

Board of Judicial Policy and Administration

Supreme Court Building

Cheyenne, Wyoming

June 13, 2016

MINUTES

Present In Person:

Chief Justice Jim Burke, Justice Kate Fox, Justice Keith Kautz, Judge Tom Campbell, Carol Thompson, Julie Goyen, Kristi Racines, Eugenia Charles-Newton, Lily Sharpe, Eydie Trautwein and Becky Craig

Present by Video Conference or Phone:

Judge John Perry, Judge John Fenn, Judge Steven Cranfill, Judge Wes Roberts, and Judge Bob Castor participated by video

Agenda Items	Summary of Discussion
Welcome	Chief Justice Burke called the meeting to order at 9:00 a.m.
Courtroom Technology Equipment Committee Members: Chief Justice Burke, Justice Davis (Chair), Judge Tyler, Judge Sharpe, Judge Christensen, and Judge Prokos	Chief Justice Burke explained that while there are some courtrooms that are up-to-speed and have adequate technology, there are many that are severely lacking. Julie Goyen, Chief Information Officer, advised that this committee will help determine what the baseline technology should be for Wyoming courtrooms and will then develop a plan for implementing the recommended upgrades. The members of the committee and the IT staff visited the U.S. District Court to look at the federal court's new technology. The committee received valuable information about the process the court went through in instituting the upgrades. Julie gave a report on the courtroom technology audits. She explained that a contract has been entered into with Absolute! Audio Visual out of Salt Lake City to conduct an audit of the equipment in all district and circuit court courtrooms to determine each courtroom's level of technology. In case new equipment needs to be installed, research will be done on the expansion capabilities of the present equipment and also of the historical or architectural structures inside each courtroom. The company audited Green River, Rock Springs, and Rawlins the week of May 30th, and Evanston, Kemmerer, Jackson, Dubois, and Afton the following week. Additional audits will be conducted during July and August. The company will then collate the findings, and a report will be presented on September 30 th .

Court Automation	<p>Chief Justice Burke and Julie Goyen, Supreme Court Information Officer, described the following developments in court automation:</p> <p>Circuit Court Chief Justice Burke advised the board that the contract with Thomson Reuters for the circuit court case management system has been terminated. Julie explained that the decision was made to go with FullCourt Enterprise for the circuit court case management system, and contract negotiations have been entered into with Justice Systems, Inc. for its purchase.</p> <p>District Court A release was recently received for the WyUser system that is supposed to allow for the use of the configuration manager. The configuration manager is intended to allow the IT staff to make changes inside the system without assistance from the vendor.</p> <p>E-Filing There have been significant discussions with Thomson Reuters regarding their performance under its contracts with the Wyoming Supreme Court. This includes the appellate e-filing system, the district court system (WyUser), and the system for the circuit courts.</p> <p>Jury Management The court has entered into contract negotiations with Xerox for its jury management product, AgileJury. This software will integrate with “National Change of Address.” Oftentimes, when a court sends out a questionnaire or summons, they don’t have the most recent address for the individual. If addresses can be checked against the NCOA, the amount of returned postage will be significantly reduced. Also, the current system does not integrate with the Department of Vital Statistics’ records to identify the names of deceased individuals. This new software is capable of being integrated, which will reduce the risk of upsetting bereaved families. The software will also allow for continuation of the present policy that if a person has been tagged for the base jury list for one year, he or she cannot be selected for a jury list for the following year. Also, potential jurors will have the choice of responding to their juror questionnaire online, rather than having to complete it by hand and mail it to the court. The software will be used in both the district and circuit courts.</p>
Website Revamp	<p>Chief Justice Burke commented that the recent revamp of the Supreme Court website subscribes to the concept of public trust and confidence. The more individuals know about our system of justice and the easier they can access information about it, the more responsive our system will be and the more confidence the citizens will have in the judiciary. Chief Justice Burke felt that the previous website was not as effective, efficient, responsive, or user-friendly as it should be. There was also the feeling that it was the Supreme Court’s website rather than the Wyoming Judiciary’s website. The IT staff and a website committee designed the site to reflect the entire judiciary. Judges and court staff are encouraged to help make the website as effective and informative as possible. Becky Craig is the point of contact at the Supreme Court with regard to news about the courts and any updates to the website. Becky encouraged the judges to let her know if they are planning an educational outreach program or if there has been a law-related event initiated in their community. Chief Justice Burke thanked the committee members, Drew Reutlinger from the IT staff, and Tyler Garrett, law clerk for Justice Davis, for their diligent work on this project.</p>
Court Security Commission	<p>Update on 2014 State Justice Institute Grant (8 counties) – Lily Sharpe reported that five of the counties awarded grants in 2015 (Goshen, Albany, Crook, Niobrara, and Platte) have all received funds from the State Loan & Investment Board (SLIB) and have completed or are in the processing of completing their court security improvements. The deadline for use of these funds is June 30,</p>

