

Board of Judicial Policy and Administration

Supreme Court Building, Room 237

Cheyenne, Wyoming

March 19, 2018

9:00 A.M. – Noon

Video Conference

MINUTES

BJPA Members Present: Chief Justice Jim Burke (Chair), Justice Kate Fox, Justice Keith Kautz, Judge Bob Castor,* Judge Catherine Rogers, Judge Curt Haws,* Judge John Perry,* Judge Wes Roberts*

BJPA Members Not Present: Judge John Fenn

Others Present: Diane Sanchez, Wyoming Clerks of District Court Association President, Wendy Soto, Commission of Judicial Conduct and Ethics Executive Director, Justice Mike Davis, Justice Lynne Boomgaarden, Judge Tom Campbell,* Judge Brian Christensen,* Patty Bennett, Clerk of the Supreme Court, Julie Goyen, Chief Information Officer, Elisa Butler, General Counsel, Eydie Trautwein, Director of Legal Resources and Judicial Education, Kristi Racines, Chief Fiscal Officer, Ronda Munger, Deputy State Court Administrator, Cierra Hipszky, Business Manager and Lily Sharpe, State Court Administrator

**Appeared remotely via phone or video conference*

Agenda Items	
Welcome	Chief Justice Burke welcomed Diane Sanchez and Wendy Soto, board members and others present.
New Judicial Appointments	Chief Justice Burke welcomed new Supreme Court Justice Lynne Boomgaarden and new Circuit Court Judge Susan Stipe to the Judicial Branch. Both new judiciary members attended recent orientations. The Chief Justice thanked the Judicial Education Committee for all its efforts to create a judicial orientation for new members.
BJPA Elections	The terms of Justice Kautz and Judges Perry and Haws will end this summer. BJPA Rule 5 provides that elections to fill vacancies shall be held in May of each year. The Chief Justice asked the conferences to advise who the incoming members will be once elections have been held. The Chief Justice noted that his term on the board will also expire on June 30, 2018 when his term as Chief Justice ends.

<p>Legislative Update</p>	<p>1. Update – Lily Sharpe and Kristi Racines</p> <p>The Joint Judiciary Interim Committee is tentatively scheduled to meet as follows:</p> <p>May 7-8: Worland September 18-19 or 20-21: Gillette November 15-16: Laramie</p> <p>The conference presidents and the Chief Justice concurred in submitting the following topic to the Joint Judiciary Interim Committee to consider this year: "The committee will receive updates and study current laws relating to court security, pre-trial release, judicial salaries needed to attract highly qualified candidates and court efficiencies." The Joint Judiciary Interim Committee proposed approval of the topic by Management Council, with the exception of judicial salaries. Management Council will meet in April to finalize the topics.</p> <p>Kristi Racines explained that the Judiciary's 2019-2020 budget requests were accepted by the Legislature. There was a broad-based cut to executive branch agencies that passed the Legislature, but it was vetoed by the Governor. The attached summaries of bills (Appendix 1) may affect the Judiciary. Cierra Hipszky explained that the child support amendments will adjust support calculations and repeal the provision for abatements. The Chief Justice and Judge Perry emphasized that the presence of the district judges and circuit judges at the committee meetings pays huge dividends.</p> <p>2. Judicial Salaries (Appendix 2)– Chief Justice Burke</p> <p>The Chief Justice reminded the board of past efforts in which the Judiciary was able to achieve an increase in judicial salaries. He pointed out that Wyo. Stat. § 5-1-110(b) has not been used to provide the Judiciary raises enjoyed by other state employees. The Chief Justice suggested the BJPA create a subcommittee to study judicial salaries and develop the best approach for moving forward. The Chief Justice asked the conference presidents prior to the meeting to select two representatives from each conference to be on a Judicial Salaries Subcommittee. The conferences selected Justices Davis and Fox and Judges Rogers, Fenn, Christensen and Bartlett to sit on a Judicial Salaries Subcommittee created by the board. Judge Roberts moved, seconded by Justice Fox, to create a Judicial Salaries Subcommittee to consist of these representatives. The motion passed unanimously on a voice vote. The committee was directed to come up with plan for improving judicial salaries. The committee will report back at the next BJPA meeting.</p>
<p>District Court Clerks Update</p>	<p>1. Update – Diane Sanchez, Wyoming Clerks of District Court Association President</p> <p>Diane thanked the board for the opportunity to appear on behalf of the Wyoming Clerks of District Court Association. She impressed how much appreciation the clerks have for the Court Technology Office (CTO) staff and their dedication to</p>

	<p>the FullCourt Enterprise (FCE) transition. The staff have been very attentive and have listened to the gaps and other areas of concern. They have worked hard to find ways to address these issues and optimize FCE for the clerks. Public Access remains an area where the clerks have concern and appreciate being included in the decisions that will affect their offices. This is a very exciting time that brings many changes where technology is concerned. With change, however, comes concern and anxiety. Change is difficult in many aspects. Diane emphasized, however, that she is extremely excited for the future and what it will mean for citizens and attorneys. She was pleased to say the new jury management system is being used by Laramie County citizens.</p>
<p>Commission of Judicial Ethics and Conduct</p>	<p>1. Update – Wendy Soto, Executive Director</p> <p>Wendy thanked the board for the opportunity to attend the meeting. She advised that the Governor appointed, and the Senate confirmed, two new citizen members to the commission: Sandy Newsome from Cody and Kent Noble from Laramie. Judge Norman Young was elected by the district court judges to serve a second term and Jay Gilbertz was selected by the Wyoming Bar to serve a second term. The commission was invited to present at the District Court Judge Conference in April and at the Municipal Court Judge Conference in May. Judge Haws noted that the updates and materials sent out by the commission are extremely helpful. Justice Kautz added the commission's website provides statistics and helpful reference information. He also stressed the National College for Judicial Ethics hosts an outstanding educational ethics conference. The conference is held in October every other year. Judge Castor moved, seconded by Justice Fox, to have the commission send its periodic updates to all the judges.</p>
<p>Judicial Branch Technology</p> <p><u>Courtroom Automation Committee</u> Members: Justice Davis (Chair), Judge Fenn, Judge Skar, Judge Campbell, Judge Christensen, Judge Castano, Judge Haws</p> <p><u>Courtroom Technology Committee</u> Members: Justice Davis (Chair), Chief Justice Burke, Judge Tyler, Judge Sharpe, Judge Christensen, and Judge Prokos</p>	<p>COURT TECHNOLOGY OFFICE UPDATES</p> <p>Courtroom Automation Committee Updates – Elisa Butler</p> <p>The Court Automation Committee continues to meet regularly and assist with policy decisions for the current projects. The district and circuit courts will be updating their case management system to FullCourt Enterprise (FCE). The clerks and CTO staff meet weekly to configure the systems. Tentatively, the rollout for the FCE will begin with the circuit court pilots in September of this year, followed by the district court pilots in January of 2019, and then the full rollout will begin by county. aiSmartBench is the program that provides tools for judges to manage their cases and caseloads. The system uses FCE, so the rollout time is governed by the rollout of FCE.</p> <p>Part of the rollout of FCE includes a public access module. There have been some concerns raised about remote public access to public court records. After meeting with legislators, it was determined the Judicial Branch would forge ahead on providing remote access to all public documents unless directed otherwise by the Legislature. It is anticipated that public access will be a topic discussed by the Joint Judiciary Committee as an interim topic.</p>

We are currently in pilot with the new jury management system. The circuit and district courts in Laramie and Platte Counties are the pilot courts. Currently over 800 jurors have responded online. Rollout to other courts begins next year. Judges will be asked to assist with creating a uniform questionnaire that can be used in the courts throughout the state with the new system.

Courtroom Technology Committee Updates – Julie Goyen

The following courts have recently received emergency upgrades:

- Lincoln District
- Campbell District
- Uinta District
- Washakie District
- Big Horn Circuit
- Campbell Circuit

The following courts are under review:

- Natrona Flex Courtroom
- Fremont Circuit

Overall, there have been 24 requests since February 2017. Of the \$800,000 set aside for emergencies, approximately \$640,000 has been utilized.

Courtroom Technology

Project CANVAS (Courtroom Audio 'n Video Apparatus Standardization)

The Legislature passed the bill delineating authority for court information technology equipment (Senate File 24). SF24 specifies that counties will provide infrastructure to ensure the proper function of court information technology equipment, while requiring the state courts, through the Supreme Court, to install and maintain equipment approved by the BJPA. The upgrades will transpire in a phased approach. SF24 authorizes the use of funds from the judicial systems automation account for the purchase and maintenance of court information technology equipment. The CTO will begin working with judges and counties to enter into an MOU before installation. JD6 and JD8 will be the first districts to receive upgrades.

Project Stratus Phase II

The first phase of this project involved upgrading the Judicial Branch integrated automation network and systems to ensure the network and systems are secure and compliant with industry standards. The second phase involves moving the Judiciary's Data Center to the cloud. The CTO is working with the security vendor to develop the method for the transition. Following the discovery phase, the process of moving the Data Center to the cloud will ensue. The move is anticipated to take 9-12 months.

	<p><i>Project Stratus Phase III</i></p> <p>After the initial security rebuild of the integrated network and systems, it was apparent that some locations were in dire need of new equipment. Because of the old age of computers and related equipment, the new software and applications installed during phase II failed to load and run in certain locations. Consequently, the CTO has replaced the computers and ancillary equipment in JD6. JD5 will be the next district to undergo this "hardware refresh." It is anticipated that Green River and Rock Springs, in JD3, will also receive new equipment purchased with funds appropriated by the Legislature this biennium.</p>
<p>Redaction Committee</p> <p>Judicial Members: Justice Davis (Chair), Judge Castano</p>	<p>1. Update – Justice Davis, Chairman, and Patty Bennett</p> <p>A. Status of proposed rule changes</p> <p>Justice Davis stated the amendment to the redaction rules are final (Appendix 3). The rules indicate the district and county attorneys will provide the information necessary for court reporters to properly redact transcripts. The rules include minor changes to allow judges to sanction attorneys who do not conform to the redaction rules. The rules will become effective June 1, 2018.</p>
<p>Permanent Rules Advisory Committee (PRAC)</p> <p><u>Appellate Division</u> Judicial Members: Justice Davis, Judge Fenn</p> <p><u>Civil Division</u> Judicial Members: Justice Fox (Chair), Judge Castano, Judge Kricken, Judge Rumpke</p> <p><u>Criminal Division</u> Judicial Members: Judge Edelman (Chair), Judge Arp</p> <p><u>Evidence Division</u> Judicial Members: Judge Rumpke (Chair), Judge Nau, Judge Radda</p> <p><u>Juvenile Division</u></p>	<p>1. Appellate Rules Update – Justice Davis and Patty Bennett</p> <p>A brief meeting will be scheduled soon to discuss brief length and page or word limitations.</p> <p>2. Civil Rules Update – Justice Fox and Patty Bennett</p> <p>A. Amendment to Rule 3.1 of the Rules of Civil Procedures for Circuit Courts (Appendix 4)</p> <p>Justice Fox relayed that recent changes were an effort to sort out issues with respect to service before filing a complaint.</p> <p>B. Rule 40.1 Concerns (Appendix 5)</p> <p>Peremptory disqualification of judges under Rule 40.1 has raised concerns. Justice Kautz questioned if the rule could be eliminated entirely. Justice Fox responded prior attempts at elimination were not successful. Chief Justice Burke noted the rule no longer applies in criminal cases, but that trial lawyers are opposed to elimination. Judge Perry offered that in multiple judge districts, the rule is often used for judge shopping. Judge Rogers agreed, but suggested there are certain cases where peremptory challenges may have benefits. For example, in cases involving custody disputes, a parent with a child attending the same school as the judge's child may find value in the rule. The Chief Justice concluded this is an important topic and asked the conferences to discuss it. Justice Fox will also ask the Permanent Rules Advisory Committee for more input.</p>

