completed and is now with Court Services to determine the roll-out phase.

The Technology Committee will review the committee membership to ensure the committee is comprised of individuals who possess the qualifications to review requests. If the committee composition needs to be amended, Ms. Anderson will address this with Policy & Planning.

Proposed workflow overview:

Project Intake: A form would be completed with the request.

Project Triage: Decision as to whether to move forward to hold for prioritization.

Project Initiation: Set up project for tracking.

Project Prioritization: Determine the order in which resources are assigned to projects.

Project Planning: Review work plan for feasibility and accuracy. Determine the true cost and opportunity cost of the effort.

Project Approval: Final decision is made after the projected scope/duration/effort is determined.

Project Execution: Allow teams to work with as little distraction or reprioritization as possible.

Project Release: Releases should be regular and consistent.

Possibilities discussed:

- Have all requests first seek approval through their respective Boards.
- Allow IT the authority to return a request to a Board for approval or additional information.
- Identify the stakeholders included on the intake form and ensure upfront work has been done before IT receives the request.
- Have the Council prepare a memo once a determination has been made as to how this process should work.

The Council requested feedback from IT on Council approved projects. Chief Justice Durrant requested the Technology Committee determine how projects be funneled, the committee composition, and how often a report should be sent to the Council. The committee will return to the Council with a list of priorities, a memo outlining the process, and any proposed changes to the committee composition.

Chief Justice Durrant thanked Justice Pearce and Ms. Anderson.

6. REFERRAL OF JUSTICE COURT REFORM TO MANAGEMENT COMMITTEE TO DETERMINE WHETHER REFORM FALLS PREDOMINANTLY WITHIN THE COUNCIL’S OR THE SUPREME COURT’S EXCLUSIVE AUTHORITY, AND EITHER REFER THE ISSUE TO THE APPROPRIATE BODY OR UNDERTAKE A COORDINATED EFFORT. (Judge Kate Appleby and Michael Drechsel)

Chief Justice Durrant welcomed Judge Kate Appleby and Michael Drechsel. They discussed the advisory committee’s report on Justice Court Reform and focused on the appeals process for justice court, which is a trial de novo in the district court.

The advisory committee developed two feasible models for reform, one limited to small claims cases, and the other for all justice court cases. The committee concluded that the data does not support making procedural reforms in small claims cases only, and that although there are significant good reasons for eliminating re-trials in all types of justice court cases, this would be controversial and costly.

The committee recommended the Council establish a joint broad-based task force with the Supreme Court to consider a larger-scale reform of the justice court system which might include the elimination of trial de novo as the appeals process.

Chief Justice Durrant thanked Judge Appleby and Mr. Drechsel.

Motion: Judge Derek Pullan moved to refer the issue of Justice Court reform to the Management Committee for resolution consistent with the draft rule on Administration of the Judiciary that will be considered at the December Policy and Planning Meeting. Specifically, the Management Committee and a designated member of the Supreme Court will meet to determine (1) whether Justice Court reform falls predominantly within the Judicial Council’s or the Supreme Court’s exclusive authority; and (2) either refer the matter to the appropriate body with exclusive authority or to decide how to undertake a coordinated effort. Justice Deno Himonas seconded the motion, and it passed with Judge Appleby and Judge May abstaining.

7. PROPOSED AMENDMENT TO UTAH CODE § 78A-7-206 COMPENSATION TO JUSTICE COURT JUDGES: (Judge Rick Romney and Jim Peters)

Chief Justice Durrant welcomed Judge Rick Romney and Jim Peters. Judge Romney presented proposed changes to Utah Code § 78A-7-206:

- Effective July 1, 2021, a governing body of a municipality or county may not set a full-time justice court judge’s salary at less than 70% nor more than 90% of a district court judge’s salary; and
- Effective July 1, 2022, a governing body of a municipality or county may not set a full-time justice court judge’s salary at less than 80% nor more than 90% of a district court judge’s salary.

The Board of Justice Court Judges set a goal to review judicial compensation, including amending the statute and creating a joint task force, among other changes. The Management Committee decided to postpone requesting a statute amendment from the legislature until all requests can be identified by the Board. Ms. Dupont noted the task force will consider fundamental changes in the structure of justice courts, including compensation.

