

Board of Judicial Policy and Administration

Minutes

March 11, 2015

The Board of Judicial Policy and Administration met in Cheyenne, Wyoming on March 11, 2015. In attendance in person were Chief Justice Jim Burke, Justice Michael Davis, Justice Kate Fox, Judge Tom Campbell, Judge Bob Castor, Judge Steven Sharpe, Guy Cameron, Eugenia Charles-Newton, Joe Hartigan, Lily Sharpe, Ronda Munger, Kristi Racines, Carol Thompson, and Becky Craig. Judge John Perry, Judge Keith Kautz, Judge Wes Roberts, and Judge Curt Haws participated by video.

Chief Justice Burke called the meeting to order.

Chief Justice Burke introduced Guy Cameron, who is the Director of the Office of Homeland Security and the Chairman of the Wyoming Court Security Commission. He also introduced Eugenia Charles-Newton, the new Supreme Court Librarian, who comes to the Court from Texas Tech.

Old Business

Committee Updates

Court Security Commission –

- **Court Security Legislative Update** – Chief Justice Burke spoke of the court security assessments which were conducted in eight courthouses in the state that were made possible by a grant from the National Center for State Courts. All eight of the assessments pinpointed security deficiencies in each courthouse, provided suggestions for basic improvements, and included a cost range for the improvements. The recommendations were then taken to the Legislature with the support of Senator Perkins and Representative Kroeker to seek funding commensurate with the recommendations. Chief Justice Burke advised that through a budget footnote, the 2015 Legislature authorized court security grants totaling \$1,083,422.00. He explained that the next step is for each of the eight counties to apply for the funds through the State Lands and Investment Board. There is a requirement for a 10% match in seven of the counties, and a 50% match in Park County. Ronda Munger will follow up with the district and circuit judges to track how the funds were spent in their counties and how the expenditures addressed the security concerns. Director Cameron congratulated the Supreme Court, Justice Kite, the justices, and court staff, who have worked so hard to get these assessments completed. Chief Justice Burke commended Director Cameron for taking the lead in this effort. Discussion was held regarding development of a plan for funding of additional security assessments.

- **Sweetwater and Fremont County Update** – Discussion was held on the status of the facilities in Fremont County and Sweetwater County. Judge Roberts reported that the circuit court will move into the Fremont County Riverton Justice Center by the end of the first week of June. The Sweetwater County judicial complex, which will be located west of Rock Springs, is anticipated to be completed by November of 2017.

- **Reconciliation of Standard 2009-1 and BJPA Resolution** – Director Cameron led a discussion on the makeup of the local court security management committees and ways in which to strengthen them. He pointed out that last year the BJPA adopted and approved a resolution that conforms to Standard 2009-1, which states that one circuit judge and one district judge shall provide representation on the local court security management committee in each county. Director Cameron stressed the importance of the local committees being actively engaged and being driven by strong leadership. He emphasized that each committee chairperson is the primary point of contact with the Court Security Commission. At their April meeting, the District Judges' Conference adopted a resolution that the district judge in each county should chair the local court security committee. The Board discussed whether the Board's resolution and the district judges' resolution are in conflict. It was agreed that the two resolutions did not conflict. Discussion was held about the annual reports that are due in July from the local court security management committee. Director Cameron related that the intention of the reports is to reflect the current status of court security in each county, however, the format of the report is not providing an in-depth view of the status, and there is a need to improve the process to provide a clearer picture and better data. He reported that they are working to design a better template, and a proposed form has been drafted that contains action oriented questions that deal with the standards.

- **Summary of Judicial Participation in Local Committees** – Ronda advised the Board that she sent an email to all judges, pursuant to the BJPA's request at its December, 2014 meeting, to investigate how the judges across the state are taking part in their local court security committees. She reviewed the replies to her email, which indicate that awareness has been raised and activities concerning court security have increased.

WyUser Update on Accounting Progress – Justice Davis provided an update on the ongoing problems within the WyUser system. He indicated that progress is frustratingly slow, but that Lily Sharpe has been spending a great deal of time and energy on the matter. Lily commented that the goal is to have the major accounting problems in the system worked out over the next few months.

Access to Justice Commission – Justice Fox reviewed the Access to Justice Commission's accomplishments to date, and noted that there is still more to achieve. The Access to Justice Commission developed a strategic plan at the end of 2014 and has now established several working groups to implement some of the projects that are in the plan. The groups are: communications, delivery of legal services to self-represented litigants, indigent fee waiver issues, and law improvement (which will identify procedural obstacles in statutes).

Elder Subcommittee – Justice Fox reported that the Elder Subcommittee has had two very productive meetings. The subcommittee will focus on vulnerable adults in general, not just on the elderly. The district court judges will develop a checklist for the law clerks, forms for conservatorship reporting, and will gather best practices from their fellow judges. Also, they will try to identify statutory issues that might benefit from being revised. Justice Fox noted that the upcoming Aging Conference will be very beneficial and will allow her and Judge Campbell to interact with many of the agencies that address vulnerable adult issues.

Children’s Justice Conference – On behalf of Eydie Trautwein, Ronda provided an update on the Children Justice Project’s summer conference. The Conference will be held in Casper on June 24-26th at the Ramkota Hotel, and 225 people are anticipated to attend. The theme this year is “Primary and Secondary Trauma Exposed.”

