

Minutes
September 10 and 11, 2001
Board of Judicial Policy and Administration

The September 10 and 11, 2001 meeting of the Board of Judicial Policy and Administration was held in Cheyenne, Wyoming in the Wyoming Supreme Court Conference Room. Chief Justice Larry Lehman, Justice William Hill, Judge Ed Grant, Judge Jeffrey Donnell, Judge Keith Kautz, Judge Rob Denhardt, Judge Wade Waldrip, and Judge Scott Cole attended. Holly Hansen and Linda Burke also attended.

The meeting was called to order at 1:00 PM on September 10, 2001.

A. Executive Session – Personnel Matters

- B. Approval of Minutes: June 22 and 23, 2001 Minutes
 July 10, 2001 Conference Call Minutes
 August 14, 2001 Conference Call Minutes
 August 27, 2001 Conference Call Minutes

Judge Kautz moved and Judge Waldrip seconded a motion to approve all of the above named minutes. Motion carried unanimously.

The Board agreed to post agendas and minutes of Board meetings on the website and to mail or email copies of the Board minutes to all judges.

C. BJPA Rules and Procedures - Reconsideration of Board Action

Judge Donnell moved and Judge Denhardt seconded a motion to approve the BJPA Rules and Procedures with the addition of the reconsideration of Board action procedure. Motion carried unanimously. A copy of the approved BJPA Rules and Procedures are attached to these minutes.

The Board agreed in the future to sign an Order each time it establishes a policy, rule, or procedure and to file with Judy Pacheco in the Clerk's office. Holly Hansen will maintain a notebook of Board policies.

Judge Grant suggested a project consisting of gathering all past administrative orders filed with the Supreme Court and deciding which to discard, keep, revise, etc. A central repository for these orders will enable the Board to more easily consider all previous orders filed with the Court.

D. Technology

1. Website Demonstration – Mary Lewallen

Mary Lewallen demonstrated the existing Supreme Court website and asked for input from Board members about what they would like to see on the site in the future. Proposed ideas were: picture of the Board members, upcoming meeting dates, and links to local court home pages.

2. Email Video

The Board viewed a video concerning the use of email in the workplace. Board members agreed that it would be important for judges, clerks, and staff to view the video. Holly Hansen will either circulate the video or present it at the next Conference of Special Court Judges.

3. Email Policy

Judge Waldrip moved and Justice Hill seconded a motion to approve the Email Policy as presented. Motion carried unanimously. A copy of the Email Policy is attached to these minutes.

The Board agreed that the Email Policy, Vehicle Policy, and the Board's Rules and Procedures shall be posted on the website and an email advising such posting will be sent to all Court users.

4. Judicial Technology Task Force (JTTF) Report – Jim Bivona

Jim Bivona updated the Board about the activities of the JTTF. The wiring has been completed for the pilot program in Sheridan and Johnson counties and work is beginning on the central data warehouse. Bivona explained that most costs have been covered by grant money. He described the problems experienced with the new case management software in Albany County Circuit Court and the lessons learned. Finally, Bivona mentioned public access versus privacy is going to be a huge issue that the JTTF will be exploring and presenting to the Board in the future.

5. Court Technology Budget – Holly Hansen

Holly Hansen explained that in 1987 the Supreme Court increased court costs on misdemeanor cases from \$10 to \$20 in an effort to provide a funding stream for the court automation system. The entire \$20 has been deposited in the general fund and the legislature has appropriated funding for court automation.

The Board adjourned its meeting for the day at 4:45 pm.

The Board reconvened at 8:30 am on September 11, 2001. The enormity of the national crisis that occurred on September 11, 2001, adversely affected the Board's meeting. The following items were discussed and limited action was taken. Items requiring Board action will be placed on the Board's December agenda.

E. Committee Reports

1. Judicial Salaries – Judge Waldrip

The Board discussed sending representatives to the Joint Interim Judiciary Committee meeting in Laramie on September 28th and the possibility of hiring a lobbyist.

a. District Court Statement – Judges Grant and Kautz

The Board briefly discussed the advisability of adjusting the percentages for district judge salaries. No action was taken.

2. Citizens' Access to Courts (CACC) – Chief Justice Lehman

Chief Justice Lehman updated the Board about the State Bar Foundation grant and the plan to create a training video and form packages for use and distribution by the clerks. In addition, the Chief explained the CACC would be coordinating with the State Bar to travel to each county bar to educate judges, attorneys, and clerks about the work of the CACC, rule changes, and the form packages. Chief Justice Lehman emphasized the CACC is not encouraging the use of forms without an attorney.