	<p>2018. Lily also advised that \$50,000 in additional technical assistance grant funds was recently received from the State Justice Institute. This allows for court security assessments to be conducted in additional counties. Ronda Munger is working with the National Center for State Courts to develop a schedule, and she will be traveling from August through the fall to facilitate the assessments. There will be meetings with each of the courts in Converse, Hot Springs, Lincoln, Sheridan, Uinta, Washakie, and Carbon counties. They will all receive assessments and subsequent reports. The next meeting of the Court Security Commission will be on August 3, 2016.</p>
<p>Children's Justice Project</p>	<p>Eydie Trautwein provided the following update on the Children's Justice Project.</p> <p>Children's Justice Conference The Children's Justice Conference will be held in Casper on June 22-24th. Educational pre-conferences will be offered this year for four stakeholder groups: prosecutors, parent attorneys, GALs, and DFS workers.</p> <p>Abuse and neglect cases and Federal audits The state received positive IV-E Audit Results. The review held in May, 2016, reported no major findings. Eydie thanked the judges for ensuring that the proper court ordered language is in each order. She read a segment of a letter from Director Corsi at Department of Family Services: "First, I want to personally extend our thank you from DFS for your efforts and attention to the necessary language in court orders for children and youth to be eligible for IV-E reimbursement. The Department just completed a three year IV-E audit and, although we have not yet received formal notice, was informed that there were no major findings or errors sufficient for corrective action. To my knowledge and the knowledge of others in the Department, this is outstanding and unheard of. Your efforts, partnership, willingness to work with our staff, and your attention to the language necessary are all major contributors to this success." Chief Justice Burke praised Eydie and the district court judges for their focus on these issues and their commitment to this effort.</p> <p>Director Corsi's letter also included information about DFS budget cuts concerning urinalysis kits and ankle monitors. The department was able to identify unused funds that could be used prior to June 30, 2016, to assist purchasing the kits and monitors to be used throughout the next biennium.</p> <p>Child and Family Services Review (CFSR) Eydie issued a reminder about the CRSRs. The reviews occur every 6 years, and Wyoming's review will begin on July 11th with the Stakeholder Interviews for judges and attorneys in Laramie, Natrona, and Park counties.</p> <p>New Materials The New Pattern Jury Instructions for abuse and neglect, CHINs, delinquency and termination of parental rights cases have been released by the State Bar. CJP sent a copy to all district judges earlier in June. Also, a new CJP Parent Attorney Skills Based Handbook has been released that includes motions/orders for attorneys appointed to represent parents in Title 14 actions.</p>
<p>Judicial Learning Center</p>	<p>Eydie Trautwein reported that progress is being made on the exhibit design, and that the exhibit content has been completed after having been circulated for review and comment. On June 30th a video shoot is planned for several judges to be recorded for the "Hear from a Judge" exhibit. Justice Fox pointed out that most of the exhibits will be available on-line. If teachers are unable to bring their students to Cheyenne, they will have the option of accessing the exhibits on the Judicial Branch website. The next Judicial Learning Center meeting will be held on August 1st, during which the images and creative development will be approved. Eydie and Justice Fox commented that it has been a wonderful collaborative effort.</p>

