

Board of Judicial Policy and Administration
Minutes
June 25, 2008

The Board of Judicial Policy and Administration met in Cheyenne on June 25, 2008. In attendance were Chief Justice Barton Voigt, Justice Marilyn Kite, Justice Jim Burke, Judge John Brooks, Judge Jeff Donnell, Judge John Perry, Judge Mike Huber, Judge Robert Castor, and Judge Victoria Schofield. Judge Wes Roberts, Holly Hansen and Ronda Munger also attended.

Old Business

Committee Updates

Court Technology Advisory Committee - Chief Justice Voigt reported on the progress of CTAC. There are numerous projects that are currently underway. CTAC met on June 24th, and Chief Justice Voigt reported they had a very successful meeting. The video arraignment project is moving forward, and the committee is attempting to put a process in place for future video arraignment systems. The committee discussed the circuit court audio database. It is possible that there will be a video database to mirror that system. Wireless computer systems are being put into the district courts. Similar systems are being put in all locations. The wireless systems actually cover the entire courthouse. CTAC discussed court reporter issues. There has been an increase in demand by district judges for real time reporting. This has created some difficulties. There are still inconsistencies in how court reporters' equipment is treated across the state. It was decided that the court reporter rules may have to be adjusted for these changes. Document imaging was discussed. Chief Justice Voigt reported the possibility of e-filing is creating a push for document imaging. Casper is currently piloting an imaging program. Chief Justice Voigt mentioned the imaging program because he did not want several counties buying systems that could possibly become obsolete with the e-filing system. The Supreme Court IT staff is currently working on a new jury list process. The Secretary of State's Office will not provide jury lists in the future, so CTAC is overseeing the building of a new technological process to create the jury lists. The Big Horn River Adjudication project is just about finished. CTAC is also working on the creation of a municipal court global ordinance table. The idea behind this table is to come up with one table that will house and identify all of the municipal ordinances across the state. This will help with collecting information on municipal citations across the state. CTAC also discussed e-filing. The first step in the trial court e-filing project is to accomplish a uniform case management system. By the next CTAC meeting, the Supreme Court IT staff is to provide a couple of recommendations on how to bridge the FullCourt/FACTS gap in the creation of a uniform case management system. Finally, Chief Justice Voigt reported that CTAC is interested in having a meeting with all judges so that a prioritization of projects can be developed. The Board discussed combining the district court and circuit court April meetings so that there was enough overlap time to talk about the technology priorities of the judges.

Court Security Task Force - Judge Jeff Donnell reported on the work of the Court Security Task Force. All the members of the task force have been appointed. Joe Moore, director of Home Land Security is chairing the task force. The first meeting of the task force will be sometime in August. The task force sent out a survey to judges,

inquiring about what security systems, if any, are currently in place in the courthouses across the state. The Law Enforcement Academy held its first class on courthouse security. There were about twenty attendees and the class was well received.

Committee to review the Code of Judicial Conduct - Judge Bob Castor reported on the work of the committee Chaired by John Burman, which has been asked to review the proposed changes to the Code of Judicial Conduct. Judge Castor stated that the committee has completed its work on the Preamble, Cannon 1, half of Cannon 2, Cannon 4, and has yet to begin work on Cannon 3. The committee is moving forward and Judge Castor is very pleased with its progress.

National Center for State Courts, Security Training

Chief Justice Voigt reported that the court security training sessions provided by Timm Fautsko of the National Center for State Courts were well attended. Approximately 240 people attended the programs in Rock Springs, Cheyenne and Casper. The Chief Justice had hoped that there would be more specifics on individual safety provided during the training, however, the training sessions emphasized that there should be a safety plan, but did not give exact details of what the plan should look like. Chief Justice Voigt believes that each individual court needs to follow-up in creating a plan for safety. The reason each location may need a different plan is because the plan will not only involve the court staff, but should also include the sheriff's office and the other entities that are housed in the building. Judge Donnell suggested that the court security task force may be able to help facilitate the creation of local plans.

Public Access to Court Records

Chief Justice Voigt led a discussion of the Board regarding public access to court records. Chief Justice Voigt is still in the process of creating the Public Access to Court Records committee (PACR). So far he has solicited the help of Steve Weichman (County Prosecutors Association), Liz Gagan (Attorney General), Deb Person (U.W. College of Law), and is in the process of completing the committee membership. At this time, the Judicial Branch does not have a policy on either court records or administrative records, and when e-filing becomes a reality, it will be critical that there be a records policy in place. The Board requested Chief Justice Voigt add a judge and a clerk from each level of court.

Protection Orders

Judge Victoria Schofield spoke to the Board on behalf of the Benchbook Committee. Judge Schofield reminded the Board that it approved changes to the Protection Order forms at its March meeting. After the forms were distributed, there were concerns about the uniformity of the certificates of service that were used on the forms. Judge Schofield presented the Board with a copy of the suggested changes to the forms. Judge Huber moved and Justice Kite seconded a motion to approve the changes to the protection order forms as proposed. Motion passed unanimously. Chief Justice Voigt informed the Board that James Bothamley is working on a monitoring system for protection orders. This system will make it possible to have very timely information regarding the signing and serving of protection orders. In essence, James is creating a program that will download information from the courts around the state every five to ten minutes, so that the entry and service of protection orders will be provided to law enforcement agencies almost

instantaneously. Chief Justice Voigt wanted to alert the clerks of court that those return of service need to be put on the computer system just as soon as they are received from the sheriff's office.