Chief Justice Durrant thanked Judge Romney and Mr. Peters.

Motion: Judge Pettit moved to defer the request for compensation and send it to the Justice Court Reform Task Force, as constituted after the Management Committee and the designated member of the Supreme Court meet and decide how to proceed consistent with the Draft Rule on Administration of the Judiciary to be discussed at the December Policy and Planning Meeting. Judge Shaughnessy seconded the motion, and it passed unanimously.

8. BUDGET & FINANCE COMMITTEE: MARKET SURVEY AND CLERICAL REALLOCATION RECOMMENDATION: (Judge Mark May, Bart Olsen, and Karl Sweeney)

Chief Justice Durrant welcomed Judge Mark May, Bart Olsen, and Karl Sweeney. The Budget & Finance Committee voted to prioritize a full review and analysis of the process the judiciary uses to conduct market comparability studies. The committee developed four principles to evaluate which employees would receive market comparability raises.

1. **Market analysis** to determine level(s) of alignment and/or misalignment of current AOC employees in comparison to the job market.
2. **Critical function** analysis to differentiate the direct impact of a given job/function on the Courts' ability to provide justice services to the people.
 - a. The justice system is inaccessible to at least some group of citizens without this role.
 - b. The justice system is severely impacted without this role.
 - c. The justice system is somewhat impacted without this role.
3. **Turnover rate** analysis on AOC jobs, averaged over the past three years using total number of jobs in a function and total number of employees leaving that job each year.
4. **Disparity of court rule** analysis to consider how the current policy of placing a maximum percentage increase (11%) on promotion creates inequity between internally promoted staff and externally hired staff for the same job.

The principles were based on percentage below market rates, critical function for the judiciary, turnover for the position, and employees who were impacted by the application of human resource rules that capped internal hire pay increases to 11%. The committee recommended to the Judicial Council that market comparability raises be awarded to:

- Identified personnel with salaries below the market level at or above 19% would receive a 10% increase, personnel with salaries below the market level between 11% - 18% would receive a 5% increase, personnel with salaries below the market level between 5% - 10% would receive an increase of 5%, and personnel with salaries below the market level between 2% - 5% would receive a 2% increase, for a total of \$133,640;
- Staff interpreters, at the rate of 10%, to be funded from the Juror, Witness, Interpreter Line Item, and
- Hot spot salary increases for employees for the remaining \$3,360 in ongoing funds, as determined by the State Court Administrator.

The approved salary increases would exceed the allowed \$137,000 by \$600. Judge May thanked Mr. Olsen for his hard work in creating the scenarios.

The Budget and Finance Committee also addressed clerical weighted caseloads, which suggests that there is a surplus of five clerical positions in the state. The Judicial Council asked the committee to consider using the extra clerical positions to fund three budget requests: Public Outreach Coordinator, Self-Help Center funding increase, and two drug court clerks. Mr. Sweeney stated that each JA I position, including benefits, yields approximately \$67K per person in potential annual savings that could be used to fund the budget requests. The committee recommended that the judiciary not use the clerical positions to fund the budget requests and instead, wait to see if the trends for clerical weighted caseload continue, in the same manner that the judiciary is waiting to see if the judicial weighted caseload trends continue.

Chief Justice Durrant thanked Judge May, Mr. Olsen, and Mr. Sweeney.

Motion: Judge Shaughnessy moved to 1) approve salary increases as recommended: identified personnel with salaries below the market level at or above 19% to receive a 10% increase, personnel with salaries below the market level between 11% - 18% to receive a 5% increase, personnel with salaries below the market level between 5% - 10% to receive an increase of 5%, and personnel with salaries below the market level between 2% - 5% to receive a 2% increase, for a total of \$133,640; 2) approve staff interpreters, at an increase of 10% to be funded from the Juror, Witness, Interpreter Line Item; 3) approve hot spot salary increases for employees with the remaining \$3,360 in ongoing funds, as determined by the State Court Administrator; and 4) accept the recommendation of the committee and not internally fund the Public Outreach Coordinator, the Self-Help Center ongoing funding for full time status of employees, and two drug court clerks. Judge Appleby seconded the motion, and it passed unanimously.

