

Board of Judicial Policy and Administration

Minutes

June 3, 2015

The Board of Judicial Policy and Administration met in Cheyenne, Wyoming on June 3, 2015. In attendance in person were Chief Justice Jim Burke, Justice Michael Davis, Justice Kate Fox, Judge Tom Campbell, Eugenia Charles-Newton, Lily Sharpe, Ronda Munger, Kristi Racines, Mary Thomas, Angie Dorsch, Daniel McClain, Chris Jorgenson, Kelly Blomberg, and Becky Craig. Judge John Perry, Judge Keith Kautz, Judge Wes Roberts, and Judge Curt Haws participated by video. Judge Bob Castor participated by phone.

Chief Justice Burke called the meeting to order.

Angie Dorsch introduced the Equal Justice Wyoming summer interns to the Board: Kelly Blomberg, a law student intern, and Daniel McClain, a college intern.

Old Business

Committee Updates

Court Security Commission –

- **Court Security Legislative Update** – Ronda Munger reported that letters were sent to the eight counties that were authorized by the Legislature to receive grant funds for courthouse security improvements through the State Lands and Investment Board. The letter, the SLIB application information, and a copy of each county's assessment were directed to the eight county commissioner chairmen, and copies were sent to the judges, legislators, and chair of the local court security management committee in each of the counties. Ronda reported that the Wyoming Court Security Commission and the BJPA have agreed that grant monies should be sought to conduct courthouse security assessments in other counties. Ronda will be working on that project.

Judge Roberts indicated that the Riverton Circuit Court will be operating in the new Fremont County Riverton Justice Center by June 9th, and the facility will be dedicated on June 19, 2015.

WyUser Update – Justice Davis introduced Mary Thomas, the WyUser Project Manager, and explained that she has been working with Julie Goyen to track the accounting problems within the WyUser system. Mary reported that the Supreme Court staff met with the district court clerks to hear their concerns. She explained that the major concerns that are being addressed within the WyUser system are the migration issues, the accounting system's stability, the reporting component, and the administration piece that

enable the Supreme Court to configure the system without needing to contact the vendor for each change. Mary explained that they met with the vendor at the end of February and went over each of these issues. As a result, five releases to the system were received that included several hot fixes to previous releases. Three more releases are expected within the next few months, which should provide a stable package for the district court clerks. She advised that it will then be possible to move forward with calendaring, scheduling, and eventually e-filing, which are the remaining pieces of the WyUser system. Mary noted that at the end of January there were roughly 425 open issues, but with the recent deployments, the count is down to 320. She mentioned that the important piece will be coming in the July and August releases, which will concentrate on reporting and the ability to conduct more concise searches and produce requested reports. Mary will be giving a presentation and training to the District Court Clerks at their meeting later this month. Lily Sharpe explained that the lifecycle rules and national standards were put on hold but will be addressed soon. Chief Justice Burke and Justice Davis thanked the Supreme Court IT Department and noted that the department is small, but amazingly capable.

Access to Justice Commission – Justice Fox reported that the four working groups of the Access to Justice Commission have been very active. She indicated that the Indigent Fee Waiver working group developed a proposed rule regarding Affidavit of Indigency and Waiver of Court Fees. The rule provides that a filer who has previously been determined to be a qualified legal services recipient will automatically qualify as an indigent. She explained that this will save judicial time in determining the matter. Justice Fox noted that there is an obstacle, however, due to a statute that states that clerks are to collect filing fees from all filers. However, a U.S. Supreme Court case, *Boddie v. Connecticut*, prohibits a state from denying indigents seeking a divorce access to its courts solely because of an inability to pay court costs and fees. Because of this case, she believes the practice throughout the state, although inconsistent, has been for the district judges to waive filing fees for divorce cases that involve indigent filers. Lengthy discussion was held on the question of whether waivers should apply to more than just divorce cases, and whether they should also apply to service fees and publication costs. Justice Fox will ask the working group to redraft the rule and limit its application to divorce cases. She will circulate the draft to the Board prior to the next meeting. Angie Dorsch will investigate what other states are doing in this regard.

Vulnerable Adult Subcommittee, f/k/a Elder Subcommittee – Justice Fox pointed out that the subcommittee's name has been changed to "Vulnerable Adult Subcommittee," and that the group will focus on vulnerable adults in general, not just on the elderly. She related that since vulnerable adults are generally poor advocates for themselves, the subcommittee feels that a strong advocacy organization needs to be developed for vulnerable adults. Justice Fox reported that the subcommittee has developed several forms that deal with guardianship and conservatorship matters. After the forms are assembled and a navigation checklist is created, they will be copied onto thumb drives and distributed to the judges at the Judicial Conference Meeting in September. Judge Roberts spoke of a judicial training session he attended several years ago on elder abuse that he found very helpful. He explained that the training was designed to help judges recognize situations and be attuned to issues that relate to vulnerable adults. He believes this is also valuable information for circuit judges too, particularly in criminal cases that involve vulnerable adults. He will prepare an outline of the meeting materials. A training session will be planned for the judges who will be attending the Judicial Conference Meeting in Jackson in

September. Discussion was held about forming a subcommittee to examine the statutes and propose legislation concerning guardianship and conservatorship law. Justice Fox moved and Justice Davis seconded a motion to form a select committee. Motion passed unanimously.

