

**MINUTES OF THE
SENATE JUDICIARY, LAW ENFORCEMENT, AND CRIMINAL JUSTICE
STANDING COMMITTEE
MONDAY, JANUARY 23, 2006
Room W130, West Office Building, State Capitol Complex**

Members Present:

Sen. Patrice M. Arent
Sen. Gregory Bell
Sen. Lyle Hillyard
Sen. Mark B. Madsen
Sen. L. Alma Mansell
Sen. David L. Thomas

Members Excused:

Sen. D. Chris Buttars, Chair
Sen. Mike Dmitrich

Staff Present:

Jerry Howe, Policy Analyst
Bonnie Brinton, Committee Secretary

Public Speakers Present:

Colin Winchester, Executive Director, Judicial Conduct
Commission
Rick Schwermer, Administrative Office of the Courts
Brian King, Attorney, Utah Trial Lawyers Association

A list of visitors and a copy of handouts are filed with the committee minutes.

Sen. Mansell assumed the chair in the absence of Committee Chair Buttars. Sen. Mansell called the meeting to order at 8:10 a.m.

MOTION: Sen. Arent moved to approve the minutes of the January 17, 2006 and January 19, 2006 meetings. The motion passed unanimously with Sens. Hillyard and Madsen absent for the vote.

1. S.B. 62 Judicial Conduct Commission Amendments (M. Waddoups)

Sen. Waddoups presented the bill.

Colin Winchester, Executive Director, Judicial Conduct Commission, spoke in favor of the bill.

MOTION: Sen. Thomas moved to pass S.B. 62 out of committee with a favorable recommendation. The motion passed unanimously with Sen. Madsen absent for the vote.

2. S.B. 103 Prohibition of Contingent Fees for Expert Witnesses (D. Thomas)

Sen. Thomas presented the bill.

Rick Schwermer, Administrative Office of the Courts, spoke against the bill.

MOTION: Sen. Hillyard moved to adopt the following amendment to S.B. 103:

Page 2, Lines 47 through 52

47 ~~{(3) If a defendant presents testimony or other evidence in a tort action by means~~
 ~~of an~~
48 ~~expert witness, evidence of a common insurer of liability of the defendant and the expert~~
49 ~~witness or evidence of a potential financial impact of the action on the amount of liability~~
50 ~~insurance premiums paid by the expert witness is inadmissible to prove bias, interest, or~~
51 ~~prejudice of the expert witness unless the party offering the evidence proves that the~~
 ~~probative~~
52 ~~value of the evidence outweighs the evidence's potential prejudicial effect.}~~

The motion passed unanimously.

Brian King, Attorney, Utah Trial Lawyers Association, spoke against the bill.

MOTION: Sen. Hillyard moved to hold S.B. 103 and place it on the agenda for the next meeting. The motion passed unanimously.

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

Acting Chair Mansell adjourned the meeting at 9:55 a.m.

Minutes recorded by Bonnie Brinton, Committee Secretary

Sen. Al Mansell, Acting Committee Chair