

**MINUTES OF THE  
SENATE JUDICIAL CONFIRMATION COMMITTEE**  
Wednesday, January 14, 2015 – 1:00 p.m. – Room 415 State Capitol

**Members Present:**

Sen. Scott K. Jenkins, Senate Chair  
Sen. Jim Dabakis  
Sen. Lyle W. Hillyard  
Sen. Peter C. Knudson  
Sen. Karen Mayne  
Sen. Stephen H. Urquhart  
Sen. Todd Weiler

**Staff Present:**

Mr. Michael E. Christensen, Director  
Ms. Susan Creager Allred, Associate General Counsel  
Ms. Sara J. Thomas, 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](http://www.le.utah.gov).

**1. Committee Business**

Chair Jenkins called the meeting to order at 1:13 p.m.

**MOTION:** Sen. Knudson moved to close the meeting for the purpose of discussing the character, professional competence, and physical or mental health of the judicial candidate. The motion passed unanimously. Sen. Urquhart and Sen. Weiler were absent for the vote.

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

The committee members and staff introduced themselves.

**2. Interview of Mr. James Gardner**

Mr. James Gardner introduced his friends and family in attendance. He was placed under oath by Mr. Christensen. Mr. Gardner thanked Governor Herbert and his staff for the honor of being nominated. He reviewed his personal and professional background, explaining that his parents taught him teamwork, personal integrity, and honor. He described his range of experience in civil litigation and discussed the importance of the predictability of the law. He informed the committee that he decided to apply to be a judge because he hoped to set a good example of public service for his children. He responded to questions from the committee regarding his philosophy on the death penalty and how he would approach deciding custodial cases, as well as how he approaches his weaknesses and his experience in dealing with people from different backgrounds. Mr. Gardner informed the committee that he has never declared bankruptcy or pled guilty to a crime and there is nothing in his past that would be an embarrassment to the state.

**MOTION:** Sen. Hillyard moved to favorably recommend to the full Senate that Mr. James Gardner be confirmed as a judge to the Third District Court. The motion passed unanimously.

**3. Interview of Mr. William Kendall**

Mr. Kendall introduced his friends and family in attendance. He was placed under oath by Mr. Christensen. Mr. Kendall thanked his friends and family as well as Governor Herbert and his staff. He reviewed his personal and professional background, describing the positive influences of his grandparents and the Boy Scouts of America on his life. He informed the committee that he wants to be a judge because he believes in public service and the integrity of the judicial system, and because he loves the challenge and practice of law. He said he believed his time as an Assistant District Attorney provided him

with the experience and temperament necessary to be a good judge. He responded to questions from the committee regarding courtroom security measures, prosecutorial bias, judicial salary expectations, and his ability to work under pressure. Mr. Kendall informed the committee that he has never declared bankruptcy or pled guilty to a crime and there is nothing in his past that would be an embarrassment to the state.

**MOTION:** Sen. Knudson moved to favorably recommend to the full Senate that Mr. William Kendall be confirmed as a judge to the Third District Court. The motion passed unanimously. Sen. Dabakis was absent for the vote.

#### **4. Other Items/Adjourn**

**MOTION:** Sen. Knudson moved to adjourn the meeting. The motion passed unanimously. Sen. Dabakis was absent for the vote.

Chair Jenkins adjourned the meeting at 3:15 p.m.