

Board of Judicial Policy and Administration
Minutes
September 8, 2005

The Board of Judicial Policy and Administration met in Casper on September 8, 2005. In attendance were Chief Justice William U. Hill, Justice Michael Golden, Justice Marilyn Kite, Judge Jeff Donnell, Judge John Brooks, Judge John Perry, Judge Mike Huber, Judge Terry Tharp and Judge Bob Skar. Holly Hansen, Jim Bivona and Ronda Munger also attended.

Old Business

Committee Updates

Judicial Technology Task Force (JTTF) - Holly began a report to the Board regarding the Judicial Technology Task Force. She discussed the granting program that is managed through the JTTF. She explained that each year the Legislature has appropriated \$250,000 to fund grant requests from various entities, but primarily the counties. Jim Bivona reported that the JTTF received a grant application from Laramie County, which was submitted by letter on August 8, 2005. Laramie County is requesting the Board approve a grant, which will help provide document imaging and file tracking for document sharing. The Laramie County District Court believes they handle 2000 files a day, and their ability to efficiently run the clerk's office depends a great deal on their ability to share files. The project that they would like the Board to fund would enhance their ability to do that. The grant request is for \$114,083.20, which will be matched dollar for dollar by Laramie County. Jim reported the JTTF reviewed and evaluated the grant proposal and found it to have all the hallmarks of a successful project. The JTTF recommended that the Board approve this request. Since the grant request is substantial, Holly recommended that the Board review the materials and that an October conference call be set up to vote on the recommendation of the JTTF. The Board discussed the Laramie County request, as well as the possibility of implementing the same case management system in all the district courts statewide. The Board agreed to table the Laramie County grant request until the October conference call, at which time Gerrie Bishop and a couple district court clerks will be asked to join the call.

Jim then reported on the Wyoming Criminal Justice Information System (CJIS) project. CJIS is a project focused on building a "one-stop" information shop. It is designed to compile all the criminal justice information from key justice agencies, including the Courts, Corrections, Department of Transportation, Probation and Parole, and law enforcement entities. The users of the system will be able to tap into a database that will create a detailed information sheet on individuals based on a search using name, date of birth, and that sort of information. Nebraska currently uses the CJIS system. The project will eventually be run through the Department of Criminal Information.

As a third item, Jim reported to the Board on the issue of e-filing. The plan regarding e-filing is to set up a committee comprised of judges, trial lawyers, technologists, and court administrators to discuss the possible implementation of e-filing in Wyoming. The trial lawyers are very interested in implementing e-filing.

Retirement Committee - Holly reminded the Board that the retirement committee is chaired by Justice Kite, with Judge Castor, Judge Kautz, Judge Price and Judge Day serving as the other members. The committee has held two conference calls with Tom Mann and Dave Slishinski, who is the primary actuary for the Wyoming Retirement System. The committee asked three questions of the actuary: 1) what would the cost be if the judges' plan followed the same approach as the state employees regarding early retirement; 2) what would it cost to remove the cap of 65% of judges top salary; and 3) what would the cost be to bring the last ten circuit judges into the plan. The committee will meet in the near future and provide the Board recommendations for Legislative changes to be discussed during the October conference call.

Circuit Court Records Committee - Holly reported to the Board that the Circuit Court Records Committee continues with its work. Joann Stockdale and Holly are building a budget request asking the Legislature to appropriate funds to cover the expense of providing a digital recording system in all the circuit courts. The budget request is being built by using the financial information from the system that is currently being used in Gillette, since that system is already in place. However, at this time, a vendor for the equipment has not been selected. The selection process will move forward if the Legislature provides the requested funds. A subcommittee of the records committee is currently reviewing the rules regarding transcripts to see if any changes will be necessary.

GAL Bill Update - Holly discussed the progress of the GAL reimbursement plan with the Board. She reported that the reimbursement plan is operating relatively smoothly. The only real concern that has been raised recently was raised by Judge Donnell. He expressed a concern that there were only five hours of qualifying CLE offered during this year's annual bar meeting and that some attorneys anticipated getting the full ten qualifying hours. Holly explained that there have been at least two or three opportunities to get the training. Additionally, if attorneys need more training before the end of this year, Holly explained that there are video tapes that can be watched for qualifying CLE credit. Holly will be reporting to the Judiciary Committee in the near future.

District Judge Conference

Update on Children and Families Initiative - Judge Donnell reported that the final Children and Families Initiative report is out and should be ready for final publication by the end of September. The report suggests a pilot project in Cheyenne to create a unified family court system. There is not a lot of clarity regarding the actual details of the plan. Judge Perry and Judge Donnell attended the most recent Joint Judiciary meeting and had a lot of discussion with the committee. The discussion included conversation explaining that if the plan is to go forth, it would require a great deal of financial and political capital. Since that meeting, the CFI met again but did not make any substantial changes to the recommendation. The Board requested Holly attend the next Judiciary Committee meeting.