<p>Judicial Members: Judge Wilking (Chair), Justice Kautz, Judge Campbell, Judge Fenn</p>	<p>3. Criminal Rules Update – Judge Edelman and Patty Bennett</p> <p>A. Rule 43 Modifications Update – Justice Davis</p> <p>No update.</p> <p>4. Rules of Evidence Update – Judge Rumpke and Patty Bennett</p> <p>No update.</p> <p>5. Juvenile Rules Update – Judge Wilking and Patty Bennett</p> <p>A. Rules 2 and 3 Amendments (Appendix 6)</p> <p>Patty Bennett stated the new rules will be in effect June 1, 2018.</p>
<p>Judicial Ethics Advisory Committee</p> <p>Judicial Members: Judge Bluemel, Judge Campbell, Judge Greer</p>	<p>1. Update – Judge Campbell</p> <p>A. W.S.C.J.E.A.C. Advisory Opinion 2018-01 (Appendix 7)</p> <p>Judge Campbell was selected to be the chairman of the committee. He reported the committee works very efficiently and recently issued the attached opinion.</p>
<p>Access to Justice Commission</p>	<p>1. Update – Justice Fox</p> <p>A. Temporary Rules for Expedited Marriage Dissolution Cases Repealed (Appendix 8)</p> <p>Justice Fox explained the rules were repealed because they were never used. Justice Fox welcomed the assistance of Justice Boomgaarden who will be taking over as chair to the Access to Justice Commission. Justice Fox thanked Diane Sanchez and clerks who have provided space and assisted with the volunteer reference attorneys. Diane reported that people wait in line for help.</p>
<p>Court Statistics Project</p>	<p>1. Update – Ronda Munger</p> <p>Ronda Munger has worked on the issue of court statistics for over two decades, and she reminded the board that the push for statistics began in the mid-eighties. At that time the clerks of court were responsible for filling out manual reports on statistics. At the end of the nineties, the Weighted Workload Study shifted how Wyoming was counting its cases. About 2009, the discussion of e-filing led to the creation of the civil coversheet, which is filled out by the attorneys and pro-se litigants. At this juncture, there are several ways statistics could be categorized and counted, and the Court Automation Committee voted to use the Court Statistics Project (CSP) approach, which is the recommended method by the National Center for State Courts. Over the next several months, the Supreme Court staff will be working with the clerks of court in configuring the case</p>

	management systems to allow for case categories to align with the CSP approach to statistics.
Court Security Update	<p>1. Legislative Update – Ronda Munger</p> <p>The Court Security Commission is statutorily required to meet twice a year. Justice Keith Kautz and Director Guy Cameron will meet in the next few weeks to discuss the commission's spring meeting. Among other items, the commission will discuss the appropriation by the Legislature of \$400,000 "from the general fund to the Supreme Court to provide funding for court security improvements." The commission will also discuss the issue of cameras in the courtroom.</p>
<p>Judicial Education Committee</p> <p>Members: Justice Kautz (Chair), Chief Justice Burke, Judge Sullins, Judge Lavery, Judge Haws, and Judge Williams</p>	<p>1. Introduction – Justice Kautz, Chairman</p> <p>A. New Judge Orientation – Eydie Trautwein</p> <p>B. Annual Meeting – Eydie Trautwein</p> <p>C. Videos – Eydie Trautwein</p> <p>An orientation was held in January for Justice Boomgaarden and in March for Judge Stipe. Eydie expressed that both went well and thanked all justices, judges and staff who participated. The Judicial Council meetings are scheduled for Tuesday, September 18 and Wednesday, September 19 in Laramie at the Gateway Center. The plan is to include an ethics and evidence presentation based on survey results from last year. Wednesday may be divided into substantive "tracks" similar to the judicial orientations. Please let the committee know if you have ideas for topics or speakers. Eydie also reported that judicial education videos were completed on contempt proceedings and pro-se litigants. The committee is planning to produce additional videos on advisements and child witness competence and taint. The videos will be shot during the bar convention when all judges are together.</p>
Children's Justice Project	<p>1. Update – Eydie Trautwein</p> <p>A. Reappointing Members to the Advisory Council (Appendix 9)</p> <p>Justice Fox is the new chair of the Children's Justice Project Advisory Council, replacing Justice Hill. Jennifer Davis, the consultant for Wyoming Children's Trust Fund has also joined the council. Eydie was excited to pass on that funding was reauthorized through 2021. She shared that the Wyoming Joint Symposium on Children and Youth will be held on June 26-28, 2018 in Cheyenne at Little America.</p>
Equality Hall	<p>1. May 1, 2018 Ceremony in Lander – Eydie Trautwein</p> <p>The Equality Hall ceremony in Cheyenne was held on February 12, 2018. Eydie thanked Judge Young for his presentations. Additional celebration is scheduled in Lander on May 1, 2018, which is Law Day. The tentative events for Law Day in Lander will include dedicating Judge Kail's portrait, a meet and greet, panel presentation given by Justices Kite, Fox, Boomgaarden, Judges Guthrie, McKee</p>

	and Smith, and a mock trial at the high school. PBS is considering live streaming the events. Other jurisdictions are planning Law Day events as well, including a presentation by Professor Keiter on the Wyoming Constitution in Cody.
Pretrial Release Issues	<p>1. Legislative Interim Work – Judges Christensen, Haws and Roberts</p> <p>Judge Haws recounted that after the Ferguson Report came out, the Circuit Judges researched whether similar mistakes identified in the report were made in Wyoming. The research has evolved to also include pretrial issues. The discussion on the national level includes civil collection cases and is aimed at ensuring courts are not as weapons against the impoverished. The National Center for State Courts has just released recommendations and there are other good reports from around the country. The judges will report further at the next meeting. Judge Christensen pointed out other relevant discussion areas, including adequate representation by public defenders and jail alternatives, such as the 24/7 program.</p>
New Business	<p>1. Member Input</p> <p>Judge Rogers updated the board on the progress of adding a fourth courtroom in Laramie County. The bid announcements are coming up in April and it is anticipated completion will be in the Spring 2019. The Chief Justice requested Judge Rogers advise the Supreme Court when space will be available to allow four months for the selection process.</p>

<p>Actions taken by the Board:</p> <p>1. The Board created a Judicial Salaries Subcommittee composed of Justices Davis and Fox and Judges Rogers, Fenn, Christensen and Bartlett.</p>

<p>Action items:</p> <p>1. The Judicial Salaries Subcommittee will report back at the next meeting on a plan for addressing judicial salaries.</p> <p>2. The Commission on Judicial Ethics and Conduct was requested to work with Eydie to include the judges and justices on its mailing list when sending out judicial ethics materials.</p> <p>3. The supreme, district and circuit court conferences to discuss Wyo. R. Civ. P 40.1 and discuss the pros and cons of repealing the rule.</p>

4. Justice Fox to ask the Permanent Rules Advisory committee to discuss Wyo. R. Civ. P 40.1 and the pros and cons of repealing the rule.
5. Judges Christensen, Haws and Roberts to report further at the next meeting on pretrial release issues.

Schedule of Future Events	Ceremony in Lander to honor Judge Kail (Lander) – May 1, 2018 Circuit Court Judges' Conference (Jackson) – May 2-4, 2018 Joint Judiciary Interim Committee (Worland) – May 7-8, 2018 BJPA Meeting – June 11, 2018

Appendix 1: 2018 Bill Summaries

Appendix 2: Judicial Salaries

Appendix 3: Order Amending the Wyoming Rules Governing Redactions from Court Records

Appendix 4: Order Amending Rule 3.1 of the Wyoming Rules of Civil Procedure for Circuit Courts

Appendix 5: Wyo. R. Civ. P. 40.1

Appendix 6: Order Amending Rules 2 and 3 of the Rules of Procedure for Juvenile Courts

Appendix 7: W.S.C.J.E.A.C. Advisory Opinion 2018-01

Appendix 8: Order Appealing the Temporary Rules for Expedited Marriage Dissolution Cases

Appendix 9: Order Reappointing Members to the Children's Justice Project Advisory Council

Attachments are highlighted

Approved on May 3, 2018

2018 Bill Summaries

Note: The summaries below are intended merely to help identify possible areas of interest. THE FULL BILL MUST BE REVIEWED TO ASSURE COMPLETENESS AND CORRECTNESS. THE FULL BILLS, FINAL summaries and action by the Governor can be found at: <http://legisweb.state.wy.us/2018/billreference/BillReference.aspx?type=ALL>

- **Bill No.:** HB0008

Enrolled Act: HEA No. 0028

Catch Title: Stalking revisions.

Subject: Amendments to the criminal offense of stalking and penalties.

Summary:

- This act amends the existing crime of stalking and its penalties. This act increases the maximum penalty for a first offense from six (6) months to one (1) year imprisonment, and allows the court to impose a sentence of probation for up to three years for a first offense. This act amends the “look back” period that limits the subsequent offense enhancement from within five (5) years of a prior conviction to within five (5) years of the completion of the sentence. The act also amends the provision that grades stalking as a felony if committed in violation of a stalking protective order to include violations of domestic violence protection orders issued under W.S. 35-21-104 or 35-21-105.
- This act clarifies that jurisdiction for an offense includes any place where:
 - o An act of stalking was initiated;
 - o A communication was received by the victim; or
 - o An act of stalking caused an effect on the victim.
- This act amends the definition of “harass” to mean a course of conduct that the defendant knew or should have known would cause a reasonable person to suffer substantial emotional distress, fear for their safety or others, or their property.