Public Education/Outreach Programs – Eugenia Charles-Newton reviewed the various education and outreach programs that are being conducted around the state:

- Judge Haws in Pinedale arranged for a high school class to view video streaming in the circuit court's jury room of a jury trial that District Judge Marvin Tyler was conducting. The students, after watching jury selection and opening statements, were able to ask questions of Judge Haws. Judge Haws also had a third grade class sit in on a day in his courtroom.

- Judge Harrington hosted a mock trial. He also did a job shadow for an 8th grade student in Worland. The student observed the court, the chambers, and the attorneys' discussion. Judge Harrington and Judge Skar participated in a "Life Are You Ready" program where students performed a simulation of a drug/alcohol party. The students conducted the arrest, prepared questions, and did the court advisements and sentencing. Judge Harrington also worked with Judge Skar on a junior class competition on the Constitution at the Riverside High School.

- Judge Prokos, a former Eagle Scout, hosted a group of Boy Scouts and discussed how a person becomes a judge, what it takes to run a courtroom, and how citizens serve as jurors.

- Justice Davis will be participating in the Summer Trial Institute at the UW College of Law. He participated in judging a "We The People" competition last January, and he acted as a judge in a simulated trial between young lawyers from Hirst & Applegate and the University of Wyoming Law School.

- The Supreme Court Justices attended a Leadership Wyoming Luncheon in Cheyenne. They also held oral arguments at the Sheridan High School in conjunction with a "You Be The Judge" program.

- To date, "You Be The Judge" events have been held in Rock Springs, Green River, Casper, and Sheridan. Plans are being made for the program to be held in Worland, Cheyenne, and Gillette.

Discussion was held regarding public education and outreach programs. Chief Justice Burke stated that the purpose of these programs is to educate the citizens of Wyoming about the judiciary with the intended goal of increasing public trust and confidence. He will send an email to the judges requesting ideas on outreach. Chief Justice Burke moved and Justice Fox seconded a motion that the Board recognize the importance of judicial outreach and recommend that there be at least one "You Be The Judge" program held in every judicial district within the next calendar year. Motion passed unanimously. Eugenia encouraged the judges to report their outreach efforts to her and to contact her if they need information on the "You Be The Judge" program.

Legislative Committee – Chief Justice suggested that a committee be formed that will be responsible for informing the judges of pertinent legislation and providing feedback to the Supreme Court about concerns regarding the statutes and beneficial legislation that could be proposed. Judge Christensen will be the representative from the Circuit Court Conference. Judge Campbell will ask the district judges for representatives from the District Court Conference to be on the committee.

New District Judge in Laramie County

Judge Campbell reported that the District Court Conference, at its April meeting, voted unanimously to support the request for a fourth judicial district judge in Laramie County. He reported that the Laramie County Commissioners are supportive of this endeavor and are investigating various options to accommodate an additional judge and staff. Discussion was held on this matter. Chief Justice Burke and Lily Sharpe will meet with the Laramie County District Judges to discuss how to proceed on this matter.

Time Standards for District Courts/IT Tracking

Judge Kautz reported that the District Judges adopted the standards from the National Center for State Courts into their Bylaws, and they have set up a system to review their performance. He noted, however, that they are waiting on completion of WyUser's reporting system before they proceed, since their ability to monitor their performance depends upon implementation of this portion of the system.

Judicial Learning Center

Chief Justice Burke and Eugenia reviewed the progress of the Judicial Learning Center to date, and noted that construction should begin in a few weeks. Eugenia reported that judicial involvement is being sought for two exhibits. Judges will be receiving a letter later this month asking for input on the content for the "Wyoming Map." In addition, there will also be recordings made for the exhibit "Hear from a Judge." The tentative plan is to do video recordings of the judges during the Bar Convention in Jackson this September. Anyone interested in this should contact Eydie Trautwein. Chief Justice Burke noted that all members of the Supreme Court have contributed to the Judicial Learning Center, and he urged the judges on the Board to encourage their conference members to contribute to the Center as well.

New Business

Equal Justice Wyoming

Angie Dorsch, the Executive Director of Equal Justice Wyoming, formerly known as "Wyoming Center for Legal Aid," informed the Board that the entity was renamed to more accurately reflect the scope of the programs and initiatives that the group is working on. She reported on the programs and initiatives that the EJW is involved with. She also informed the Board that automation of the Divorce with Children Pro Se packet is 90% complete.

Education of New Judges

Chief Justice Burke noted that most states have some type of formal training for new judges. While there is training available in Reno, Nevada through the National Judicial College, he believes it is important for there be a local component to an educational program for Wyoming judges, particularly in the area of technology and docket management. Justice Davis and Justice Fox will be putting together a brief, informative education program that will help new justices get up and running as quickly as possible. Discussion was held about forming a small education subcommittee to develop a program for circuit court judges. Lily Sharpe, Judge Castor, Judge Roberts, and a court technology staff member will serve on the subcommittee. Judge Campbell will ask for three judges from the District Judges' Conference to serve on a similar subcommittee for the district judges.

Miscellaneous

The 2015 Annual Children's Justice Conference will be held in Casper on June 24-26th. The title of the conference is "Primary and Secondary Trauma Exposed."

Meeting was adjourned.

Schedule of Future Meetings:

August 10, 2015 @ noon (video conference) – **new date & time**
December 2, 2015 (video conference)

Approved by email on August 5, 2015.