9. JUDICIAL COUNCIL ANNUAL REPORT UTAH CODE § 78A-2-104: (Judge Mary T. Noonan and Cathy Dupont)

Chief Justice Durrant welcomed Judge Mary T. Noonan and Cathy Dupont. Judge Noonan reviewed prior Annual Reports and Utah Code § 78A-2-104. The Management Committee preferred the Annual Reports be provided electronically, when possible. Judge Noonan will seek approval of a draft Annual Report from the Management Committee in December. Last year 2,000 copies were printed, which includes hard copies for the public in all court locations.

Chief Justice Durrant thanked Judge Noonan and Ms. Dupont.

Motion: Judge Appleby moved to create the Annual Report in compliance with Utah Code § 78A-2-104, as presented. Judge Brook Sessions seconded the motion, and it passed unanimously.

10. PRETRIAL RELEASE AND SUPERVISION REPORT: (Judge George Harmond and Keisa Williams)

Chief Justice Durrant welcomed Judge George Harmond and Keisa Williams. Judge Harmond reviewed the committee composition. The committee is working with each county to

determine what authority or entity defendants will “check-in” with when released on bail. Ms. Williams will soon present to the Budget & Finance Committee requests for on-going funds.

Chief Justice Durrant thanked Judge Harmond and Ms. Williams.

11. PROCEDURAL DUE PROCESS IN THE PRETRIAL CONTEXT: CASELAW RE: ABILITY TO PAY ANALYSIS: (Keisa Williams)

Chief Justice Durrant welcomed Keisa Williams. Over the last several years, in both state and federal cases, courts consistently hold that it is an unconstitutional deprivation of due process and equal protection rights under the 14th Amendment to set monetary conditions of pretrial release without first considering, among other things, an arrestee’s ability to pay the amount set. Ms. Williams provided a brief overview of state and federal cases in an effort to open discussion, development, and implement procedures surrounding the ability to pay analyses in the pretrial context.

Representative Hutchings requested the judiciary draft legislation to address this nationwide trend. Ms. Williams is speaking to judges through their respective district bench meetings and believes funding could be provided through a grant. Judge Farr recommended including this issue with the justice court reform.

Chief Justice Durrant thanked Ms. Williams.

Motion: Justice Himonas moved to create a Pretrial Reform Joint Task Force with the Supreme Court, meet with the Management Committee to address the composition of the task force, create a tiered planned of issues, include a Supreme Court representative to attend a Management Committee meeting, as amended. Judge Appleby seconded the motion, and it passed unanimously.

12. CJA RULE 6-506 FOR FINAL ACTION: (Keisa Williams)

Chief Justice Durrant welcomed Keisa Williams. Code of Judicial Administration Rule 6-506 is a new rule that outlines procedures for contested probate matters, including mandatory mediation of contested matters. CJA 6-506 references a new Utah Rule of Civil Procedure (URCP 26.4 “Provisions governing disclosure and discovery in contested proceedings under Title 75 of the Utah Code”). The Supreme Court will review URCP 26.4 for final publication.

Both rules published for comment this summer and received some discussion. The Policy and Planning and the Rules of Civil Procedure Committees considered the comments and made several changes to their respective rules based on the feedback. Policy and Planning recommended that the Judicial Council authorize CJA 6-506 to be published at the same time as URCP 26.4 (when such publication is authorized by the Supreme Court) to allow the rules to be published as a cohesive whole.

Chief Justice Durrant thanked Ms. Williams.

Motion: Judge Appleby moved to approve Code of Judicial Administration Rule 6-506, as presented, with an effective date to match URCP Rule 26.4. Justice Himonas seconded the motion, and it passed unanimously.

13. HR 440 EDUCATION ASSISTANCE, HR 550 DISCRIMINATION AND HARASSMENT, AND PROBLEM-SOLVING COURT CHECKLIST FOR FINAL ACTION: (Keisa Williams)

Chief Justice Durrant welcomed Keisa Williams.

HR 440 – Education Assistance: The proposed amendments eliminate the provision allowing the Deputy State Court Administrator to approve education assistance requests over the presumed maximum. The Human Resources Department and the Deputy State Court Administrator expressed a need for a hard cap because granting exceptions reduces the amount available to others. The amendment was reviewed by Brent Johnson. Policy and Planning now recommends this rule to the Judicial Council for final approval.