- **Bill No.:** HB00017

Enrolled Act: HEA No. 0020

Catch Title: Child Support amendments.

Summary:

- Existing child support statutes base the obligation for payment of child support on two components: a formulaic presumption based on a threshold percentage of parenting time (40%) and an abatement of the presumptive obligation for extended visitation. The abatement process requires the filing of forms and sometimes requires an extended period to process. The forty percent (40%) threshold creates a “cliff” that creates an economic incentive for a parent to disagree on timesharing percentages.
- This act simplifies the process by collapsing the two components into a singular formula, repealing the abatement provision and adjusting the formula. Under this act, the timesharing threshold is reduced to twenty-five percent (25%) and the presumptive support amount is determined by a formula that is intended to reduce the “cliff” effect and eliminate the need for the abatement process.

- **Bill No.:** HB00026

Enrolled Act: HEA No. 0044

Catch Title: Post-Conviction relief.

Summary:

- Current law provides that a convicted criminal defendant may appeal a conviction as provided by the Rules of Appellate Procedure. Unless a motion is based on DNA evidence, a motion for new trial based on newly discovered evidence must be filed within two (2) years of conviction.
- This act creates a new article “Post-Conviction Determination of Factual Innocence” that allows persons convicted of felonies to petition for exoneration based on newly discovered evidence at any time. This act specifies requirements of the petition and procedure, including service of process, victim notification, preservation of evidence, orders for forensic testing, and appointment of counsel. This act specifies that a court shall issue an order of exoneration if the petitioner proves factual innocence by clear and convincing evidence.
- This act also amends existing statutes by expanding a prisoner’s ability to file a petition for relief based on a constitutional violation during sentencing. Existing statute bars prisoners from litigating claims that are not raised on direct appeal or that have been previously decided. This act creates two additional exceptions to this bar: (1) when a prisoner’s appellate counsel was constitutionally ineffective; and (2) when the petitioner was represented by the same attorney at trial and on appeal.

- **Bill No.:** HB00042

Enrolled Act: HEA No. 0042

Catch Title: Justice reform-graduated sanctions.

Summary:

This act expands the availability and type of administrative sanctions that the Department of Corrections may impose as an alternative to court-ordered revocation of probation or parole. Current law permits administrative sanctions to be utilized with a limited type of offender; for example, intensive supervision program participants. This act expands the list to include all probationers and parolees. This act also creates two additional forms of administrative sanction: (1) two or three day confinements in a county jail; and (2) ninety day substance abuse treatment in a county jail. This act delineates when a hearing is required to impose the sanctions.

Comments:

- This act contains an appropriation to the Department of Corrections of five hundred ninety-one thousand four hundred ninety-eight dollars (\$591,498.00) to implement the newly authorized sanctions.
- This act requires the Department of Corrections, not later than December 1, 2018, to issue a report to the Joint Appropriations Committee and the Joint Judiciary Interim Committee relating to the implementation of this act.

- **Bill No.:** HB00061

Enrolled Act: HEA No. 0031

Catch Title: Roadside waiver of property rights prohibited.

Summary:

Existing drug-related asset forfeiture law provides a process for the seizure and judicially ordered forfeiture of property that is used in controlled substance violations. This act prohibits the state,

including law enforcement officers, from obtaining a waiver of property rights from a person prior to a finding of probable cause at the circuit court hearing required under existing law.

- **Bill No.:** HB00093

Enrolled Act: HEA No. 0056

Catch Title: Speeding fines amendments–2.

Summary:

- Previously the court had nine bond and forfeiture schedules for speeding violations. This bill creates, instead, three schedules:
 - o A fine schedule for exceeding the speed limit in general;
 - o A schedule for speeding violations in school zones; and
 - o A schedule for violations in construction zones and residential areas.
- This bill establishes a police officer continuing education and training fee for continuing education and training that complies with standards promulgated by the Peace Officers Standards and Training Commission for officers authorized to direct or regulate traffic or to make arrests for violations of traffic regulations. Every person convicted of a violation under W.S. 31-5-1201 shall have imposed \$5 for the police officer continuing education and training fee, except for speed violations for speeds of five miles or less.
- The revised bond and forfeiture schedules in this bill maintain approximately the same fines as the previous amounts, but each amount is reduced by \$5 to accommodate the new \$5 police officer continuing education and training fee. The bill also reduces by \$5 the fines for overtaking a parked school bus that is operating its flashing red lights and for speed violations by drivers of vehicles with a gross vehicle weight exceeding 39,000 pounds.

Comments:

Establishes a police officer continuing education and training fee.

- **Bill No.:** HB00106

Enrolled Act: HEA No. 0032

Catch Title: Municipal court authority–conditional suspension of fines.

Summary:

In 2017, the Wyoming Supreme Court ruled that statutes do not authorize courts to impose a period of probation for a fine-only offense. This act provides an avenue for municipal courts, when sentencing defendants for violations of fine-only ordinances, to suspend all or part of the fine. The suspension of the fine may be conditioned on the defendant conforming his conduct to the requirements of the ordinance for a period up to six months. The act also allows the municipal court to impose the suspended portion of the fine if the defendant fails to comply with the conditions imposed by the court.

- **Bill No.:** HB00117

Enrolled Act: HEA No. 0035

Catch Title: Domestic abuse–phone numbers.

Summary:

- This bill authorizes a court, as part of an order of protection, to order the transfer to a petitioner of a telephone number, together with financial responsibility therefor, and to terminate the respondent's access to data in the service provider's system associated with the telephone number.
 - This bill requires a court clerk to cause the part of the order directing the transfer to be served on a provider.
 - This bill allows a mobile service provider to notify the court and the petitioner that compliance with the order is not practicable or possible because an account holder named in the order has terminated the account, differences in network technology would prevent the functionality of a device on the network or there are geographic limitations on network or service availability.
 - This bill provides immunity from civil liability to a provider for complying with an order directing the transfer of a telephone number to a petitioner.
- **Bill No.:** HB00141
Enrolled Act: HEA No. 0034
Catch Title: **Concealed weapons in places of worship.**
Summary:
 This bill repeals the restriction on persons authorized to carry a concealed weapon from carrying a concealed weapon into any place where persons are assembled for public worship. Previously, a person authorized to carry a concealed weapon needed the written consent of the chief administrator of the place of public worship to carry the concealed weapon.
- **Bill No.:** HB00168
Enrolled Act: HEA No. 0063
Catch Title: **Stand your ground–2 (Sub #2).**
Summary:
 - Permits a person to use or threaten the use of defensive force when a reasonable person would judge it necessary to prevent an injury or loss. The use of defensive force may include deadly force if it is necessary to prevent imminent death or serious bodily injury to the person or to another person.
 - Provides that a person who is attacked in a place where he is lawfully present has no duty to retreat before using reasonable defensive force, so long as he is not the initial aggressor and is not engaged in illegal activity.
 - Establishes that a person who uses reasonable defensive force is immune from civil action for using that force. This act also provides that a court must award reasonable attorney fees, court costs, compensation for loss of income and other expenses to a person who is deemed immune from civil liability in a lawsuit.
 - Provides that a person who uses reasonable defensive force is not subject to criminal prosecution.
 - Excludes force used against an employee of the Wyoming Department of Corrections from both the definition of "deadly force" and the existing presumption for using defensive force.
- **Bill No.:** SF0019
Enrolled Act: SEA No. 0014
Catch Title: **Custody in the best interest of the children.**
Summary:

This act increases penalties for domestic violence crimes to a similar level as other nondomestic violence related crimes. The maximum penalties are increased from five (5) to ten (10) years for strangulation and for third offense domestic battery. The maximum penalties for domestic assault are increased from a fine only to six (6) months in jail and from six (6) months to one (1) year for a subsequent offense. Additionally, unlawful contact, strangulation, kidnapping, felonious restraint and false imprisonment are added as predicate offenses for purposes of determining subsequent offender status. This act permits a court to sentence a person for domestic battery up to three (3) years on probation. This act also amends the definition of violent felony to include strangulation and third offense domestic battery.

- **Bill No.:** SF0020

Enrolled Act: SEA No. 0039

Catch Title: Uniformity in domestic violence law.

Summary:

- Current law provides that a court shall craft child custody orders in the best interests of the children and may include any combination of joint, shared or sole custody.
- This act specifies that courts making child custody determinations shall not favor or disfavor any form of custody.

- **Bill No.:** SF0021

Enrolled Act: SEA No. 0013

Catch Title: Required reports in adoptions.

Summary:

This act requires specified vital statistical information to be filed with a petition to adopt a child. The act specifies that each month, the clerk of court shall forward a report of adoptions to the state registrar of vital records.

- **Bill No.:** SF0022

Enrolled Act: SEA No. 0049

Catch Title: Order of protection—revisions.

Summary:

- Current law provides for three distinctive orders of protection for victims of stalking, sexual assault and domestic violence.
- This act amends the three orders of protection and associated crimes as follows:
 - o The act amends penalties for stalking by providing enhanced penalties for defendants who commit stalking while violating a domestic violence order of protection. Current law includes this enhanced penalty for violations of stalking and sexual assault orders of protection;
 - o The act clarifies that the misdemeanor of violation of a domestic violence order of protection relates to only domestic violence orders of protection;
 - o The act conforms provisions governing who may file a petition for a stalking or sexual assault protection order;
 - o The act requires courts to include notices in protection orders that a violation of the order may subject the violator to enhanced penalties for stalking; and

- o The act amends the duration for which a court may grant a stalking, sexual assault, or domestic violence order of protection to that of three years.

- **Bill No.:** SF0024

Enrolled Act: SEA No. 0012

Catch Title: Court information technology equipment.

Summary:

Existing statute requires counties to provide a suitable courthouse. As technology advances, what constitutes a suitable courthouse has become less clear. This act specifies that counties must provide infrastructure to ensure the proper function of court technology equipment, while requiring the state courts, through the Supreme Court, to install and maintain the information technology equipment in courtroom facilities. This act authorizes the Supreme Court to utilize funds from the judicial systems automation account for the purchase and maintenance of court information technology equipment.

- **Bill No.:** SF0074

Enrolled Act: SEA No. 0065

Catch Title: Crimes against critical infrastructure.

Summary:

- This act creates crimes relating to critical infrastructure facilities. Critical infrastructure facilities include oil, gas, hazardous liquid or chemical pipeline and similar facilities that are fenced or designed to exclude intruders.
- Under this act, a person commits the crime of impeding critical infrastructure if he intentionally or knowingly damages, destroys, defaces or tampers with equipment at a critical infrastructure facility. If one thousand dollars (\$1,000.00) or more in damage results from the conduct, the crime is a felony punishable by ten (10) years imprisonment and up to a ten thousand dollar (\$10,000.00) fine. Otherwise, the crime is a misdemeanor punishable by six (6) months imprisonment and up to a one thousand dollar (\$1,000.00) fine.
- An organization that aids, abets, solicits, compensates, commands or procures a person to commit the crime of impeding critical infrastructure is subject to a one hundred thousand dollar (\$100,000.00) fine. This act specifies that an organization may be liable civilly for its conduct whether or not a fine is imposed.
- Under this act, a person commits the misdemeanor of critical infrastructure trespass if he enters a critical infrastructure facility knowing he not authorized to do so.
- The act specifies that a person who owns or legally occupies the land where the facility is located is not liable under this act for lawful activity.

