

Board of Judicial Policy and Administration
Minutes
September 13, 2011

The Board of Judicial Policy and Administration met in Cheyenne on September 13, 2011. In attendance were Chief Justice Kite, Justice William Hill, Justice Michael Golden, Justice James Burke, Judge Tom Campbell, Judge Dan Price, Judge Dan Forgey, Judge Robert Castor, Judge Wesley Roberts, Judge Steven Cranfill, Judge Curt Haws, Judge Robert Denhardt, Judge Randal Arp, Judge Fred Dollison, Judge I. Vincent Case, Jr., Judge Bruce Waters, Judge Thomas Harrington, Judge Scott Cole, Judge Dennis Meier, Amanda Roberts, Joann Odendahl, Ronda Munger, Joe Hartigan, and Becky Craig. Judge Jeffrey Donnell participated by video conference.

Old Business

Committee Updates

Court Security Commission – Justice Hill informed the Board that the Court Security Commission's Annual Report was submitted on August 31, 2011, and that the new members of the Commission are Guy Cameron, the new Director of the Wyoming Office of Homeland Security; John Botten, Representative from Sheridan County; Chief Troy Lane, the University of Wyoming Chief of Police; and Mike Colling, a Converse County Commissioner. Justice Hill reported that the Commission, at its July 14, 2011 meeting, decided that it would work towards getting preventative measures in place regarding the law that allows the open carry of firearms into public buildings, and that this could possibly be accomplished through an amendment to the current statute. He explained that under the current concealed carry bill, the concealed carry of weapons into public buildings, among other places, is prohibited. It is likely that in a future session there will be proposed legislation to allow the carry of firearms, openly or concealed, into public buildings. The Commission's goal is to have a law in place that will prohibit both the open and concealed carry of weapons into public buildings. It is anticipated that this topic will be put on the agenda for the WAM and WACO meetings this month. The Commission has also adopted standards for courthouse security, and will be seeking support from the Legislature for the authority to implement the standards in the court systems. Justice Hill reported the Commission has approved the pursuit of a \$100,000 contingency fund for county governments to use for security for high profile cases. This will be put into the Supreme Court's budget, under the program of the Board of Judicial Policy and Administration, and will cover both the circuit courts and the district courts. Discussion was also held about the possibility of the Supreme Court setting a statewide policy that would deal with weapons in courtrooms. Chief Justice Kite introduced Joe Hartigan, the new Court Security Officer at the Supreme Court. Joe was previously employed with the Laramie County Sheriff's Department and has had a long history in law enforcement.

Wyoming Center for Legal Aid – Chief Justice Kite gave a brief summary of the status of the Wyoming Center for Legal Aid and explained that a ten member board has been established to oversee the Center's operation. In order to ensure that there is

accountability and that funds will be spent responsibly, the Board is being very cautious as to how the entity is structured. The Board issued a Request for Proposal across the state in August and has accrued \$280,000 in individual grant requests. These include requests from Legal Aid of Wyoming and the Coalition Against Domestic Violence. The Board is also looking at pilot projects in Teton County, Carbon County and Laramie County that will focus on additional ways to provide advice and services. Work is continuing on development of a website that will be structured to serve the entire state, not just the income eligible. The website will contain pro se forms, as well as information on where people can obtain legal services. Justice Burke reported that the Center has hired one full-time employee, Rennie Polidora, as a staff attorney. There is currently an approximate balance of \$1,500,000.00 in the Civil Legal Services Account.

CTAC/District Court Case Management – Joann Odendahl explained that the development of the District Court Case Management System is in the homestretch. She commented that there were a few setbacks encountered along the way, but Julie Goyen and Mary Thomas were hired to work in the Court Technology Department, and they were able to get the project back on track. It is hoped that after the first of next year, those courts that are on FullCourt will be able to transfer their data and have four full months to make sure that the information is correct as it transfers over to the new system. It is anticipated that the pilots of the system in Uinta County, Albany County, and Sheridan County will start in August of 2012. Joann explained that while work was being done with LT Court Tech on the district court case management system, conversation was initiated with that company about developing a new case management system for the circuit courts. Several circuit court chief clerks met with the company to help with a gap analysis regarding the design of a system, and to explain how the processes in the circuit court presently work. LT Court Tech is preparing a document as to the cost of such a project, and a request will be made to the Joint Appropriations Committee for the funding needed to move forward with the circuit court case management system. Joann pointed out that the same company will have then developed the supreme court, the district court, and the circuit court case management systems, and that e-filing should then allow for a very smooth process in transferring cases from one division to the next. She also explained that the e-citation project is progressing. The Wyoming Highway Patrol, which creates approximately 80% of the circuit courts' citations, has received federal funding and has started moving forward again with the development of the e-citation system. The Supreme Court IT Department is currently developing the software that will read the e-citation information into the current circuit court case management system. Joann informed the Board that the sheriffs' departments have expressed an interest in getting the e-citation process up and running too, and that funding is being sought to help purchase hardware for their squad cars. The e-citation program will save the clerks from re-entering citation information into the system, which will increase the efficiency and effectiveness of the process, and will save substantial time and money. Joann also updated the Board on the e-pay system that was put into place after the first of this year for the payment of citations online. In the last month, over \$600,000.00 was received by the circuit courts through the system.

