

Board of Judicial Policy and Administration

Minutes

August 10, 2015

The Board of Judicial Policy and Administration met in Cheyenne, Wyoming on August 10, 2015. In attendance in person were Chief Justice Jim Burke, Justice Michael Davis, Justice Kate Fox, Justice Keith Kautz, Lily Sharpe, Ronda Munger, Kristi Racines, Carol Thompson, Mary Thomas, Steven Dreher, Jennifer Petrella, and Becky Craig. Judge John Perry, Judge Tom Campbell, Judge John Fenn, Judge Wes Roberts, Judge Bob Castor, and Judge Brian Christensen participated by video. Judge Curt Haws participated by phone.

Chief Justice Burke called the meeting to order. He welcomed Justice Kautz and Judge Fenn to the Board, and explained that Justice Kautz is replacing Justice Davis as a Supreme Court representative, and Judge Fenn is replacing Judge Kautz as a representative from the District Judges' Conference on the Board.

Old Business

Committee Updates

Court Security Commission –

- **Annual Reports by the counties** – Ronda Munger advised the Board that each county's Local Court Security Committee is required to hold two meetings per year, to file an annual report with the Wyoming Court Security Commission, and to attach its meeting notes to their report. Ronda reported that 23 of 24 counties submitted annual reports, which she noted is a great improvement. She pointed out, however, that there is still work to be done: three counties didn't hold any court security meetings, ten counties didn't send their meeting notes with their reports, and ten counties reported zero incidents during the year—which would be quite unusual. Ronda explained that these reports are used to create the Court Security Commission's report that is submitted to the Legislature on September 1st of each year, per statute. Discussion was held. The Board directed Ronda to contact the judges in the counties that submitted the deficient reports and to work with them to submit supplemental reports, to hold meetings as required, and to improve their reporting process for next year. Ronda updated the Board on the application process for requesting funding for assessments from the National Center for State Courts, which could result in additional court security funding within a year's time. Over the next few months, Ronda will check with the eight counties that received funding to see how they are progressing with their use of the court security funds. She will have this information available for discussion at the Judicial Council Meeting.

WyUser Update – Lily Sharpe explained to the Board that the IT Department was recently split into two divisions, with Steven Dreher serving as the Chief Technical Officer, and Julie Goyen serving as the Chief Information Officer. She explained that Julie and her staff will be taking the reins on the WyUser system. Mary Thomas provided an update to the Board that showed that progress is continuing to be made on WyUser. Work on the chamber calendaring and scheduling portion will not resume until the first of November. She also reported that she, Steven Dreher, and Di Wilsey-Geer visited all 23 district courts, which allowed them to review each court's open issues and problems, provide training, and gather ideas for future training. On-line clerk training sessions will be resumed soon. Mary advised that they were also able to meet with the clerks in June at the District Court Clerks' meeting in Rawlins.

Access to Justice Commission – Justice Fox reported on the Indigent Fee Waiver working group's development of the rule addressing Affidavit of Indigency and Waiver of Court Fees for divorce cases. She explained that this rule is needed in order to comply with *Boddie v. Connecticut*, 401 U.S. 371 (1971). The proposed rule provides that a filer who has previously been determined to be a qualified legal services recipient will automatically qualify as an indigent. The waivable costs include filing fees, any required copies, and service of process by a sheriff's department in Wyoming. Costs associated with service by publication will not be waived. Lengthy discussion was held on this topic. Justice Fox moved and Judge Campbell seconded a motion recommending that after the rule has been reviewed and approved by the Permanent Rules Advisory Committee, it will be recommended for adoption by the Supreme Court. Motion carried 7 to 2. Judge Perry and Judge Fenn requested that the minutes reflect that they were the two dissenting votes on this issue.

Vulnerable Adult Subcommittee – Justice Fox reported that she, Justice Kautz, and Judge Roberts are preparing a presentation for the judges at the Judicial Council Meeting in September that will be directed towards the circuit court and district court judges. Forms and materials are being compiled for distribution to the judges. She also advised that a select committee of judges, lawyers, and non-lawyers is being assembled to examine the statutes concerning guardianship and conservatorship law.