- **Bill No.:** SF0090

Enrolled Act: SEA No. 0026

Catch Title: First judicial district—number of district judges.

Summary:

- This act authorizes a fourth district judge in the First Judicial District (Laramie County).
- This act also repeals previous statutory language that conditioned a fourth judge on certification from the Chief Justice of the Wyoming Supreme Court that suitable facilities for the fourth judge were available and ready for occupancy.

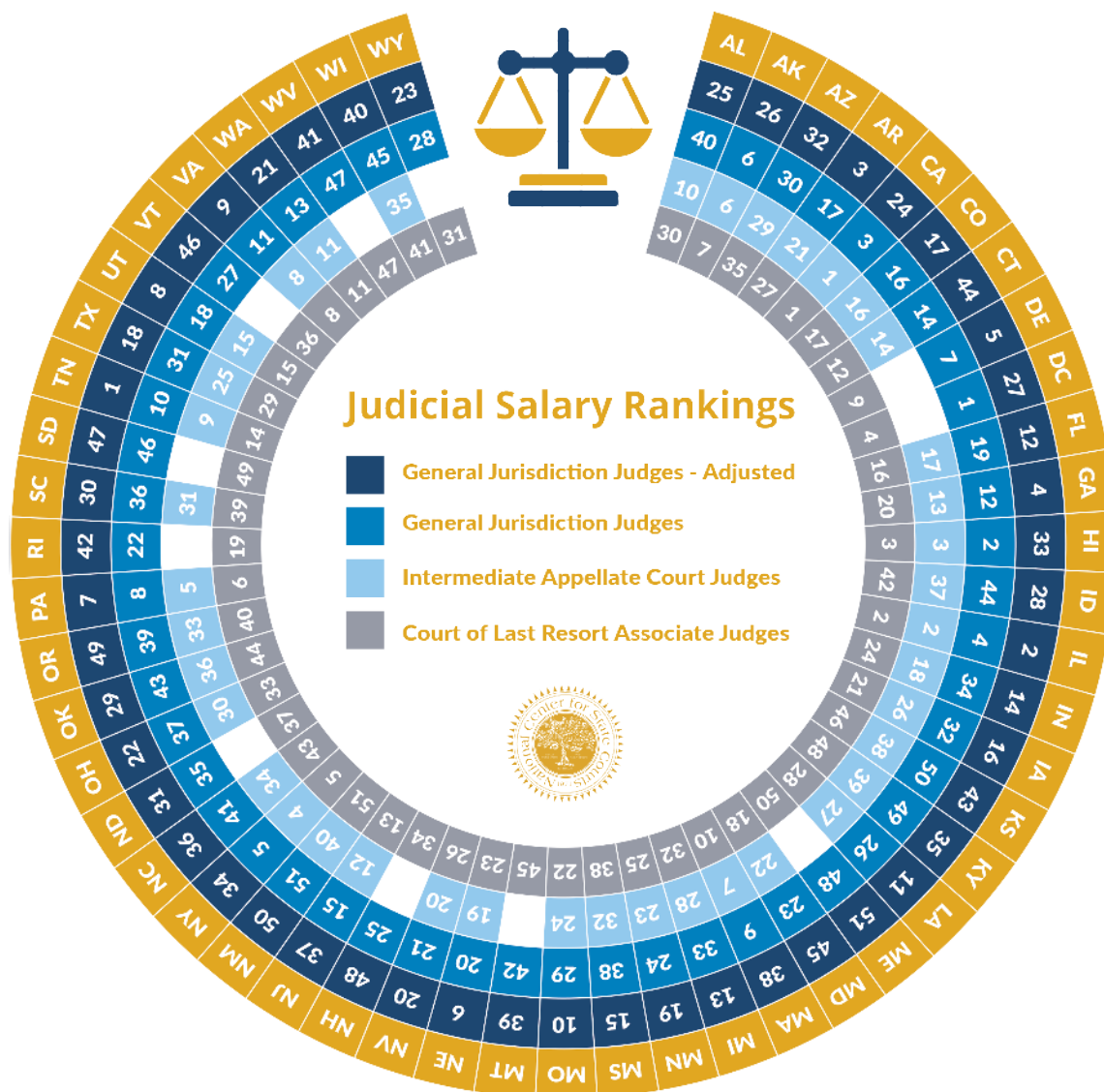
- This act appropriates \$1,095,059 for salaries, benefits, office equipment, and other items necessary to implement the office of the fourth judge.
- This act requires that suitable facilities shall be provided for the fourth judge in Laramie County in addition to all district court facilities that existed as of July 1, 2016.

SURVEY OF Judicial Salaries

Published January 2018, Vol. 43 No. 1
Data and Rankings as of January 1, 2018

Rankings as of January 1, 2018

This graphic depicts the rankings of judicial salaries, with the highest salary for each of the three positions having a rank of "1." General jurisdiction judge salaries, adjusted for cost of living, are also included in this graphic. Empty squares represent states without intermediate appellate courts.



Judicial Salaries at a Glance

	Mean	Median	Range	
Chief, Highest Court	\$178,049	\$175,600	\$133,174	to \$256,059
Associate Justice, COLR	\$172,026	\$170,000	\$131,174	to \$244,179
Judge, Intermediate Appellate Court	\$166,263	\$164,865	\$124,616	to \$228,918
Judge, General Jurisdiction Trial Courts	\$155,113	\$151,943	\$118,384	to \$208,000
State Court Administrators	\$155,163	\$146,494	\$107,000	to \$288,888



www.ncsc.org/salarytracker

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Salaries and Rankings for Appellate and General-Jurisdiction Judges - *Listed Alphabetically by State Name*

The table below lists the salaries and rankings for associate justices of the courts of last resort, associate judges of intermediate appellate courts, and judges of general jurisdiction trial courts (actual salaries and cost-of-living-adjusted salaries as of January 1, 2018). Salaries are ranked from highest to lowest, with the highest salary for each position having a rank of "1." The lowest salary has a rank of "51" except for intermediate appellate courts, which exists in only 40 states.

	Highest Court		Intermediate Appellate Court		General-Jurisdiction Court		General-Jurisdiction Court Adjusted for Cost-of-Living Index		
	Salary	Rank	Salary	Rank	Salary	Rank	Factor	Salary	Rank
Alabama	\$167,685	30	\$178,878	10	\$134,943	40	96.77	\$139,454	25
Alaska	\$205,176	7	\$193,836	6	\$189,720	6	136.16	\$139,334	26
Arizona	\$159,685	35	\$154,534	29	\$149,383	30	110.07	\$135,721	32
Arkansas	\$169,830	27	\$164,730	21	\$163,200	17	95.10	\$171,611	3
California	\$244,179	1	\$228,918	1	\$200,042	3	142.78	\$140,108	24
Colorado	\$177,350	17	\$170,324	16	\$163,303	16	110.31	\$148,037	17
Connecticut	\$185,610	12	\$174,323	14	\$167,634	14	138.09	\$121,397	44
Delaware	\$195,245	9			\$183,444	7	110.43	\$166,119	5
District of Columbia	\$220,600	4			\$208,000	1	150.73	\$137,991	27
Florida	\$178,420	16	\$169,554	17	\$160,688	19	106.44	\$150,964	12
Georgia	\$175,600	20	\$174,500	13	\$169,265	12	100.10	\$169,091	4
Hawaii	\$223,200	3	\$206,652	3	\$201,060	2	149.08	\$134,863	33
Idaho	\$146,700	42	\$137,700	37	\$131,700	44	96.08	\$137,069	28
Illinois	\$229,345	2	\$215,856	2	\$198,075	4	111.77	\$177,217	2
Indiana	\$173,599	24	\$168,752	18	\$144,137	34	96.39	\$149,534	14
Iowa	\$174,808	21	\$158,420	26	\$147,494	32	99.00	\$148,984	16
Kansas	\$139,303	46	\$134,806	38	\$123,038	50	100.47	\$122,460	43
Kentucky	\$135,504	48	\$130,044	39	\$124,620	49	93.92	\$132,689	35
Louisiana	\$169,125	28	\$158,147	27	\$151,943	26	100.24	\$151,579	11
Maine	\$134,056	50			\$125,632	48	123.04	\$102,106	51
Maryland	\$176,433	18	\$163,633	22	\$154,433	23	127.83	\$120,810	45
Massachusetts	\$194,734	10	\$183,837	7	\$178,444	9	137.11	\$130,146	38
Michigan	\$164,610	32	\$157,544	28	\$145,578	33	96.54	\$150,790	13
Minnesota	\$173,363	25	\$163,354	23	\$153,345	24	106.03	\$144,620	19
Mississippi	\$152,250	38	\$144,827	32	\$136,000	38	91.14	\$149,214	15
Missouri	\$173,742	22	\$158,848	24	\$149,723	29	97.98	\$152,809	10
Montana	\$144,061	45			\$132,558	42	103.40	\$128,195	39
Nebraska	\$173,694	23	\$165,009	19	\$160,667	20	99.47	\$161,527	6
Nevada	\$170,000	26	\$165,000	20	\$160,000	21	111.18	\$143,909	20
New Hampshire	\$162,240	34			\$152,159	25	128.20	\$118,687	48
New Jersey	\$185,482	13	\$175,534	12	\$165,000	15	126.67	\$130,264	37
New Mexico	\$131,174	51	\$124,616	40	\$118,384	51	105.57	\$112,135	50
New York	\$215,700	5	\$205,400	4	\$194,000	5	145.65	\$133,200	34
North Carolina	\$146,191	43	\$140,144	34	\$132,584	41	100.35	\$132,122	36
North Dakota	\$157,009	37			\$143,869	35	105.90	\$135,853	31
Ohio	\$164,000	33	\$152,850	30	\$140,550	37	98.74	\$142,340	22
Oklahoma	\$145,914	44	\$138,235	36	\$131,835	43	96.23	\$136,998	29
Oregon	\$147,560	40	\$144,536	33	\$135,776	39	116.26	\$116,787	49
Pennsylvania	\$207,203	6	\$195,978	5	\$180,299	8	111.82	\$161,236	7
Rhode Island	\$175,870	19			\$158,340	22	127.75	\$123,943	42
South Carolina	\$148,794	39	\$145,074	31	\$141,354	36	103.42	\$136,686	30
South Dakota	\$135,270	49			\$126,346	46	105.99	\$119,208	47
Tennessee	\$185,064	14	\$178,908	9	\$172,740	10	96.34	\$179,298	1
Texas	\$168,000	29	\$158,500	25	\$149,000	31	101.67	\$146,556	18
Utah	\$178,500	15	\$170,350	15	\$162,250	18	103.26	\$157,121	8
Vermont	\$158,558	36			\$150,738	27	125.39	\$120,215	46
Virginia	\$197,827	8	\$181,610	8	\$171,120	11	109.17	\$156,748	9
Washington	\$186,681	11	\$177,708	11	\$169,187	13	117.95	\$143,437	21
West Virginia	\$136,000	47			\$126,000	47	99.85	\$126,184	41
Wisconsin	\$147,403	41	\$139,059	35	\$131,187	45	103.94	\$126,219	40
Wyoming	\$165,000	31			\$150,000	28	106.79	\$140,464	23
Mean	\$ 172,026		\$ 166,263		\$ 155,113				
Median	\$ 170,000		\$ 164,865		\$ 151,943				
Range	\$ 131,174 to \$ 244,179		\$ 124,616 to \$ 228,918		\$ 118,384 to \$ 208,000				

