

Minutes
April 19 and 20, 2001
Board of Judicial Policy and Administration

The April 19 and 20, 2001, meeting of the Board of Judicial Policy and Administration was held in Lander, Wyoming, at the Fremont County Commissioners meeting room. Chief Justice Larry L. Lehman, Justice William U. Hill, Judge Bart Voigt, Judge Gary Hartman, Judge Jeff Donnell, Judge Rob Denhardt, Judge Frank Zebre, Judge Wade Waldrip, and Judge Scott Cole attended. Holly Hansen, Joann Stockdale and Ronda Munger also attended.

Thursday, April 19, 2001, the meeting was called to order at 8:30 am.

Special Attendees: Judge Dennis C. Meier; Judge Jere Ryckman; John D. Pallesen; Judge Paul Jarvis; Judge Bill Shelledy; Tom Harrington; Jon Campbell; Judge Dave Park; Judge John Sampson; Judge Bill Edwards; Eric Alden; Patti Thompson; Ilah Shaffer; Jeannine Hawkins; Jan Friedlund; Jolynn Coonce; Joseph M. Baron; Arna Montgomery; Robert P. Hegge, III; Clark Allan; Donna Ruffing; Joe Reichardt; Judge Bob Skar.

Additional District Court Judges/Adequate Facilities. Judge Hartman discussed the process and background information regarding the additional district court judges. Judge Dave Park and County Commissioner Jon Campbell spoke on behalf of Natrona County. Natrona County requested the Board define "adequate facilities." Chief Justice Lehman explained that the Board is plowing new ground, but that the most important role of the Board is to support the judges in their day-to-day jobs. Adequacy will largely be defined by the Board and the Judges from the district discussing the facilities and the caseloads of the courts and reaching a consensus. Natrona County is working on several different options, but at this time does not have a solid proposal for the facilities for a new district court judge.

Judge Jere Ryckman and County Commissioner John Pallesen spoke on behalf of Sweetwater County. Sweetwater County, although it only has one and a half courtrooms, would like to move forward in announcing the district judge vacancy in Sweetwater County. There are a couple of options that Sweetwater County is looking at for additional space, but they would like to move forward with seating a judge as soon as possible. Chief Justice Lehman explained that when considering the Judicial Nominating Commission's schedule, the soonest it would be is September, 2001. Having heard the discussion, The Board concluded that Natrona County does not have adequate facilities for a third district judge, and so no vacancy will be declared in Natrona County at this time. Judge Voigt moved and Justice Hill seconded a motion to declare the facilities in Sweetwater County minimally adequate and a vacancy for a third district judge open. Motion carried unanimously.

Magistrates in Circuit Courts. Judge Waldrip provided background information on the magistrates issue. The court reorganization legislation required all magistrates to stand for retention. Legislation was offered that removed the retention requirement for non-salaried magistrates. The language of the bill was changed in the legislative process, and the end result was that J.P. Counties were left with less authority. Judge Edwards provided testimony as to the strict interpretation of the new language. Additionally, this may be a problem if the J.P. counties that opt into the circuit court system will actually have less judicial presence than with their current J.P. Having heard the discussion, the Board concluded that they not "write around" the new statute. Judge Denhardt, Judge Zebre, and Judge Waldrip will draft a rule, for the Board's review, that defines a full-time magistrate and provides for appointing a full-time, type A, magistrate in those counties with a sitting circuit judge. Judges Denhardt, Zebre and Waldrip also agreed to provide draft legislation for the next session.

Justice of the Peace Counties Opting into Circuit System. Chief Justice Lehman provided initial information to those J.P. Counties that are considering opting into the circuit court system. Members of the Board of Judicial Policy and Administration, as well as members of the State Court Administrator's Office will visit those counties expressing interest. The purpose of the meetings will be to provide details regarding the transitional process. Elected officials and members of the J.P. counties expressed the following concerns: 1) don't want less service; 2) new statutes are restrictive, so need type A magistrate; 3) additional jurisdiction will bring additional caseload; 4) must have adequate salary to attract qualified individuals; 5) must consider other factors than just the weighted case study; 6) must decide who will hire the clerk; 7) what constitutes adequate facilities; 8) will the current J.P. staff roll into the new system; 9) can the counties conditionally opt in? Judge Bob Skar requested the Board provide something in writing that defined the salary limits for Magistrates. Chief Justice Lehman thanked everyone for taking the time to attend and he assured them that the Board will consider all the above expressed concerns and questions when deciding on a plan. The Board was then provided presentations from Ronda Munger on the weighted case study and from Joann Stockdale on possible salary formulas for Type A, salaried magistrates. Having heard all the discussion, and having had lengthy discussion of its own, the Board decided to approach the J.P. courts opting into the system in the following manner:

- Using the 2000 Weighted Caseload Model, the Board first determined the amount of judicial resources each justice of the peace court county would need.