Judicial Outreach	<p>Chief Justice Burke introduced Judge David Prince and Judge David Shakes, who are both trial judges in Colorado. They and their colleague, Judge Theresa Cisneros, are the recipients of the 2015 “Sandra Day O’Connor Award for the Advancement of Civil Education” for an outreach program they created titled “Judicially Speaking.” Their program is designed to get judges into the classroom to provide meaningful education to students in an efficient and effective manner. “We believe we’ve come up with a better mousetrap for the way to help explain to the community what judges really do, and make them less vulnerable to the classic headline about the tyrants in black robes ruining people’s lives.” Judge Shakes explained that what their program is trying to accomplish is to have students and the audience understand the rule of law generally, but more importantly, the role of the judge within the rule of law. The website can be viewed at http://www.judiciallyspeaking.net/home-1.html. With the help of educators, these three judges developed this 45-60 minute, low overhead, interactive program that is fun for the students and fun for the presenters. Discussion was held on this program, and it was agreed that it would be very worthy of pursuing. Chief Justice Burke and Justice Kautz will discuss the possibility of using this program as a 60-90 minute education component for the meeting in September.</p>
Judicial Council Meeting Members: Justice Kautz, Judge Skar, Judge Edelman, Judge Patchen and Judge Rada	<p>Justice Kautz reported that the committee met by email and gathered recommendations from each participant as to what topics each felt would be beneficial educational components for the September Judicial Council Meeting. Not having reached a clear consensus, the committee will meet again on this matter.</p>
Judicial Education Committee Members: Chief Justice Burke, Justice Kautz, Judge Sullins, Judge Lavery, Judge Haws and Judge Healy	<p>Chief Justice Burke reminded the board that the goal of this committee is to focus on developing a judicial education program that will ensure that judges are receiving the education they need and the education that the public expects them to have. Chief Justice Burke thanked Justice Kautz for the very effective orientation program that he organized last year for Judge Korell. He commented that it is urgent that a similar formal judicial education program be created for new judges. There are currently a total of 52 judges and justices: 23% (12) are over 65, and an additional 20 judges (38%) will turn 65 in the next five years, which means a total of 32 judges (61%) are either over 65 or will turn 65 in the next five years. He cautioned that there is going to be a large turnover within the next few years, and the judiciary needs to do what it can to make sure new judges are prepared. The committee will create a questionnaire for members of the judiciary to list the areas of training they feel would be most effective. Discussion was held about the District Court Conference developing a bench book for the district judges. Judge Castor commented that the bench books created by the Circuit Court Conference have been helpful towards creating uniformity. Since the bench books are ever-evolving tools, he is currently working on another segment for search and seizures relative to traffic stops and drug issues.</p>
New District Judge in First Judicial District	<p>Judge Campbell spoke about the efforts of Laramie County Commissioners to provide adequate space for the fourth district judge position. It appears that the funding avenue for remodeling of a portion of the existing courthouse will be the sixth penny sales tax ballot. More will be known after the sixth penny meeting in September.</p>