The figures presented use the C2ER Cost-of-Living Index. The Council for Community and Economic Research-C2ER is the most widely accepted U.S. source for cost-of-living indices, with nearly 400 reporting jurisdictions across America. Due to the rounding of C2ER factors to the nearest hundredth for publication purposes, user calculations of our adjusted salary figures may not equate to the published totals. More detailed information can be found at www.c2er.org.

West's Wyoming Statutes Annotated
Title 5. Courts
Chapter 1. In General (Refs & Annos)

W.S.1977 § 5-1-110

§ 5-1-110. Salaries of judges

Currentness

(a) Subject to constitutional and statutory provisions concerning when salaries can become effective, judges of the supreme court, district courts and circuit courts shall receive the following annual salaries which shall be paid in equal monthly installments on the last working day of the month:

(i) Supreme court justices shall receive an annual salary of one hundred thirty-one thousand five hundred dollars (\$131,500.00) commencing July 1, 2009 and one hundred sixty-five thousand dollars (\$165,000.00) commencing July 1, 2012;

(ii) District court judges shall receive an annual salary of one hundred twenty-five thousand two hundred dollars (\$125,200. 00) commencing July 1, 2009 and one hundred fifty thousand dollars (\$150,000.00) commencing July 1, 2012;

(iii) Circuit court judges shall receive an annual salary of one hundred nineteen thousand dollars (\$119,000.00) commencing July 1, 2012 and one hundred twenty-five thousand dollars (\$125,000.00) commencing July 1, 2017.

(b) In addition to the salaries provided in subsection (a) of this section, the legislature may provide through the budget process salary cost of living increases comparable to the increases provided to other state employees. Any such cost of living salary increases shall be specifically stated in a footnote to the budget bill by stating the total appropriation required as a result of any such increases along with the new salary amount to be provided to the supreme court, district court and circuit court. Any salary increase under this subsection shall be subject to constitutional and statutory provisions concerning when salaries can become effective.

Credits

Laws 1988, ch. 96, § 1; Laws 1990, ch. 45, § 1; Laws 1998, Sp. & Bud. Sess., ch. 105, § 1, eff. Jan. 1, 1999; Laws 2000, ch. 24, § 4, eff. July 1, 2000; Laws 2002, Sp. & Bud. Sess., ch. 97, § 1, eff. Jan. 1, 2003; Laws 2004, ch. 89, § 1, eff. July 1, 2004; Laws 2007, ch. 81, § 1, eff. July 1, 2007; Laws 2008, ch. 46, § 1, eff. July 1, 2008; Laws 2012, ch. 89, § 1, eff. July 1, 2012; Laws 2017, ch. 175, § 1, eff. July 1, 2017.

W. S. 1977 § 5-1-110, WY ST § 5-1-110

Current through the 2017 General Session of the Wyoming Legislature

Legislators should evaluate high salaries in executive branch

CHEYENNE — With the legislators squabbling over the number of state employees in their effort to shrink state government even more, it might be time to look at the higher paid folks in the executive branch.



JOAN BARRON

A few years ago, there was a fuss from critics over the salary paid to Kari Gray, the very busy chief of staff to Gov. Matt Mead.

Gray's salary of \$175,000 is the same pay earned by Attorney General Peter Michael.

At the time, legislative critics said Mead shouldn't be giving such a steep pay raise to employees in his office when the other non "at-will" state employees are getting no raises in this period of budget deficiencies.

Mead and legislative leaders have defended the compensation for top administrators like Gray who work for state elected officials because they have no job protection. As "at-will" employees they serve at the pleasure of their boss.

Two years ago, Mead vetoed an amendment to the appropriations bill to freeze all salaries of more than \$100,000. The Legislature did not override the governor's veto.

In Gray's case, her chief of staff job will end early next year when her boss, Mead, leaves office.

For that matter, her current pay was within parameters allowed by the Hay study which recommends state salaries in line with regional pay.

Nevertheless, those paydays

don't sit well with other executive branches employees who see no pay raises and are earning much less than the list of employees who earn more than \$110,000 obtained from the Department of Administration and Information through a Freedom of Information Act request.

As usual, a list includes deputies of the elected state officials who earn more than their bosses.

Gov. Matt Mead's salary is \$105,000, a wage that has not been changed for years.

The other state elected officials — the secretary of state, auditor, treasurer and superintendent of public instruction — are paid \$92,000 a year. And that has not changed either.

Treasurer Mark Gordon's deputy, Pat Arp, earns \$135,000 to keep everything running.

Karen Wheeler, the deputy secretary of state, earns a tad less — \$134,000.

Sandra Urbanek, the deputy state auditor, earns \$130,000.

Richard Shanor, chief of staff to the state superintendent of public instruction, makes \$144,000 a year.

One of the higher paid attorneys in the Attorney General's office is Michael R. O'Donnell, the school finance expert, who collects \$164,000 a year.

Moving up at \$165,000 is Donald D. Fausset, director of the Department of Administration and Information, and James D. Rose, director of the Wyoming Community College Commission, \$168,600.

In the next tier of \$177,000 to \$189,000 are two physicians at the Department of Health and

two employees of the Wyoming Retirement System.

Let's move on to the top wage earners of more than \$200,000 in the executive branch. As usual, the top earners list includes two psychiatrists at the Evanston State Hospital.

The list also includes Tom Forslund, the director of the Department of Health, who earns almost \$203,000; Patrick Fleming, the chief investments officer of the State Treasurer's office; and two at the Wyoming Retirement System, Ruth Ryerson, the director, and Hesam Masoudi, investment officer, both \$232,000.

The two highest paid executive branch employees are Fleming, at \$250,000, and Davis W. Carrington, a psychiatrist at the State Hospital in Evanston, who earns \$250,003.

I can understand the frustration of troops who don't get high pay and keep the train running.

I spotted inequities in the list, although I am sure the salaries conform to the recommendations of the the Hay group.

Diane Shober, the director of the Wyoming Tourism Commission, makes \$139,000 a year.

Another Diane, Diane Lozano, the director the Public Defenders Office, makes \$116,999.

I admire Shober, a dynamo who does a great job of promoting Wyoming.

I also admire Lozano whose work is pretty thankless yet who is fulfilling the state's constitutional obligation to represent criminal defendants.

Contact Joan Barron at 307-632-2534 or jmbarron@bresnan.net.

IN THE SUPREME COURT, STATE OF WYOMING

October Term, A.D. 2017

In the Matter of Amendments to the)
Wyoming Rules Governing)
Redactions from Court Records)

**ORDER AMENDING THE WYOMING RULES GOVERNING
REDACTIONS FROM COURT RECORDS**

Based on the recommendation of the Board of Judicial Policy and Administration, this Court, on March 16, 2017, created a Redaction Committee to “review and revise the current Rules Governing Redactions from Court Records.” After careful study of those rules, the Redaction Committee recommends that the Court amend the Wyoming Rules Governing Redactions from Court Records. Having carefully considered the proposed amendments, the Court finds the amendments should be adopted. It is, therefore,

ORDERED that the amendments to the Wyoming Rules Governing Redactions from Court Records, attached hereto, be, and hereby are, adopted by the Court to be effective June 1, 2018; and it is further

ORDERED that this order and the attached amendments be published in the advance sheets of the Pacific Reporter; the attached amendments be published in the Wyoming Court Rules Volume; and this order and the attached amendments be published online at the Wyoming Judicial Branch’s website, <http://www.courts.state.wy.us>. The amendments shall also be recorded in the journal of this Court.

DATED this 13th day of March, 2018.

BY THE COURT:

/s/

E. JAMES BURKE
Chief Justice

Rules Governing Redactions from Court Records

Table of Contents

10. Failure to Comply.

Rule 1. Redacted filings.

For any documents filed ~~after January 1, 2011~~, unless otherwise ordered by the court, the parties shall refrain from including, or shall redact, where inclusion is necessary, the following ~~four~~ five personal data identifiers from their pleadings, including exhibits thereto.

(a) Social Security Numbers. — If an individual's social security number must be included, only the last 4 digits of that number should be used.

(b) Names of Minor Children. — If the involvement of a minor child must be mentioned, only the initials of that child should be used. This does not include cases where the minor is a party to the case, unless the statutes otherwise require.

(c) Dates of Birth. — If an individual's date of birth must be included, only the year of birth should be used.

(d) Financial Account Numbers. — If a financial account number is relevant, only the last 4 digits of such numbers should be used.

(e) Victim Addresses – In criminal cases, the address of any identified victim should be limited to county and state.

The responsibility for redacting these personal data identifiers rests solely with counsel and the persons filing the documents with the court. ~~The Clerk will not review papers for compliance with these rule.~~

Rule 2. Protection orders.

Pursuant to 18 USC 2265(d)(3), information regarding the registration, filing of a petition, or issuance of a protection order, restraining order or injunction, shall not be made available publicly ~~on the internet~~, if such publication would be likely to reveal the identity or location of the party protected under such order, except for court-generated and law enforcement-generated information contained in secure, governmental registries for protection order enforcement purposes.

Rule 6. Additional unredacted filing ~~under seal~~.

A party making a redacted filing shall also file an unredacted copy under separate cover ~~and seal~~. Such an additional unredacted filing is required only in those cases where the entire personal data identifier listed in Rule 1 herein is required (e.g. charging documents). The court

must retain the unredacted copy as part of the confidential ~~record~~ file. If the redacted and non-redacted documents are not offered for filing contemporaneously, the missing document may be filed or postmarked within one business day. The Court may reject any paper filed not in compliance with these rules. When filing confidential or unredacted documents, the court will not accept fax filings.