- Next, the Board considered the proximity and availability of a circuit court judge or judges to travel to the justice of the peace court county (travel distances between the resident location of the circuit court judge and the justice of the peace court were also taken into consideration).
- In addition, the Board factored in a 20 percent adjustment to the caseloads for each of the justice of the peace courts. The purpose of the adjustment factor was to recognize the impact on the caseload because circuit courts have increased jurisdiction.
- Finally, the Board developed a formula to be used in calculating the salary level for the “salaried” magistrates. The Board of Judicial Policy and Administration set a minimum base salary of \$18,000 annually, with incremental increases for additional caseload factors. In setting the base, the Board took into consideration the salary levels of the current seven justices of the peace. Testimony from county officials indicated that it would not be possible to attract a salaried magistrate for lesser amounts.
- In establishing the \$18,000 base, the Board also took the position that the minimum base would cover the first .10 of judicial resources needed. An additional \$6,000 was added to the base for each additional .10 of judicial resource needed. The Board took the position that the initial calculation would apply to a law-trained magistrate and that lay magistrates would be paid at 80 percent of the law-trained magistrate.
- As required by law, each salaried magistrate would receive benefits. The benefit package for each salaried magistrate would include health insurance, retirement benefit and the state’s share of social security. The cost of the benefit package would range from \$6,102 per year to \$11,204 per year.
- Judge Donnell moved and Judge Hartman seconded the salary plan as developed. Motion carried.

The Board also decided that the following individuals should attend the meetings with the J.P. counties: board members; all judges in the county; prosecutors; defense attorneys; probation officers; local legislators; Chairman from both the House and Senate Judiciary and Appropriations Committees; and the current staff of the J.P. counties.

Friday, April 20, 2001, the meeting was called to order at 7:30 a.m.

Rodger McDaniel Presentation. Rodger McDaniel gave the Board a presentation on the new Drug Court legislation passed this last session. A State Court Drug Court Coordinator will be hired, and rules for the application process will be drafted by October 1, 2001. 1.5 million dollars were appropriated to fund drug courts in Wyoming. The grants are intended to be for \$200,000, and will be given to local entities that will manage each drug court program. Rodger McDaniel explained that they are required to draft a comprehensive plan, which is due October 1, 2001. The Board decided that Holly Hansen would be the Board's member for this project. Justice Hill moved and Judge Voigt seconded the motion, which carried. Rodger McDaniel requested assistance from the State Court Administrator's Office regarding data and statistical information that needs to be collected for the comprehensive plan. Holly Hansen advised the Board that technical assistance money is available to provide a statewide drug court workshop for judges. She asked if there was interest in pursuing this. The Board directed Holly to follow-up with the Office of Justice Programs.

Budget and Fiscal Issues. The Board unanimously agreed to adopt the travel policy, which was recently passed by the Legislature. The new policy will provide for actual hotel expenses and a set fee per-day for meals. They also agreed to adopt the mileage allowance as prescribed by Wyo. Stat. Ann. 9-3-103(a)(iii). With regard to Deferred Compensation, transcription fees, the budget workshop, and the block grant budgets, Judge Hartman was going to discuss these issues at the District Judges meeting May 4-5, 2001.

Committee Reports. Judge Donnell gave a report on the efforts of the Judicial Technology Task Force (JTTF). The new case management software for all courts of limited jurisdiction went live on March 5, 2001. Software for the District Clerks and Municipal Courts is currently being tested. The JTTF is currently taking bids on the wiring project in Buffalo and Sheridan. Pat Stata is currently working on the details of connecting the courts to the Department of Corrections. Driver Services has agreed that in the near future it makes sense for them to generate letters to compact violators.

Justice Lehman provided a report on the Citizens' Access to Courts Committee (CACC). CACC has a subcommittee called the Pro Se/Pro Bono committee, which is working on a set of uniform forms that can be used by pro se litigants in domestic relations cases. John Burman is working on drafting changes for the ethics rules for filling out the forms. The selling concept for the pro se forms is not to make it easy, but to involve lawyers and referral services.

The Board decided to send a letter to the State Bar, in response to Catherine McPherson's letter, requesting they revise the rules and procedures and request they send recommendations to suspend attorneys for lack of payment of fees directly to the Supreme Court and leave the District Court out of the process.

With regard to the 180-day speedy trial rule, the Board will request Judge Park participate in a conference call with the Board.

Miscellaneous Items. The Board agreed to organize an effort to obtain a judicial salary increase in the upcoming session. The Board agreed to request \$120,000 for Supreme Court Justices (thereby equating to \$108,000 for District Judges and \$90,000 for Circuit Judges), with an additional \$5,000 for the Chief Justice. Judge Denhardt asked the Board to support a bill that would allow Circuit Court Judges to join the "new" judicial retirement plan. Judge Hartman recommended that a written plan be brought to the Board. Judge Denhard agreed to contact Jerry Fox at Wyoming Retirement to get the information.

The Board agreed to support the Judicial Legislative Breakfast for the upcoming budget session.

New members of the Board will be invited to the June meeting to be held in Douglas the 22nd and 23rd.

The Board agreed that the Chief Justice would send out a letter advising those judges that are lacking in Continuing Judicial Education credits.

There will be a New Judge Orientation scheduled for August 20, 2001.

The Board resolved to send a certificate of appreciation to Judge Denhardt, Judge Hall and Judge Skar for covering the Cody Court while Judge Housel's replacement was selected.

Board Adjourned 11:45 a.m.