HR 550 – Discrimination and Harassment: The Judicial Council asked the Human Resources Review Committee to update the Courts’ discrimination and harassment policy, and to seek feedback from the Policy and Planning Committee before advancing a proposal to the Council. The Human Resources Review Committee, with support from Rob Rice and Brent Johnson, engaged in several revisions of this policy.

The Council asked the Review Committee to pay particular attention to the creation of a mechanism whereby employees would clearly understand to whom and how they are permitted to report allegations about judges, justices, and high-level directors or administrators. The language in subsection (1) definitively states that the policy applies to everyone, including judges, justices, and high-level administrators, and subsection (5) provides detailed reporting procedures.

Problem-Solving Court Certification Checklist: At the August 23, 2019 Judicial Council meeting, Judge Fuchs requested a change to the problem-solving court certification checklist. Currently criteria # 2 under Presumed Certification Criteria states: “The Drug Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.” The monitoring requirement relates to NADCP best practices standards, but Judge Fuchs indicated that unless the AOC Information Technology Department is able to create an automated process to track that information and store it in an accessible database, problem-solving courts will be unable to comply.

The Council asked Policy and Planning to consider the impact of changing the criteria to a Non-Certification-Related Best Practice Standard, and whether problem-solving courts around the state would be able to comply with the requirement if it remained unchanged. Policy and Planning concurred with Judge Fuchs’ recommendation and determined that problem-solving courts are not currently equipped to accurately and consistently capture the data necessary to comply with this requirement. Moving the criteria to Best Practice Standards will preserve the issue until such time as a technological solution can be implemented.

Policy and Planning recommended all of these for final approval.

Chief Justice Durrant thanked Ms. Williams.

Motion: Judge Shaughnessy moved to approve HR 440 Education Assistance for final action, as presented, with an effective date of May 1, 2020. Judge Appleby seconded the motion, and it passed unanimously.

Motion: Judge Appleby moved to have Policy & Planning address HR 550 Discrimination and Harassment issues as addressed in this meeting. Judge Shaughnessy seconded the motion, and it passed unanimously.

Motion: Justice Himonas moved to approve the problem-solving court checklist for final action, as presented. Judge Appleby seconded the motion, and it passed unanimously.

14. PROBLEM-SOLVING COURT (PSC) INVENTORY AND RECOMMENDATIONS: (Shane Bahr and Judge Mark May)

Chief Justice Durrant welcomed Shane Bahr and Judge Mark May. In March, 2019 the Council requested a small workgroup be created to conduct an inventory of PSC coordination and certification and provide recommendations.

As of November 1, 2019, there were 67 certified problem-solving courts in the state with 3 new court applications pending approval. The first adult drug court in Utah was established in 1996 and for many years' statewide coordination of drug court and other problem-solving courts rested with Rick Schwermer and Sr. Judge Dennis Fuchs. Judge Fuchs has worked as a part-time contract court employee whose primary task has been to coordinate the certification and recertification process of problem-solving courts.

In 2004, the Council adopted minimum guidelines for drug courts. In 2007, the Council adopted a rule to provide increased consistency and quality control over the State's drug courts. Mr. Schwermer and Judge Fuchs were involved with a nationwide committee to write the National Best Practice Standards and in 2012 these best practices became the basis for the formal certification process in place today. Certification and recertification visits are to ensure best practice standards are being met. Judge Fuchs is the only resource to monitor compliance and to offer technical assistance throughout the state.

The structure recommended by the work group consists of:

- 1) Hiring a full-time statewide problem-solving coordinator and support staff to assist with evaluation, training and certification;
- 2) Creating a statewide problem-solving court coordinating committee; and
- 3) Obtaining additional court FTEs to serve as local problem-solving court coordinators.

It is recommended that the full-time coordinator position be created as soon as possible and convene the statewide Standing PSC Committee with a charge to evaluate the actual number of local PSC coordinators needed throughout the state. Based on information received from other states it is anticipated there is a minimum need of 8 - 10 FTEs to coordinate local courts. Local PSC Coordinator positions may be full-time or part-time based on the need of the region or judicial district.