In civil cases such as divorce, custody and other matters necessarily involving information subject to redaction, a party may file redacted pleadings without filing duplicate, unredacted copies, so long as the unredacted identifying information is filed with the court in at least one document, already on file with the court, filed in the confidential file.

Rule 7. Clerk refusal to file.

The Clerk is not required to review papers for compliance with these rules. Without regard to W.S. § 5-7-103, the Clerk may refuse to file documents that are obviously not in compliance with these rules.

Rule 8. Transcripts.

In those cases already made confidential by statute, administrative rule, court rule, or court order, it is not necessary to redact transcripts. The responsibility for redacting official court transcripts rests solely with counsel and the parties. The court, clerk, and court reporter/transcriber will not review the transcript for compliance with these rules.

Once a prepared transcript pursuant to Wyo. Stat. Ann. §§ 5-3-401 to 412 is delivered to the clerk's office for filing, and the court reporter/transcriber has given written notice by email or traditional means to the parties that the transcript is completed, the attorneys in the case are (or, where there is a self-represented party, the party is) responsible for reviewing it for the personal data identifiers required by these rules to be redacted. Each party or counsel shall give prompt written notice of changes of address, telephone number or email address, if any, to the clerk and other parties.

Within eleven calendar days of the delivery by the court reporter/transcriber of the official transcript to the clerk's office, or longer if the court orders, each party must inform the court reporter, by filing a Notice of Intent to Redact with the clerk, of his or her intent to direct the redaction of personal identifiers from the transcript of the court proceeding. A party is only allowed to request redaction of the ~~four~~ five personal data identifiers specified in Rule 1 herein without further order of the court. If no such notice is filed within the allotted time, the ~~court~~ clerk will assume redaction of the personal data identifiers from the transcript is not necessary, and the record completion process will proceed without further delay.

Within 21 calendar days of the transcript's filing with the clerk, or longer if the court orders, an attorney of record or self-represented party, who has previously filed a Notice of Intent to Redact, must file a Confidential Redaction Request. (See Appendix A to these rules). A copy of this request must also be submitted simultaneously to the court reporter/transcriber. The request shall include the title of the transcript, the date it was filed, the case number and the items to be redacted, referencing them by page and line number and how they are to be redacted. For example, if a party wanted to redact the Social Security Number 123-45-6789 appearing on page 12, line 9 of the transcript, the Confidential Redaction Request would read: page 12, line 9: Social Security Number 123-45-6789 should be redacted to read xxx-xx-6789.

When a Confidential Redaction Request is filed, the court reporter/transcriber must within 31 calendar days from the filing of the transcript with the clerk of court, or longer if the court orders, perform the requested redactions and file a redacted version of the transcript with the clerk of court. The original unredacted transcript will be sealed and retained by the clerk of court in the confidential file. ~~The unredacted transcript will always remain as a sealed document and will not be available for review without further order of the court.~~ The unredacted transcript may be withdrawn from the office of the clerk of the trial court without an order of that court by pro se parties and by appellate counsel of record. The unredacted transcript shall also be available for transmission to the appellate court.

For all civil transcripts and for all criminal trial transcripts when the case is appealed, court reporters of the district courts are required to provide either a key-word index or a PDF electronic file for all parties to assist in redaction efforts. Upon request, court reporters of the district courts shall provide either a key-word index or a PDF electronic file for other criminal transcripts.

In criminal cases, the prosecutor shall notify the court reporter of any information subject to redaction when that information becomes available. Counsel and the parties have a continuing obligation to inform the court reporter of information subject to redaction throughout the pendency of the case.

Court reporters shall redact information using the black-out method or other method that retains the same line and page numbers as the unredacted transcript.

In criminal cases, the prosecutor shall be responsible for ensuring redactions are requested for all mandatory transcripts.

Rule 9. Rules governing access to court records.

Documents filed in court records shall also meet the ~~confidentiality~~ requirements of the Rules Governing Access to Court Records.

Rule 10. Failure to comply.

When an attorney fails to comply with these rules, the appropriate court may impose monetary or other sanctions against the attorney.

IN THE SUPREME COURT, STATE OF WYOMING

October Term, A.D. 2017

In the Matter of Amendments to)
Rule 3.1 of the Wyoming Rules of)
Civil Procedure for Circuit Courts)

**ORDER AMENDING RULE 3.1 OF THE WYOMING RULES OF
CIVIL PROCEDURE FOR CIRCUIT COURTS**

The Permanent Rules Advisory Committee, Civil Division, has recommended that this Court amend Rule 3.1 of the Wyoming Rules of Civil Procedure for Circuit Courts, as well as Appendix A to those Rules. This Court finds the proposed amendments should be adopted. It is, therefore,

ORDERED that the amendments to Appendix A and Rule 3.1 of the Wyoming Rules of Civil Procedure for Circuit Courts, attached hereto, be, and hereby are, adopted by the Court to be effective June 1, 2018; and it is further

ORDERED that this order and the attached amendments shall be published in the advance sheets of the Pacific Reporter; the attached amendments shall be published in the Wyoming Court Rules Volume; and that this order and the attached amendments shall be published online at the Wyoming Judicial Branch's website, <http://www.courts.state.wy.us>. The amendments shall also be recorded in the journal of this Court.

DATED this 27th day of February, 2018.

BY THE COURT:

/s/

E. JAMES BURKE
Chief Justice

Wyoming Rules of Civil Procedure for Circuit Courts

Rule 3.1. Commencement of action.

(a) *How Commenced.* — A civil action in Circuit Court is commenced:

(1) On the date of filing a complaint with the court so long as service is accomplished within the time periods specified in Rule ~~3(b)~~ 4(w) of the Wyoming Rules of Civil Procedure; or

(2) On the date of the filing of a copy of the complaint, summons and proof of service. If the action is commenced under this subsection, then the complaint, the summons and proof of service must be filed within fourteen days of such service, and a notice of filing in the form of Appendix A shall be mailed to the defendant on the same day the complaint is filed. A defendant must file an answer within thirty-five (35) days of the filing of the complaint if the complaint is served under this sub-part. If the complaint, summons and proof of service are not filed within fourteen days of service, the action commenced shall be deemed dismissed and the court shall have no further jurisdiction thereof. In such case the court may, in its discretion, tax a reasonable sum in favor of the defendant to compensate the defendant for expense and inconvenience, including attorney's fees, to be paid by plaintiff or plaintiff's attorney. The ~~fourteen-day~~ fourteen-day filing requirement may not be waived by a defendant and shall not be deemed waived upon the filing of an answer or motion to the complaint.

(b) *Form of summons.* —

(1) The summons shall be signed and issued by the Clerk if filed under 3.1(a)(1) or signed and issued by the plaintiff or the plaintiff's attorney if filed under 3.1(a)(2).

(2) The summons shall contain the name and address of the court and the names of the parties to the action. It shall be directed to the defendant, state the name, address and telephone of the plaintiff's attorney, if any, and otherwise the plaintiff's address and telephone number. It shall state the time within which the defendant is required to answer the complaint in writing, and shall notify the defendant that in case of failure to do so, judgment by default may be rendered against the defendant. It shall state either that the complaint is on file with the court or that the complaint will be filed with the court within ~~ten~~ fourteen days of service.

(3) If the action is commenced under Rule 3.1 (a)(2), the summons shall also state

(i) that the defendant need not answer if the complaint is not filed within ~~ten~~ fourteen days after service, and

(ii) that plaintiff will mail a notice of filing to the defendant upon filing the summons, complaint and proof of service. When the complaint is filed with the court, the plaintiff shall send a notice of filing to the defendant (s), as provided by Rule 5 of the Wyoming Rules of Civil Procedure.

APPENDIX A

IN THE CIRCUIT COURT OF THE _____ JUDICIAL DISTRICT
OF AND FOR _____ COUNTY, WYOMING

_____,
PLAINTIFF(s),

vs.

CIVIL ACTION NO.

_____,
DEFENDANT(s).

NOTICE OF FILING

The Complaint in the above titled action was filed with the Court on _____. You are required to file with the Clerk of Court, and serve upon the Plaintiff's attorney, an answer to the Complaint ~~which~~ that was served upon you, within ~~twenty~~ thirty-five (20 ~~35~~) days after the date the eComplaint was filed with the Court, exclusive of the day of filing. ~~(If service was made outside the State of Wyoming, you are required to file and serve your answer within thirty (30) days of the date of filing the complaint with the Court, exclusive of the day of filing.)~~ If you fail to do so, Default Judgment may be entered against you. If a Default Judgment is entered against you, the Plaintiff reserves the right to take all legal remedies available to enforce said judgment.

The undersigned does hereby certify that a copy of the foregoing NOTICE OF FILING was mailed by United States Mail, postage prepaid, on _____ to the following person at the last known address.

Defendant's full name

Defendant's street address

Defendant's city, state, zip

DATED this ____ day of _____, 20__.

By: _____

West's Wyoming Statutes Annotated
Wyoming Rules of Civil Procedure
VI. Trials

Wyoming Rules of Civil Procedure, Rule 40.1

Rule 40.1. Transfer of Trial and Change of Judge

Currentness

(a) Transfer of Trial.

- (1) *Time.* Any party may move to transfer trial within 15 days after the last pleading is filed.
- (2) *Transfer.* The court shall transfer the action to another county for trial if the court is satisfied that:
 - (A) there exists within the county where the action is pending such prejudice against the party or the party's cause that the party cannot obtain a fair and impartial trial, or
 - (B) that the convenience of witnesses would be promoted thereby.
- (3) *Hearing.* All parties shall have an opportunity to be heard at the hearing on the motion and any party may urge objections to any county.
- (4) *Transfer.* If the motion is granted the court shall order that the action be transferred to the most convenient county to which the objections of the parties do not apply or are the least applicable, whether or not such county is specified in the motion.
- (5) *Additional Motions to Transfer.* After the first motion has been ruled upon, no party may move for transfer without permission of the court.
- (6) *Upon Transfer.* When a transfer is ordered:
 - (A) The clerk shall transmit to the clerk of the court to which the action has been transferred all papers in the action or duplicates thereof.
 - (B) The party applying for the transfer shall within 14 days pay the costs of preparing and transmitting such papers and shall pay a docket fee to the clerk of court of the county to which the action is transferred.
 - (C) The action shall continue in the county to which it is transferred as though it had been originally filed therein.

(7) The presiding judge may at any time upon the judge's own motion order a transfer of trial when it appears that the ends of justice would be promoted thereby.

(b) Change of Judge.

(1) Peremptory Disqualification.