Weighted Workload/Complex Cases

Ronda Munger made a presentation to the Board regarding the progress of the complex case status and the weighted workload study. Ronda and Karen Gottlieb met with Nancy Ratcliff and her staff to determine if the FullCourt and FACTS systems could be mapped together to count Register of Actions (ROAs) in civil cases. The ROAs would be used to determine whether or not a specific case could be categorized as complex and given more workload minutes. Ronda reported to the Board that there are problems in using the ROAs to map the cases. There will be a meeting with the District Court Clerks that operate the FullCourt system on September 18th in Casper. The discussion will focus on the mapping problem and how it can be solved.

New Business

Pro-se Litigants in Family Law Cases

Wendy Owens, Executive Director for Wyoming legal Services, made a presentation to the Board regarding the services provided to low income families in Wyoming. Wyoming Legal Services (WLS) is a private non-profit which employs five attorneys and 1.5 tribal advocates and services the entire state. In order to qualify for services under this program, a family of four must have an annual income of less than \$26,000 or 125% of the federal poverty level. The annual budget for WLS is about \$800,000. Ms. Owens explained that there is a much greater need for services than there are resources to serve them. The State of Wyoming does not provide any funds for legal services, outside a grant for \$6,000 WLS received from the Department of Health Division of Aging to provide services to seniors. Wyoming is one of three states nationally that does not provide money for legal services. WLS provides help to fill out the family law form packets. Last year, WLS received a grant to set up a computerized kiosk for family law issues and they are using the family law form packets as a template for that. The pilot area for the kiosk will be Casper. Ms. Owen requested the Supreme Court update the packets. She suggested the Citizens Access to Courts Committee be reconstituted to accomplish this task. Holly Hansen explained over the past couple years, the Supreme Court has contracted with a private attorney to update the forms. Holly agreed to work on getting the forms updated. When asked what the judiciary could do to help the situation in Wyoming, Ms. Owen suggested that there be an Access to Justice Commission established to include the judiciary, private bar, and legal services providers. Justice Burke urged the Board to take a lead role in the resolution of this issue. Justice Kite agreed and recommended the judiciary partner with the bar and the bar foundation. Chief Justice Voigt suggested the Board approach the Joint Judiciary for an interim study. Justice Burke moved and Justice Kite seconded a motion to explore the possibility of an Access to Justice Commission for the next meeting. Motion carried unanimously. Ms. Owen agreed to send a packet of information to the Board on the creation of Access to Justice Commissions.

Evaluation of Family Treatment Court

Holly Hansen provided the Board with a copy of a letter from the Legislative Services Office notifying the Board that a footnote in the 2008 budget bill requires the Wyoming Department of Health and the Board to report to the Joint Judiciary Interim Committee on or before October 1, 2009, the progress and success of the family treatment court pilot project in the Fifth Judicial District. The pertinent language reads, "the department [of health] in conjunction with the board of judicial policy and administration or a peer review committee appointed by that board shall submit a report to the joint judiciary interim committee evaluating the pilot project." Holly told the Board that Judge Hartman is intending to contract with an outside source to actually create a report. The Board would then be in a position of approving or declining use of the report. Holly requested the Board appoint a peer group to oversee this report. The Board requested Holly find out who is paying for the report. The Board raised a lot of concerns over what the pilot court will be compared to and how the evaluation will actually work. The Board requested the district judges appoint the peer review group.

Request for New Judge Position in Gillette

Judge Terry Tharp made a presentation to the Board wherein he asked the Board to support a request to the Legislature to fund a third circuit court judge in Gillette. Judge Tharp discussed the rapid population growth in Gillette and the effect that the population growth has had on the business of the circuit court. He also discussed the weighted workload studies over time and how the different methods of calculating the case weights negatively affected the most recent workload study. The discussion of the Board was lengthy and focused on the fact that even if the workload study is not perfect, it treats all courts the same across the state. The Board discussed the fact that it would be extremely difficult to argue to the Legislature that Gillette needs a judge more than some of the other courts that show a need based on the weighted workload. Judge Donnell moved and Judge Castor seconded a motion that the Board support a request for Campbell County to receive another circuit court judicial position. Motion failed.

Amend GAL Rule 106 or new Rule 107

Holly Hansen provided the Board with an overview of the transitioning of the GAL program from the Wyoming Supreme Court to the Public Defender's Office. While the GAL program was under the purview of the Supreme Court, the Board successfully requested the Supreme Court sign an Order creating Rule 106 of the Uniform Rules for District Courts. Rule 106 provides information and guidance for GALs being paid by the counties and reimbursed by the Supreme Court. During the 2008 Legislative session, it was decided that the GAL program more properly belonged with the Public Defender's Office. Chief Justice Voigt asked the Board if there was a need to repeal Rule 106 or whether a new rule should be created. The Public Defenders Office has proposed rules to regulate the GAL program. The Board decided to study the issue further and table the discussion to the next meeting. No action was taken.

Discussion of Drug Courts

Chief Justice Voigt led a discussion of the Board regarding proposed legislation for the 2009 Legislative Session. The proposed bill is called the Drug Court Accountability and Treatment Act and it is being proposed by Representative Gingery. The proposed legislation is 40 pages long and is aimed at curing some of the criticisms of the treatment

courts. The Board had a lengthy discussion regarding treatment courts and decided to take no action on this issue.

Board adjourned 2:15 p.m.

Schedule of Future Meetings

September 17, 2008 Cheyenne

December 4, 2008 Casper

Approved by email on August 20, 2008