A standing committee consisting of judges, local coordinators from various districts and court types, along with representation from local and state stakeholders, would report to the

Council. This committee will focus on the primary goals of statewide coordination, which includes:

- Quality Assurance
- Training
- Funding
- Research and Evaluation
- Technology
- Advocacy

The Council may consider delegating a portion or all certification approval duties to this committee to assist in managing, training, and monitoring drug courts. Funding through a grant may be possible. Judge Pullan thanked Mr. Bahr for his work on the proposal.

Chief Justice Durrant thanked Mr. Bahr and Judge May.

Motion: Judge Appleby moved to approve creating an ad hoc committee and approve a fulltime problem-solving statewide coordinator, authorize the committee to explore grant options to fund the position, and have the Management Committee assist with the committee composition, as amended. Justice Himonas seconded the motion with an amendment to including seeking funds for research, and it passed unanimously.

Motion: Judge May moved to approve the committee review possibilities for grant writing for the study and funding alternatives for the FTE. Judge Pettit seconded the motion, and it passed unanimously.

15. NCSC SYSTEM REVIEW PHASE TWO: (Cathy Dupont)

Ms. Dupont is working on a contract with the National Center for State Courts (NCSC) for the second phase of the system review. J.D. Gingerich will participate along with Patti Tobias from the NCSC. The committee scheduled its next meeting for December 10. Phase two of the system review is expected to begin early 2020.

16. SENIOR JUDGE CERTIFICATION: (Cathy Dupont)

Chief Justice Durrant welcomed Cathy Dupont. Ms. Dupont requested an executive session to discuss this certification.

Chief Justice Durrant thanked Ms. Dupont.

Motion: Judge Pettit moved to defer Judge Carolyn Howard as a senior judge. Judge Appleby seconded the motion, and it passed with Judge Sessions recusing and Justice Himonas abstaining.

17. AN ACTION PLAN FOR COMPILING JUDICIAL COUNCIL HISTORY: (Geoff Fattah)

This item was rescheduled to the December Council meeting.

18. OLD BUSINESS / NEW BUSINESS

Justice Himonas recommended the possibility of the courts creating a Development Director position who would be dedicated to grant writing. Judge May noted the Court Improvement Project writes grant requests. Justice Himonas will conduct research for this topic.

19. EXECUTIVE SESSION

Motion: Judge Appleby moved to go into an executive session to discuss a personnel matter. Judge Shaughnessy seconded the motion, and it passed unanimously.

Chief Justice Durrant noted that during the executive session the Council discussed the character, competence or mental health of an individual. The conversation evolved into broader policy questions and issues that should be on the record. The executive session was terminated to allow the broader policy conversation and issues to be stated on the record. Ms. Dupont summarized that she sought clarification from Council on a study of rules related to senior judges, clarifying the role of the Supreme Court and the Judicial Council relating to senior judges. Ms. Dupont will compile for the Council a list of senior judges, which senior judges have benefits through the courts, the cost of the benefits, and a history of active senior judges' work over the past two years.

20. CONSENT CALENDAR ITEMS

a) Forms Committee Forms. Petition for Authorization to Marry and Order on Petition (juvenile court); Default judgment: Default certificate; Military Service Declaration, Military Service Order Motion for Default Judgment; Child support Worksheets: Child Support Obligation Worksheet (joint physical custody), Child Support Obligation Worksheet (sole custody and paternity), Child Support Obligation Worksheet (split custody), Worksheet to Determine Father's Obligation in his Present Home, Worksheet to Determine Mother's Obligation in her Present Home; Bilingual Summons for Publication (translation is for illustration purposes only); Motion for Summary Judgment to Declare Non-Parentage and Order on Motion; and Parentage Language Provisions. Approved without comment.

b) CJA Rules 1-204, 1-205, 3-111, 3-406, 4-905 and Appendix F, and Utah Code § 10-1-202 for Public Comment. Approved without comment.

c) Committee Appointments. Ethics Advisory Committee – Reappointment of Judge Laura Scott and appointment of Judge Paul Dame. Forms Committee – Appointment of Amber Alleman. MUJI – Criminal Committee – Appointment of Debra Nelson. Outreach Committee – Appointment of Judge Tupakk Renteria, Judge Bryan Memmott, and Krista Airam. Approved without comment.

21. ADJOURN

The meeting adjourned.