

Board of Judicial Policy and Administration
Minutes
March 6, 2013

The Board of Judicial Policy and Administration met in Cheyenne on March 6, 2013. In attendance in person were Justice Jim Burke, Justice Michael Davis, Judge Tom Campbell, Tom Rumpke, Joann Odendahl, Ronda Munger, Carol Thompson, Georgia Tibbetts, and Becky Craig. Those in attendance by video conference were Chief Justice Marilyn Kite, Judge Dan Price, and Judge Curt Haws.

Old Business

Legislative Update

Chief Justice Kite reported that the Legislature approved \$600,000 of the \$900,000 that was requested to bring employee salaries up to 91% of market. She also reviewed several pieces of legislation from the 2013 session:

Deadly Weapons in a Courtroom – HB0216 passed. This bill prohibits the carrying of a deadly weapon into a courtroom—except by the presiding judge or as authorized by the presiding judge—making it a misdemeanor for the first offense, and a felony for a second or subsequent offense.

Circuit Court Magistrates – SF0011 passed. When the office of a full-time magistrate becomes vacant, the Supreme Court will determine, in consultation with the board of county commissioners, whether a full-time magistrate is necessary in that county.

Child Placement Orders – HB0086 passed. This bill prohibits the judge from ordering that a child receive treatment from a specific psychiatric residential treatment facility. The Department of Family Services will determine the facility that will be used.

Judicial Retirement Age – HB0167 failed. This bill would have modified the mandatory retirement age for supreme court and district court judges, and would have imposed a mandatory retirement age upon circuit court judges. This topic will be discussed at the Circuit Court Judges' meeting in April.

Transcripts in Criminal Cases – HB0202 failed. This bill would have eliminated mandatory transcription of specified criminal proceedings. This would have provided cost savings to the judicial system through reduced transcript fees.

Satellite Courts

Chief Justice Kite reviewed the history of the weighted workload study and the proposal to close the Dubois, Lovell and Powell satellite courts. She reported that at this point in time, the satellite offices will remain open and studies will be done on ways to improve the efficiency in the operation of each of these courts. She also noted that under the budget bill,

the BJPA is required to report the findings of these studies to the Joint Appropriations Committee and Joint Judiciary Committee later this year.

Court Reporter Committee

Discussion was held about the failure of HB0202 to pass regarding Transcripts in Criminal Cases. It was noted that both the Court Reporters Association and the District Court Judges' Conference will be meeting in April. The Court Reporter Committee will investigate what these two groups bring back from their respective meetings. Joann mentioned that this matter will be an interim topic for the Joint Judiciary Interim Committee as Priority #6: "The Committee will receive reports relating to court reporters and investigate the need for legislation to address issues specific to reporting of court proceedings." She advised that the 2013 Joint Judiciary Committee meetings are scheduled for May 13-14 in Jackson, July 18-19 in Lusk, and November 7-8 in Laramie. Chief Justice Kite pointed out that the Legislature imposed a requirement that the district courts' budgets be uniform; therefore, before the district judges prepare their budgets, they will need to come to a consensus on the particular categories.

Committee on Language Access in the Courts

Joann summarized the report that was prepared by the Committee on Language Access in the Courts. She advised that one court interpreter training session took place in Cheyenne in January, and that training sessions are planned in Casper, Gillette and Green River within the next few months. The trainers have been receiving quite a few calls from people who are trying to move up on the tiered system to a certified or registered interpreter status.

Uniform Bar Examination/Wyoming State Bar

Chief Justice Kite explained the transition to the utilization of the Uniform Bar Exam and commented that it will greatly improve the efficiency and quality of the examination process. The exam is made up of four components: a multistate multiple choice exam, a multistate essay exam, a uniform ethics exam, and a practical exam. She reported that the exam was administrated for the first time the previous week, but that only the multiple choice, essay and ethics portions were given. The practical exam was not used because it has not yet been completed, but it is expected that all four parts will be ready for usage in July. She further related that the Board of Law Examiners came to the decision that the best way to handle the Wyoming specific legal issues is through a mandatory day-long seminar for the admittees that will be held twice a year. Justice Davis informed the Board that he will be attending the National Conference on Bar Examinations in April.

Rule 1 Initiative

Chief Justice Kite explained that the Rule 1 Initiative came about because of a survey done of Wyoming judges and lawyers, 65% of whom indicated that the present system for civil litigation takes too long and is far too costly. A committee made up of Judge Tyler, Judge Day, Bill Downes, Kim Cannon, and Tori Kricken are researching what other states are doing to address the costs and delays in their civil systems. Chief Justice Kite pointed out that one idea that many states are looking into is making the area of domestic relations into an administrative process. She noted that when the domestic relations area was being studied, the question arose as to why this societal problem has been put into the civil lawsuit realm. Since we struggle with access to justice and getting lawyers to help people

through this process, she believes that we perhaps need to look at the process itself and see if there is a better way for it to function. Chief Justice Kite explained that another approach that is being looked at in many states is the utilization of the existing Child Support Enforcement mechanism; by broadening that department's scope, it enables them to cover child visitation.