<p>Elder Task Force</p> <p>Members: Justice Fox, Justice Kautz, Judge Perry, Judge Campbell, Judge Roberts</p>	<p>The BJPA subcommittee that consisted of Justice Fox, Justice Kautz, Judge Perry, Judge Campbell, and Judge Roberts, concluded that the elder law issues that impact the judiciary will require legislative action. As a result of that conclusion, Justice Fox advised that the Governor signed an executive order in February of this year establishing the Elder and Vulnerable Adult Task Force. Justice Kautz, Judge Roberts, and Judge Rogers are members of the task force, along with a broad spectrum of people representing the Department of Health, Department of Family Services, law enforcement and prosecutors. The task force met twice and has formed working groups. A report on the work of the task force will include proposals for legislative changes and recommendations regarding training issues.</p>
<p>Civil Rules Committee</p>	<p>Justice Fox advised that the committee's focus is primarily to bring the Wyoming Rules of Civil Procedure into compliance with the Federal Rules—except for the areas where there are good reasons for Wyoming to differ. The major work of the committee was to decide where it did not want to conform to the Federal Rules. Justice Fox presented the proposed changes to the board and explained that there are some substantive changes being proposed, however, most are stylistic. The changes will be sent to the State Bar and the judiciary in August for review and comment. There will also be a session at the bar meetings in September for attorneys to review the most significant changes. Judge Rumpke and Judge Castano are members of the committee and have reported back to their conferences on some of the committee's questions.</p>
<p>Budget Cuts</p>	<p>Chief Justice Burke reminded the board of the Governor's request for all executive branch agencies to make 8% cuts to their budgets. The Chief Justice advised of a recent meeting request he received from the Governor's office. During the meeting the Governor expressed the need for the judicial branch to also make cuts. Chief Justice Burke responded that the judicial branch is lean and has historically been underfunded, but that the courts would review options for budget cuts.</p>
<p>Request for Rule Changes</p>	<p><u>Rules for Fees and Costs for Circuit Courts, Rule 2</u> Judge Castor informed the board that currently Rule 2 of the Rules for Fees and Costs for Circuit Courts does not allow for payment of record check fees to be made by debit or credit card. The request was made for the words "or by debit or credit card" to be added to the rule to make this allowable. Judge Castor moved and Judge Campbell seconded a motion to recommend to the Supreme Court that the proposed amendment to Rule 2 of the Rules for Fees and Costs for Circuit Courts be adopted. Motion passed unanimously.</p> <p><u>Wyoming Rules of Criminal Procedure, Rule 32.1</u> Lily explained that this change is to establish where the \$50.00 discretionary drug court surcharge (which was added by recent legislation) should be placed in the order of payment priority when distributing offender payments and restitution. The surcharge will be inserted above court costs, but after payment of restitution. Judges should now inform defendants of this fee when giving them their advisements. The clerks will be notified of this as well, and the fee will be built into the case management ledger table. Judge Campbell moved and Justice Fox seconded a motion to recommend to the Supreme Court that the proposed amendment to Rule 32.1 of the Wyoming Rules of Criminal Procedure be adopted. Motion passed unanimously. Judge Fenn will send an email to the district judges to advise them of this pending rule change.</p>

Judicial Conference Reports	<p>Justice Burke proposed that it would be beneficial to have the judicial conferences report at each BJPA meeting on their current projects and of any issues they are facing.</p> <p><u>District Court Conference:</u> Judge Fenn reported that since the last board meeting, he received a suggestion from a couple of members of the bar that the issue of Rule 501, expert attorney fees, should be examined. He advised that the District Court Conference was not supportive of changing the rule to allow across-the-board recovery of expert fees for associated costs beyond the expert's time on the stand. The feedback was that adopting certain factors should be considered—such as the lodestar method for attorney fees—to give better guidance to the litigants and judges as to what is a reasonable expert fee. He suggested modifying Rule 501 with this method, or some other lodestar-like factors.</p> <p><u>Circuit Court Conference:</u> Judge Roberts commented that he is impressed with the level of involvement and communication by his fellow circuit court judges. The conference has added monthly executive committee meetings, and has gone from having one conference meeting a year to having two meetings per year. The conference is trying to implement more uniform practices across the state through use of the Civil Best Practices Bench Book and the Criminal Law Bench Book. Judge Roberts commented that having uniformity does not take away judicial independence or individual style. It will give the judiciary better relations with the bar and the citizens of the state.</p>
Misc.	<p>Chief Justice Burke extended his and the judiciary's thanks and appreciation to Judge Campbell for his six years of service on the Board of Judicial Policy & Administration. Judge Cranfill will now serve as one of the District Court Conference representatives on the board.</p>

Actions Taken	
<p>1. Motion unanimously passed to recommend to the Supreme Court that the proposed amendment to Rule 2 of the Rules for Fees and Costs for Circuit Courts be adopted.</p>	
<p>2. Motion unanimously passed to recommend to the Supreme Court that the proposed amendment to Rule 32.1 of the Wyoming Rules of Criminal Procedure be adopted.</p>	

Schedule of Future Events	<p>BJPA Meeting, Video Conference – August 15, 2016 Divisional Meetings & Judicial Council Meeting – September 13, 2016 Wyoming State Bar Meeting – September 13-16, 2016 BJPA Meeting, Video Conference – December 12, 2016 December 12, 2016 (video conference)</p>

Approved by email on August 11, 2016