(A) Motion. A district judge may be peremptorily disqualified from acting in a case by the filing of a motion requesting that the judge be so disqualified.

(B) Time.

(i) Motion by Plaintiff. The motion designating the judge to be disqualified shall be filed by the plaintiff within five days after the complaint is filed; provided, that in multi-judge districts, the plaintiff must file the motion to disqualify the judge within five days after the name of the assigned judge has been provided by a representative of the court to counsel for plaintiff by personal advice at the courthouse, telephone call, or a mailed notice.

(ii) Motion by Defendant. The motion shall be filed by a defendant at or before the time the first responsive pleading is filed by the defendant or within 30 days after service of the complaint on the defendant, whichever first occurs, unless the assigned judge has not been designated within that time period, in which event the defendant must file the motion within five days after the name of the assigned judge has been provided by a representative of the court to counsel for the defendant by personal advice at the courthouse, telephone call, or a mailed notice.

(iii) Parties Added Later. One made a party to an action subsequent to the filing of the first responsive pleading by a defendant cannot peremptorily disqualify a judge.

(C) One Time Challenge. In any matter, a party may exercise the peremptory disqualification only one time and against only one judge.

(D) Criminal and Juvenile Proceedings. This rule, and the procedures set forth herein, shall not apply to criminal cases or proceedings in juvenile court.

(2) Disqualification for Cause.

(A) Grounds. Whenever the grounds for such motion become known, any party may move for a change of district judge on the ground that the presiding judge

(i) has been engaged as counsel in the action prior to being appointed as judge,

(ii) is interested in the action,

(iii) is related by consanguinity to a party,

(iv) is a material witness in the action, or

(v) is biased or prejudiced against the party or the party's counsel.

(B) *Motion, Affidavits and Counter-Affidavits.* The motion shall be supported by an affidavit or affidavits of any person or persons, stating sufficient facts to show the existence of such grounds. Prior to a hearing on the motion any party may file counter-affidavits.

(C) *Hearing.* The motion shall be heard by the presiding judge, or at the discretion of the presiding judge by another judge. If the motion is granted, the presiding judge shall immediately call in another judge to try the action.

(3) *Effect of Ruling.* A ruling on a motion for a change of district judge shall not be an appealable order, but the ruling shall be entered on the docket and made a part of the record and may be assigned as error in an appeal of the case.

(4) *Motion by Judge.* The presiding judge may at any time on the judge's own motion order a change of judge when it appears that the ends of justice would be promoted thereby.

(5) *Probate Matters.* In any controverted matter arising in a probate proceeding, a change of judge, or in cases where a jury is demandable, a transfer of trial, or both, may be had for any cause authorizing such change in a civil action. The procedure for such change shall be in accordance with this rule. Except for the determination of such controverted matter, the judge having original jurisdiction of such probate proceeding shall retain jurisdiction in all other matters in connection with said proceeding.

Credits

[Amended November 26, 2013, effective immediately. Repealed and adopted February 2, 2017, effective March 1, 2017.]

Rules Civ. Proc., Rule 40.1, WY R RCP Rule 40.1

Current with amendments received through April 1, 2018

IN THE SUPREME COURT, STATE OF WYOMING

October Term, A.D. 2017

In the Matter of Amendments to)
Rules 2 and 3 of the Rules of)
Procedure for Juvenile Courts)

ORDER AMENDING RULES 2 AND 3 OF THE RULES OF PROCEDURE FOR JUVENILE COURTS

The Permanent Rules Advisory Committee, Juvenile Division, has recommended that this Court amend Rules 2 and 3 of the Wyoming Rules of Procedure for Juvenile Courts. This Court finds the proposed amendments should be adopted. It is, therefore,

ORDERED that the amendments to Rules 2 and 3 of the Rules of Procedure for Juvenile Courts, attached hereto, be, and hereby are, adopted by the Court to be effective June 1, 2018; and it is further

ORDERED that this order and the attached amendments shall be published in the advance sheets of the Pacific Reporter; the attached amendments shall be published in the Wyoming Court Rules Volume; and that this order and the attached amendments shall be published online at the Wyoming Judicial Branch's website, <http://www.courts.state.wy.us>. The amendments shall also be recorded in the journal of this Court.

DATED this 13th day of February, 2018.

BY THE COURT:

/s/

E. JAMES BURKE
Chief Justice

Rules of Procedure for Juvenile Courts

Rule 2. Initiation of Proceedings; Hearings.

(a) Initiation of Proceedings. All Abuse and Neglect, Delinquency and CHINS (Child in Need of Supervision) proceedings shall be initiated by the filing of a petition alleging abuse and neglect, delinquency or a child in need of supervision. Petitions for Shelter Care, Protective Custody or Temporary Placement shall not be filed without the filing of a corresponding petition alleging abuse and neglect, delinquency or child in need of supervision.

(b) Presence of the Child. A child shall be present at the permanency hearing in abuse and neglect actions unless the court orders prior to the permanency hearing that the child need not be present. If the guardian ad litem or other party believes a child should not be present at the permanency hearing, a motion outlining the reasons for the request for excusal from the hearing shall be filed no less than ten (10) days prior to the permanency hearing. A child is encouraged to attend all other hearings in abuse and neglect actions, but a child who is not of suitable age to understand or participate in the proceedings need not be present at other hearings in abuse and neglect actions unless the court so orders.

A child alleged or adjudicated to be delinquent, or in need of supervision, shall be present at all hearings unless otherwise ordered by the court. A child alleged or adjudicated to be delinquent, or in need of supervision, shall be present at any hearing where the court is required to advise the child of the contents of a Petition and the child's rights under any applicable statute.

Upon motion of a party, the court may excuse the presence of a child alleged or adjudicated to be delinquent, or in need of supervision, who is of suitable age, if attendance would be detrimental to the child; or allow a child to appear by telephone.

~~(b)~~ (c) Presence of Foster Parent. A foster parent or other out-of-home care provider is entitled to be heard at any hearing. However, the court may limit the presence of the foster parent or care provider to the time during which the person's testimony is being given if it is (1) in the best interest of the child; or (2) necessary to protect the privacy interests of the parties and will not be detrimental to the child.

~~(c)~~ (d) General Public Excluded. Hearings are not open to the public. However, the court may, after due consideration for the welfare of the child and the family, admit specific individuals to a hearing. Victims of delinquent acts, and members of their immediate families may be present pursuant to Wyoming statutes.

~~(d)~~ (e) Notice to Parents, Guardians, Custodians, Foster Parents, Pre-Adoptive Parents, or Relative Caregivers. Prior to each hearing held pursuant to the Child Protection Act, the county or district attorney, or another entity designated by the court, shall provide written notice of such hearing; to the parents (both custodial and non-custodial), guardians, custodians, foster parents,

~~pre-adoptive parents, or relative caregivers. including their right to be heard, to the child's foster parents, pre-adoptive parents, or relative caregivers.~~ The notice shall include the time, place, and purpose of each hearing. This provision shall not be construed to require foster parents, pre-adoptive parents, or relative caregivers to be made a party to the hearing or proceeding solely on the basis of such notice and opportunity to be heard.

(f) Requests for hearings. The county or district attorney, and/or guardian ad litem, and/or respondent counsel shall request the setting of timely hearings pursuant to Title 14 of the Wyoming Statutes, including but not limited to adjudicatory, dispositional, review, and permanency hearings.

Rule 3. Discovery and Inspection – Abuse and Neglect, Delinquency, and CHINS (Child in Need of Supervision).

(b) *Discovery by the State.* *****

(10) Records created or held by the Department of Family Services (DFS) may be subject to discovery in proceedings in juvenile court, pursuant to this Rule. Respondent or the guardian ad litem shall request discovery of DFS records through the State. Upon a request for discovery, DFS shall provide its records to the State and guardian ad litem. The State may, pursuant to this rule, provide the records to the Respondent ~~and the guardian ad litem~~, or the State and/or the guardian ad litem may contest the discovery request from the Respondent pursuant to these Rules. Discovery requests concerning Child Protection records are further subject to the provisions of Wyo. Stat. Ann. § 14-3-214, and access to such records may be limited pursuant to such statutory section. This Rule is specific to discovery requests in juvenile court proceedings and does not relate to discovery of DFS records in other types of proceedings. DFS must supplement or correct all disclosures and responses provided to the State, guardian ad litem and Respondent in a timely manner and in no event less than 5 business days prior to any MDT meeting or hearing until the case is dismissed.

Wyoming Supreme Court Judicial Ethics Advisory Committee

W.S.C.J.E.A.C. Advisory Opinion 2018-01

QUESTION PRESENTED

Under the Canons of Judicial Conduct, including, but not limited to Rules 2.15, 2.16, and Rule 3.3, may a judge testify at a Wyoming Bar disciplinary proceeding concerning his personal knowledge of the lawyer subject to the disciplinary action?

If so, must the judge be formally subpoenaed in accordance with the Rules of Civil Procedure or the rules of the presiding tribunal?

RESPONSE

The Committee answers yes, the judge may testify under facts contained in the question presented; however, the judge must be formally subpoenaed to permit such testimony.

BACKGROUND

The judge requesting the advisory opinion was contacted by counsel for an attorney who is scheduled for a disciplinary hearing before the Board of Professional Responsibility. Counsel for the attorney facing disciplinary action indicated that he seeks to elicit testimony regarding the judge's professional experience with the accused attorney. The judge anticipates being asked questions about the accused attorney's demeanor toward the court, his honesty and candor with the court, and whether the lawyer competently represents his clients. Accordingly, the judge anticipates being asked questions seeking "character" evidence based upon the judge's dealings with the accused. Counsel for the accused has indicated that he will subpoena the judge, if necessary.

APPLICABLE RULES OF THE WYOMING CODE OF JUDICIAL CONDUCT

Canon 1 of the Wyoming Code of Judicial Conduct states:

A judge shall uphold and promote the independence, integrity and impartiality of the judiciary and shall avoid impropriety and the appearance of impropriety.

Rule 1.3 states:

A judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or others, or knowingly allow others to do so.

Canon 2 of the Wyoming Code of Judicial Conduct states:

A judge shall perform the duties of judicial office impartially, competently, and diligently.

Rule 2.16(A) states:

A judge shall cooperate and be candid and honest with judicial and lawyer disciplinary agencies.

Canon 3 of the Wyoming Code of Judicial Conduct states:

A judge shall conduct the judge's personal and extrajudicial activities to minimize the risk of conflict with the obligations of judicial office.

Rule 3.3 states:

A judge shall not testify as a character witness in a judicial, administrative, or other adjudicatory proceeding or otherwise vouch for the character of a person in a legal proceeding, except when duly summoned.

DISCUSSION

Facts the Committee find to be relevant when issuing this formal opinion include that the judge had been requested to testify at a confidential hearing, likely before the Board of Professional Responsibility.