District Court Docket Management System

Joann gave an update on the district court docket management system. She reported that by the end of June, all of the 15 courts that have been using FullCourt will be on the new WyUser system. Justice Davis, Judge Campbell, Judge Kautz and Judge Price are members of the calendaring and scheduling group that is working on the portion that is being designed for the judges' chambers. By the end of this year all of the district courts should be on WyUser and the calendaring/scheduling portion of the system will be in place. The e-filing system will be coming on board the first part of next year. Chief Justice Kite pointed out that the WyUser system has been very well received, and that it will be the system that the Supreme Court, district courts, and circuit courts all function under in the State of Wyoming.

New Business

Wyoming Professional Assistance Program Contract

Joann reported that the Supreme Court's contract with the Wyoming Professional Assistance Program, a program for judges to seek assistance for alcohol or drug abuse problems, is coming up for renewal at the end of June. Discussion was held about whether or not this is a service that the Board wants to continue to provide. It was pointed out that since this is a confidential process, it is hard to evaluate if this is an effective or useful program. Joann will obtain more details on how services are provided and will present that information at the June Board meeting. Renewal of the contract will be discussed at that time.

Pay Plan for Staff Raises

Chief Justice Kite explained that a pay plan is being developed for expenditure of the \$600,000 that was authorized by the Legislature. She explained that at the June BJPA meeting, a recommendation will be ready for the Board's input on how the money should be distributed. Joann noted that the \$600,000 will not only need to cover salaries, but also the additional retirement benefits and FICA. She cautioned that not everyone will be eligible for a raise since many employees are already at market. Joann also pointed out that in addition to these funds, \$145,000 was received to provide all of the employees with a 1% bonus. She explained that the raises will go into effect July 1st, and that the bonuses will be included in the October paychecks and will be based on the new salary.

Bar Counsel Replacement

Chief Justice Kite reported that over a year ago the Supreme Court invited the ABA to provide consultation to the Court on Wyoming's system of lawyer discipline. The ABA performed an audit of Wyoming's system, and the final report has been received. She explained that the report makes some very constructive changes that are relatively easy to implement, but that it also suggests some structural changes. The main structural change that was recommended is that the bar counsel position needs to be more independent. A

group called the Peer Review Panel, which is made up of three lawyers, is responsible for looking at the bar Counsel's investigations and findings of probable cause, and for evaluating the performance of the bar counsel. The structural change that was suggested by the ABA, for reasons of independence and appearance of impropriety, is that the Peer Review Panel (PRP) should have the responsibility for the hiring and dismissal of the bar counsel, instead of the current system of the officers and directors of the State Bar having that responsibility. Also, Chief Justice Kite advised that the decision was made that the bar counsel position will now be a full-time position and that a professional paralegal administrative support person will be hired. Mark Gifford, who has served for almost two years as part-time bar counsel, is leaving to join a private law firm. Interviews for the full-time position will be held in April. Chief Justice Kite pointed out that there may be other changes made once the ABA's recommendations are discussed further.

Legislative Planning

Chief Justice Kite emphasized the need for the judges to stay in contact with the legislators in their communities. Discussion was held about holding a "Get To Know Your Courts Day." She explained that this would be a specific day for all of the judges to invite their area legislators to come into the courts to meet the personnel and to observe how the courts operate. Chief Justice Kite will discuss this with the representatives of the judicial conferences and ask that it be discussed at their April meetings.

Judicial Conference Planning

Chief Justice Kite explained that the Judicial Conference is an important time for the judiciary to talk about management issues, but that there may also be substantive areas that should be discussed. She asked that the judges speak with their respective conferences and advise the Board of any suggestions that are made. During further discussion, it was suggested that the members of the Board each be responsible for presenting a 15 minutes topic or arranging for a 15 minute presentation. Ronda will send an email to the Board within the next two weeks regarding the topics that each member would like to handle.

Miscellaneous

Chief Justice Kite informed the Board that the March meeting is Judge Price's last meeting since he will be retiring in May. The Board thanked him for his valuable service and wished him well.

Joann reported that even though the Governor vetoed the requirement for the judiciary to take an additional 2% cut in the FY 2015-16 Budget, the Management Council is still requiring the Supreme Court to report those budget reductions to the Joint Judiciary Committee.

Meeting was adjourned.

Schedule of Future Meetings:

June 5, 2013 (videoconference)

September 10, 2013 (Gillette)

December 18, 2013 (videoconference)

Approved by email on June 10, 2013.

The Board of Judicial Policy and Administration's meetings are not open to the public unless the Board, in its discretion, determines that a particular meeting or agenda item should be open to the public. The Board will disclose what is discussed at the meetings at its discretion.