Public Education/Outreach Programs – Chief Justice Burke remarked that public education and outreach are currently major topics at the national level. He will research existing outreach programs that are designed for school-age children and will share the information at the upcoming Judicial Council Meeting. Chief Justice Burke also reported that a "You Be The Judge" program was held in Worland in June, and that programs are planned in Campbell County in September and Albany County in November. He noted that the Board members voted, at the June meeting, to recommend that there be at least one "You Be The Judge" program held in every judicial district within the next calendar year. Chief Justice Burke commented that he has been very impressed with the level of respect that the members of the communities where the programs have been held show for their local judiciary.

Legislative Committee – Lily updated the Board on the Legislative committee meetings and action. Chief Justice Burke stressed the importance of judges attending the committee meetings in that it provides the Legislature with the expertise of the Judiciary on specific issues, and it also fosters a valuable relationship with the Legislature. Lily will

provide the Legislative Service Office with the Supreme Court's oral argument schedule to help lessen conflicts with the committee meeting dates, thereby increasing the opportunity for the justices to attend. Lily reviewed the calendar and topics for the upcoming Legislative committee meetings and the various judges who will be in attendance. Judge Bluemel will provide an update on the committees' discussions at the September Judicial Council Meeting regarding involuntary hospitalization.

New District Judge in Laramie County

Judge Campbell indicated that the status of this matter is unchanged since the last meeting. He commented that Judge Catherine Rogers will be attending the Joint Judiciary Committee meeting in August on the Prison Reinvestment Initiative, and the committee has agreed to give her a few minutes to speak about the need for a fourth judge in the Laramie County District Court. Judge Campbell reported that the Laramie County Commissioners have hired an architect to determine if renovations can be made to accommodate a fourth judge and chambers.

Time Standards for District Courts/IT Tracking

Chief Justice Burke informed the Board that the District Court Conference agreed on the use of the National Center for State Courts' *Model Time Standards for State Trial Courts* in establishing timely caseflow management practices. He reported that Justice Kautz is working with the IT Department to ensure that the WyUser system is capable of tracking district court cases in a manner which provides data that coordinates with these standards and intermediate statutory standards. Lily advised that the Laramie County judges and Judge Perry have volunteered to assist with this extensive project.

Judicial Education

Chief Justice Burke indicated that an education program for new judges is being developed that will supplement the training the judges receive in Reno through the National Judicial College. Information is being gathered on what other states are doing in this regard. This topic will be discussed further at the Judicial Council Meeting in September. Judge Castor reported that several judges are working on a bench book for new circuit court judges, and that a bench book of best practices for civil jurisdiction cases is nearing completion.

Courtroom Technology

Judge Christensen commented that when he came to the court he was surprised by the modest amount of technology available in the courtroom. He made the recommendation that the Supreme Court develop a set of minimum technology standards for all circuit and district courtrooms in Wyoming. Jen Petrella, the Circuit Court Network Manager, reported that the Court Technology Office conducted assessments of the current courtroom technology in all circuit and district court courtrooms through on-sight visits and phone contact. She will send the assessments to all of the judges prior to the Conference meetings in September, and if there are any suggestions or corrections, they can be addressed at that time. Steven Dreher, the Chief Technology Officer, explained that courtroom technology was allocated \$300,000 in the current biennium, and that generally the funds have been

allocated to the courts on a first-come first-served basis; however, matching funds have been used in the past to stretch these monies. Steven advised that the standards can be based on the recent assessments, and that a baseline would help to map out an effective strategy to proceed with timely implementation.

Budget Items for Circuit Court Judges

Judge Christensen, Judge Roberts, and Judge Haws explained to the Board that in order to create a fair compensation system for the three levels of the judiciary, the Circuit Court Conference recommends that a defined salary structure be established that is based on a specified differential. Although both a percentage scale and a dollar amount differential were discussed, the Circuit Court Judges indicated they would prefer that the structure be based on a specific dollar amount differential between each level. Lengthy discussion was held by the Board on the pay raise structure and possible staff attorney positions in the circuit courts. These topics will be discussed further at the Judicial Council Meeting in September.

CCJ/COSCA Conference Update

Chief Justice Burke will provide further information on the conference at the Judicial Council Meeting in September.

Annual Report from Equal Justice Wyoming

Chief Justice Burke encouraged everyone to read Equal Justice Wyoming's 2015 Annual Report to the Wyoming Supreme Court. He commended Equal Justice Wyoming for the great work they are doing.

Meeting was adjourned.

Schedule of Future Meetings:

December 2, 2015 (video conference)

March 14, 2016 (video conference)

June 13, 2016 (video conference)

August 15, 2016 (video conference)

December 12, 2016 (video conference)

Approved by email on September 15, 2015