The portion of Rule 2.16 of the Wyoming Code of Judicial Conduct (WCJC) that is relevant for this opinion reads as follows:

(A) A judge shall cooperate and be candid and honest with judicial and lawyer disciplinary agencies.

Although Rule 2.16(A) of the Wyoming Code of Judicial Conduct (WCJC) is clear on its face by requiring a judge to "cooperate and be candid and honest with judicial and lawyer disciplinary agencies," the concern is whether a subpoena is required by Rule 3.3, WCJC.

Canon 3 of the WCJC speaks to the conduct of the judge's personal and extrajudicial activities. That Canon reads as follows:

A judge shall conduct the judge's personal and extrajudicial activities to minimize the risk of conflict with the obligations of judicial office.

Rule 3.3, WCJC reads as follows:

A judge shall not testify as a character witness in a judicial, administrative, or other adjudicatory proceeding or otherwise vouch for the character of a person in a legal proceeding, except when duly summoned.

The wording of Rule 3.3 of Wyoming's Code of Judicial Conduct is the same as the wording of the 2007 Model Code of Judicial Conduct. The Reporters' Notes to Rule 3.3 of the Model Code of Judicial Conduct read as follows:

Rule 3.3 is essentially the same as the last sentence of Canon 2B of the 1990 Code; the thrust of both provisions is that a judge is prohibited from testifying voluntarily as a character witness. If the judge testifies in response to a subpoena or as a percipient witness (or both), Rule 3.3 raises no bar. The Rule more directly addresses this concept by using the phrase "except when duly summoned."

The reach of the Rule was extended slightly in two ways. First, Rule 3.3 applies not only to testifying as a character witness, but also to "otherwise vouch[ing] for the character of a person in a legal proceeding." This language was added because testifying under oath is not the only circumstance in which judges might be invited to comment when a person's character is in issue in a legal proceeding. Second, the new Rule specifies that it applies in all proceedings that are judicial, administrative, or otherwise adjudicatory in nature, and not simply in civil or criminal trials. Such a broad application of the 1990 Code provision was not necessarily inferred from Canon 2B's simpler prohibition against "testify[ing] voluntarily as a character witness."

The language about "vouching" was added because testimony under oath is not the only mode in which judges might abuse the prestige of judicial office when the character of a person is at issue in a legal proceeding. The second addition simply serves as a reminder that Rule 3.3 is not limited to civil or criminal trials in courts, but applies whenever testimony is taken on a formal record.

It has always been understood that judges should not encourage a party to issue a sham subpoena simply to legitimize what was in essence the judge's voluntary testimony. Comment [1] addresses that practice indirectly, and seeks to prohibit it, by suggesting that judges actively discourage parties from compelling their testimony as character witnesses in most situations.

Additional relevant facts for the Committee's consideration include that the requesting judge anticipates being asked about the accused's demeanor toward the court, the attorney's honesty and forthrightness with the court, and whether the lawyer competently represents his/her clients. It is reasonable to anticipate that when a judge is asked questions in those areas, some of those questions may call for "character" evidence or an opinion based upon that judge's dealings with the lawyer as to his/her trait for honesty and candor with the tribunal.

The Committee finds that Rule 2.16(A) and Rule 3.3 do not conflict with each other. It is reasonable for a judge to cooperate and be candid and honest with a lawyer disciplinary agency without testifying as a character witness or otherwise vouching for the character of an attorney who is the subject of a disciplinary proceeding. An example of that would be providing nothing beyond facts of a specific instance.

When the testimony is beyond facts as to what happened when and who said what, especially if it includes the judge testifying about an attorney's demeanor toward the court, the attorney's honesty and forthrightness with the court, and the judge's conclusion or opinion of whether a lawyer competently represents his or her clients, the judge is placed in the position of testifying as a character witness or otherwise vouching for the character of that lawyer. Whenever a judge vouches for someone, especially when the character of a person is at issue in a legal proceeding, that may be an abuse of the prestige of judicial office. To ensure, or at least protect against that abuse, Rule 3.3 requires the judge to not testify as a character witness except when duly summoned. Duly summoned requires the judge be formally summoned or subpoenaed in accordance with the Rules of Civil Procedure or the rules of the presiding tribunal.

The circumstances giving rise to the requesting judge's question and this opinion merit a cautionary note worth emphasis. Wyoming has adopted the language of Rule 3.3 of the 2007 Model Code of Judicial Conduct. The Model Code is accompanied by the following comment¹:

A judge who, without being subpoenaed, testifies as a character witness abuses the prestige of judicial office to advance the interest of another. See Rule 1.3. Except in unusual circumstances where the demands of justice require, *a judge should discourage a party from requiring the judge to testify as a character witness.* (Emphasis added.)

Thus, it is important for judges to resist the temptation to offer, or voluntarily appear, to testify as a character witness. Mere reliance on a subpoena to comply with the rules is not enough. The comment clearly suggests that a judge must actively and affirmatively discourage the giving of such testimony. In doing so, the intent of Rule 1.3's bar to judges using their position to advance the interests of another is observed.

CONCLUSION

We believe that judges cannot testify regarding a person's character at disciplinary proceedings, or in any other judicial, administrative, or otherwise adjudicatory proceeding, unless formally summoned or subpoenaed in accordance with the Rules of Civil Procedure or the rules of the presiding tribunal.

FINALIZED AND EFFECTIVE this 9th day of February, 2018 by the Wyoming Supreme Court Judicial Ethics Advisory Committee.

¹ This is Comment [1] as noted in the Reporters' Notes to Rule 3.3.

IN THE SUPREME COURT, STATE OF WYOMING

October Term, A.D. 2017

In the Matter of the Repeal of the)
Temporary Rules for Expedited)
Marriage Dissolution Cases)

**ORDER REPEALING THE TEMPORARY RULES FOR EXPEDITED
MARRIAGE DISSOLUTION CASES**

The Access to Justice Commission has recommended that the Wyoming Supreme Court repeal the “Temporary Rules for Expedited Marriage Dissolution Cases.” The Court, having carefully reviewed the recommendation and the rules, finds that the recommendation should be adopted and that the Temporary Rules for Expedited Marriage Dissolution Cases should be repealed. It is, therefore,

ORDERED that the Temporary Rules for Expedited Marriage Dissolution Cases are repealed effective immediately, with the following caveat. If any pending marriage dissolution case is being processed pursuant to the Temporary Rules, such cases may be completed in accord with those Rules; and it is further

ORDERED that this order shall be published in the advance sheets of the Pacific Reporter, in the Wyoming Court Rules Volume, and online at the Wyoming Judicial Branch’s website, <http://www.courts.state.wy.us>.

DATED this 13th day of February, 2018.

BY THE COURT:

/s/

E. JAMES BURKE
Chief Justice

IN THE SUPREME COURT, STATE OF WYOMING

OCTOBER TERM, A.D. 2017

IN THE MATTER OF THE APPOINTMENT)
OF MEMBERS TO THE CHILDREN'S JUSTICE)
PROJECT ADVISORY COUNCIL)

IN THE SUPREME COURT
STATE OF WYOMING
FILED

MAR 06 2018

PATRICIA BENNETT, CLERK
Shawna Jones
by DEPUTY

**ORDER REAPPOINTING MEMBERS TO THE
CHILDREN'S JUSTICE PROJECT ADVISORY COUNCIL**

THIS MATTER having come before the Court upon the retirement of the Honorable William U. Hill and it being necessary in accordance with the provisions of the Children's Justice Project grant and the *Children's Justice Project Advisory Council Rules* to fill Children's Justice Project Advisory Council (Council) vacancies to serve at the pleasure of the Supreme Court, it is

ORDERED that the following individual be removed from the Council:

Honorable William U. Hill (retired), Wyoming Supreme Court Justice, Cheyenne

ORDERED that the following individuals be appointed to serve on the Council:

Honorable Catherine M. Fox, Chair, Wyoming Supreme Court Justice, Cheyenne – Term expires on June 30, 2021; and

Jennifer Davis, Wyoming Children's Trust Fund, ex-officio member, Cheyenne – Term expires June 30, 2021;

ORDERED that the CJP Advisory Council shall consist of the following voting members:

<u>Member/Title/Location</u>	<u>Term Expires</u>
Honorable Catherine M. Fox, Chair Wyoming Supreme Court Justice Cheyenne	6/30/21
Kerri Bumgardner Uinta County District Court Clerk Evanston	6/30/18

Sheryl Bunting Deputy County and Prosecuting Attorney Sheridan	6/30/20
Senator Affie Ellis Senate District 08 Cheyenne	6/30/20
Elizabeth Forslund CQI/CFSP/APSR/CFSR Lead, Wyoming Department of Family Services Cheyenne	6/30/19
Edwin Heimer Agency Administrator, Wyoming Department of Family Services Cody	6/30/20
Michelle Heinen, UPLIFT Parent Advocate Cheyenne	6/30/18
Honorable Nena R. James District Court Judge, 3 rd Judicial District Green River	6/30/19
Jill Kucera Senior Assistant Attorney General Cheyenne	6/30/19
Ayana Lopez Youth Advocate Cheyenne	6/30/20
Jennifer Neely Training and ICWA Lead, Wyoming Department of Family Services Riverton	6/30/19
Marty Nelson Agency Administrator, Wyoming Department of Family Services Cheyenne	6/30/19
Senator Tara Nethercott Senate District 04 Cheyenne	6/30/20

Ryan Roden Deputy State Public Defender Cheyenne	6/30/18
Thomas W. Rumpke District Court Judge, 6 th Judicial District Gillette	6/30/19
Terri V. Smith Attorney Lander	6/30/18
Honorable Dawnessa Snyder District Court Judge, 2 nd Judicial District Rawlins	6/30/20
Carol Tullio CASA of Laramie County Cheyenne	6/30/18
Stephen Weichman Teton County & Prosecuting Attorney Jackson	6/30/18
Dan Wilde Director, GAL Program Cheyenne	6/30/19
Honorable Norman Young District Court Judge, 9 th Judicial District Lander	6/30/20

IT IS FURTHER ORDERED that the CJP Advisory Council shall consist of the following non-voting, ex-officio members:

<u>Member/Title/Location</u>	<u>Term Expires</u>
Korin Schmidt Deputy Director, Wyoming Department of Family Services, Cheyenne	6/30/20
Lily Sharpe Wyoming Supreme Court Administrator Cheyenne	6/30/20

Jennifer Davis
Wyoming Children's Trust Fund
Cheyenne

6/30/21

DATED this 6th day of March, 2018.

BY THE COURT:

A handwritten signature in black ink, appearing to read "E. James Burke", written over a horizontal line.

E. JAMES BURKE
CHIEF JUSTICE