Judicial Learning Center –

Legislative Footnote Modification – Chief Justice Burke reminded the Board that the funding that was provided by the Legislature last year for the Learning Center required that 50% of the funds be in matching funds, and that the footnote language directed that the funds were to come from “private” sources. He advised that an amendment was made to the funding footnote wherein the Legislature struck the word “private,” and replaced it with the word “other.” Chief Justice Burke noted that this is a very important modification in that it is difficult at times to determine if the funds that are received are from private funds or from government funds.

First Phase Fund Raising Goal – Chief Justice Burke reported that the first phase fund raising goal of \$86,010.00 has been met—all of which qualifies as matching funds—which provides \$172,020.00 for use in the first phase of construction. The second phase of the project will require staff to seek additional grants.

Exhibit Development – Eugenia Charles-Newton reported that judicial involvement is being sought for the exhibits. Since there are two exhibits that will focus primarily on each judge and his or her background, biographical information from the judges and justices will be needed in order to complete these exhibits. Eugenia related that one of the exhibits will be a Wyoming map where a viewer can click on an area of the state and the video clip will run of the judge in that jurisdiction. The exhibits will be very informational for the student groups and visitors that tour the Court.

Public Education –

Outreach Programs/You Be The Judge Updates – Eugenia provided a summary to the Board on the public outreach programs that are being held around the state. She reviewed the “You Be The Judge” program that has received a great deal of positive feedback from the community. Eugenia stated that the purpose of the program is to educate the citizens of Wyoming about the judiciary and to add transparency to the judicial

system. She reported that there are several of these types of programs being held around the state, and that the goal is to increase programs of this nature throughout the state.

Revisions to Rule 3, WRCrP

Judge Castor reviewed the proposed amendment to Rule 3 of the WRCrP. He stated that the purpose of this revision is to unify the approach to harmless errors that are made on electronic citations. This amendment applies only to e-citations, and no other citation would be amended in this manner. Judge Castor explained that if a change to an e-citation is substantive or prejudicial in any fashion to the defendant, the county attorney is required to make a motion to the court, and notice is then given to the defendant. Ronda noted that this amendment will ensure that the DOT records division receives notice of the change so that the record will be revised in its database, and ultimately mean that the DOT record and the court record are consistent. Judge Castor pointed out that this is especially important for out-of-state motorists, because if the records division reports an offense to the defendant's home jurisdiction, and it has been amended to a lesser offense in the court, there is the possibility that the person could suffer a higher consequence if the records differ. Discussion was held on the amendment. Judge Campbell moved and Justice Fox seconded a motion to recommend to the Supreme Court that the proposed amendment to Rule 3 of the WRCrP be adopted. Motion passed unanimously.

New Business

Additional Judge in Laramie County

Judge Campbell and Judge Sharpe expressed their concerns about the delays in the delivery of service to the citizens of Laramie County. They pointed out that their court statistics substantiate the addition of another judge in the Laramie County District Court. Both judges advised that the Laramie County Commissioners have expressed their support for this request. Discussion was held on this matter. Judge Castor moved and Justice Davis seconded a motion that the BJPA approve a verbal resolution supporting the request in the budget for an additional district judge in Laramie County, and expressing its appreciation to the Laramie County Commissioners for their support of the court facility and staff. Motion passed unanimously.

Legislative Update

Lily reviewed the bills that were passed in the 2015 Legislative Session that may affect or be of interest to the judiciary. She indicated that she emailed a summary of the enacted bills to the Justices, District Court Judges, and Circuit Court Judges. Lily provided the tentative dates for the Joint Judiciary Committee meetings:

April 14-15, 2015 – Riverton
August 13-14, 2015 – Gillette
October 12-13, 2015 – Cody

She commented that the Joint Judiciary Committee has been very attentive to the judiciary, and she assured the judges that if they would like to participate, the Committee would be happy to have their input. Lily will contact the judges when the topics for the meetings are posted.

Amendment to WRCPCC, Rule 2(d)

Judge Haws reviewed a proposed amendment to WRCPCC, Rule 2(d), which deals with peremptory disqualification under Rule 40.1 (b)(1). He reported that certain parties in civil cases are repeatedly peremptorily disqualifying judges. Judge Haws pointed out that one of the reasons that this is particularly concerning is that the purpose of Rule 3.1 of the Wyoming Rules of Civil Procedure for Circuit Courts is to expedite civil cases. He emphasized that this practice increases delays due to the court constantly needing to assign cases to other judges. This is especially troublesome in single judge jurisdictions. Lengthy discussion was held on this matter. Judge Roberts moved and Judge Castor seconded a motion to table this action. Motion passed unanimously.

Judicial Education

Chief Justice Burke commented that most states have some type of formal judicial education program for new judges coming onto the bench. He will research what the curriculums are in the states that have these types of programs.

Miscellaneous

It was pointed out that due to the 2015 State Bar Annual Meeting schedule, the September BJPA meeting that is usually held at the beginning of the Bar meeting will be held at noon on August 10, 2015, by video conference.

The Board members were informed that Justice Marilyn Kite announced her retirement from the Supreme Court, effective August 3, 2015.

Meeting was adjourned.

Schedule of Future Meetings:

June 3, 2015 (video conference)

August 10, 2015 @ noon (video conference) – **new date & time**

December 2, 2015 (video conference)

Approved by email on June 8, 2015.