Video Arraignments - Judge Donnell has been asked to submit a proposed rule change to the Criminal Rules Committee to allow for judges to conduct video arraignments. He had worked on a draft of the proposed rule change with Judge Soule', but Judge Campbell expressed concern that the rule change was not necessary and offered to put the issue on the circuit judges' agenda during the Judicial Council

divisional meetings. Judge Skar reported that the circuit judges conference took up that issue and the recommendation from the conference is that the rule should not be changed. Judge Donnell requested that a letter be sent to him from the circuit judges conference, and he will present his rule change and the letter to the Board at its next meeting.

Court Reporter Issues - Judge Brooks reported to the Board on the progress of the court reporter issues discussed at the March 17, 2005 Board meeting. During the March meeting, Justice Golden recommended that these issues be addressed through court rule, rather than through statutory changes. The Board agreed with this suggestion. Judge Brooks and his reporter came up with a potential court reporter rule and he submitted the proposed rule to the district judges. There are three parts: 1) preservation of notes; 2) certification; and 3) equipment and supplies. Additionally, Judge Hartman asked that a paragraph be added regarding employment status. Judge Brooks has received feedback from the district judges, but there is mixed concern about some of the sections. Judge Donnell is going to submit the four separate sections to the district judges and then report back to the Board the results of each vote.

Circuit Judges Conference

Credit Card Use - Judge Tharp discussed the possible acceptance of credit cards for payment of court fines. He explained that the City of Gillette accepts credit cards and he was wondering if it is possible for the circuit courts to begin accepting them as well. Holly explained that Joann Stockdale is currently working with a company in setting up a pilot project wherein credit cards are accepted in three circuit courts. The specific pilot courts have yet to be selected, but Holly anticipates there will be a large, medium and small circuit court. The pilot courts are scheduled to be up and running some time in October. The convenience fee will be added to the fine or forfeiture, meaning the individual paying the fine will be required to pay the additional cost to use a credit card service.

Substance Abuse Case Coordinator - Judge Huber made a presentation to the Board requesting the Board's support in requesting an additional position for the Natrona County Circuit Court. Judge Huber explained the position would be for a substance abuse coordinator, which is currently filled and being funded by the Department of Health. The problem with the current employment situation is that the person designated as the substance abuse case coordinator does not have a clearly defined boss. The money for the position comes from the State Department of Health, it is transferred to Central Wyoming Counseling Center, it is then transferred to the Natrona County Adult Drug Court account, and finally it is paid out to the employee. No one is clear who the individual works for or answers to. Judge Huber is proposing that the money for this position originate in the Supreme Court budget in the Natrona County Circuit Court program. The Board discussed the position and concluded that questions affecting the Supreme Court's budget should be presented to the Supreme Court and not to the Board. That being said, Justice Kite moved and Judge Tharp seconded a motion to endorse the request for the position. The motion carried unanimously.

Interpreter Issues - Holly reminded the Board that during their last meeting the Board requested a committee be established to address issues regarding court interpreters. The committee has been established and consists of Judge Soule', as Chair, Judge Tharp, and Judge Skar. The committee has had one conference call and Judge Soule' has shared

a notebook with Holly containing information he retrieved from the National Center For State Courts. One other interpreter issue that Holly addressed with the Board originated in the circuit court in Green River. Judge Schofield has requested that she be able to pay her clerks interpreter fees above and beyond their court wages when they perform interpreter services in the courtroom. The Board discussed the broad implication of this policy and requested that a phone survey be done of all the circuit courts ascertaining the use of interpreters and who is currently paying for them. The Board also requested that Language Line be contacted to see if they would be willing to sign a state contract for interpreter services for courts statewide.

Duration of Protection Orders - Judge Huber reported to the Board that Judge Campbell, on behalf of the circuit judges, was asked to comment on a change to the duration of protection orders. There is a proposal to change the duration of protection orders from a 90 day time frame up to one year. The circuit judges conference has taken the position that they need to see the specific language of the change before a formal comment will be given. The Board was so advised and took no action on this item.

New Business

Judicial Pay Raises - Judge Donnell reported that the Governor is proposing a 3.5% pay raise for state employees in the upcoming biennium. Judge Donnell requested that the Legislative Committee submit a request for pay raises for judges that would fall in line with the Governor's request. The Board agreed with this request. Holly will inform Justice Burke, Chair of the Legislative Committee, of this request.

Permanent Vehicle Policy Changes - Holly presented a memo she received from Joann Stockdale requesting the Board change its policy on permanent vehicles. At the present time, the Board's policy requires judges who drive permanent vehicles to come before the Board every two years to get reauthorization for a permanent vehicle. Joann is requesting, and Holly endorses, the deletion of the last paragraph of the current policy so that once a judge is authorized to have a permanent vehicle they do not have to seek reauthorization every biennium. Justice Golden moved and Justice Kite seconded a motion to delete the last paragraph of the permanent vehicle policy. The motion carried unanimously.

Board adjourned.

Schedule of Future Meetings

December 1, 2005 Douglas

Approved by email September 26, 2005