F. Transition Plan for Justice of the Peace Counties

1. Budget

Holly Hansen explained the 2003-2004 Budget Request for JP Courts to Become Circuit Courts spreadsheet and indicated the bottom line cost would be \$1,866, 237.

The Board then discussed the Vehicle Policy established previously by the Board and future requests for vehicles. One suggestion was for individual requestors to present to the legislature a comparison of the costs of using a state motor pool vehicle to the costs of buying a vehicle and letting the legislature decide the best choice.

2. Supervision of Clerical Staff when no Circuit Judge in Residence

The Board suggested that a committee of judges and clerks contact the Board in writing with recommendations. Possible committee members mentioned were: Judges Skar, Arp, Case, Cole, and Jarvis.

3. Magistrate Retirement

The issue under consideration was whether full time magistrates would become part of the State Employees Retirement System or the Judicial Retirement System. Holly Hansen advised that if the magistrates were placed in the Judicial Retirement System, legislative amendment would be required this year. Judge Cole offered to talk with the other magistrates and present a proposal at the October conference call.

4. Niobrara County

Holly Hansen reported that the Niobrara County Justice of the Peace office operates out of a private law firm and there is no signage indicating the court office. Hansen further explained that a concern from a county commissioner about liability for injuries sustained while doing court business had been raised. The State will continue to make Workers Compensation payments for the clerk. The Board agreed to write Dennis Meier and reaffirm that

he is providing the office space and that the county will continue to pay Meier for the space.

G. Circuit Court Issues

1. Preemptory Disqualification

Judge Grant advised the Board that preemptory disqualification is only applicable in civil cases and not criminal cases. Such disqualification seldom occurs. No action was taken.

2. Judicial Retirement

Judge Denhardt raised the issue of whether circuit judges enrolled in the State Retirement System could join the Judicial Retirement System and leave their State Retirement in existence. Judge Denhardt offered to gather more information. No action was taken.

3. Fees and Disposing of Fines and Costs on Old Bench Warrants

a. Judges Waldrip, Zebre, & Denhardt Presentation to Clerks

These judges will meet with the chief circuit clerks at their annual meeting in Evanston and bring back recommendations to the Board for establishing a more uniform schedule of fees and system for disposing of fines and costs on Bench Warrants.

4. Audit Issues

a. Communication of Restitution Policy

The Board agreed that the restitution policy approved by the Board at its June, 2001 meeting should be put into policy form and distributed by letters of suggestion to the justices of the peace and by order to the district and circuit court judges. Judge Grant agreed to ask the district court clerks at their annual meeting if such a policy would be burdensome.

H. Proposed Rule Changes to Uniform Rules for District Courts

1. Rule 904 – Court Reporter Notice

Judge Denhardt moved and Judge Grant seconded a motion to approve changing Rule 904 to give three days notice, rather than five days notice, for requests for court reporters. Motion carried unanimously.

2. John Burman/Donna Sheen

a. Discovery in Child Custody Cases

b. Proposed Statutory Change to Rule on Professional Conduct

c. Amendment to Rule on Professional Conduct

The Board agreed to postpone action on these rules until the December 6 and 7, 2001 Board meeting in Laramie.

I. Training

1. Implementation of New Jury Reform Rules

Holly Hansen advised the Board that she is awaiting an answer on a requested extension and permission to use remaining grant money to provide training to Wyoming judges on the new jury reform rules.

2. New Judge Orientation – October 9 and 10, 2001

Holly Hansen reported on the New Judge Orientation to be held in Cheyenne in October.

J. Schedule of Future Meetings

1. Joint Interim Judiciary Committee Meeting, 09/28/01, Laramie

2. BJPA Meetings

- a. October 9, 2001 Conference Call
- b. November 13, 2001 Conference Call
- c. December 6 & 7, 2001, Laramie
- d. February 11 and 12, 2002 in Cheyenne
- e. March 21 and 22, 2002 in Thermopolis
- f. June 20 and 21, 2002 in Saratoga
- g. September 9 and 10, 2002 in Jackson (to coincide with State Bar)
- h. December 5 and 6, 2002 in Douglas

K. Other Matters

1. Personnel Rules

Chief Justice Lehman provided drafts of Terms of Employment for At-Will Employees and For-Cause Employees to Board members. The Chief asked Board members to review the drafts and be prepared to provide feedback to the Board at a later date.

The Board adjourned its meeting at 3:30 pm.