Rule 1 Initiative/Domestic Relations Committee

Chief Justice Kite mentioned that at last year's bar convention there were survey results and meeting discussions that indicated that it would be judicious to deal with the manner in which domestic relation cases are handled. She explained that Judge Kautz has been working with a committee of judges and lawyers to develop changes to the rules, as well as

other approaches that will make case flow more efficient. Judge Kautz will be speaking at the State Bar Convention about the various issues and initiatives in the area of domestic relations. Chief Justice Kite reported that on the general civil side, Judge Young and Judge Tyler are co-chairing the Rule 1 Initiative. She explained that Judge Tyler, his Judicial Assistant, and the District Court Clerk from Sublette County participated in the Five State Case Management Flow Conference, and that they came back with some exciting ideas to make case flow management better within the general jurisdiction trial courts. Those ideas may affect how the Rule 1 Initiative will proceed. Judge Price spoke about a report that the judges received regarding case flow guidelines. These are national guidelines that are sent out by the National Center for State Courts that suggest courts should be able to do 75% of certain types of cases within a certain time frame, 90% within another time frame, etc., with there being a small percentage of the more complicated cases that do not fit within the guidelines. Judge Price is hopeful that the new case management system will be able to provide statistics to indicate if there is a problem, and if so, in what areas. That information will be helpful in developing methods to improve case flow. Chief Justice Kite commented that she is hopeful that the Board of Judicial Policy and Administration can deal with this as a matter of policy, since it is a statewide issue.

Judicial Salaries/Hay Group Report

Chief Justice Kite spoke about her meeting with the Hay Group's consultants. She pointed out that if the Hay Group's report shows that the current judicial branch salaries are not at 91% of market, additional money will be requested from the Legislature. Funds of \$800,000 were requested at the last legislative session; therefore, \$1,600,000, a biennium's worth of funds, would be requested for judicial branch employees. This amount may change depending on the final salary information that should be received in October. Chief Justice Kite explained that with regard to the judges' salaries, information is being gathered from the same 11 states that the executive branch uses in making their comparisons. The consultants look at the executive branch and the private sector, how those rankings correlate to the judicial branch, and then use that information as a market comparison.

Workload Assessments/Judicial Position in 4th Judicial District

The 2011 District Court and Circuit Court Judicial Workload Assessments were reviewed and discussed. Chief Justice Kite commented that once the new caseload management system is in place, it will be easier to manage the workload of a district and of each judge. She pointed out that the present workload study does not reflect that the judges are traveling to other districts to help handle cases, and therefore may not truly indicate the workload of each judge. Karen Gottlieb, the author of the workload study, has indicated that it is possible to query the FullCourt case management system to search for the judge who is assigned to a particular case so that the time that is attributed to that case will be credited to the assigned judge, and subtracted from the sitting judge in that district. The new caseload management system is being designed with the ability to do this. Chief Justice Kite also informed the Board that Judge Fenn is moving forward with preparations for an additional district judge in Johnson County. In addition to the courthouse that is being built in Buffalo, a small courtroom is also being prepared in Sheridan to enable a district judge from Johnson County to travel to Sheridan to help handle cases in that county.

Redaction Policy/Court Reporters

Ronda Munger reported that the Supreme Court formed a committee to review the redaction policy on transcripts. She has been working with several district judges and court reporters, a public defender, a county attorney, a district court clerk, and the Wyoming Supreme Court Clerk to develop a more workable process to deal with redactions from transcripts. Ronda explained that the policy is currently in draft phase. Ronda advised the Board that she will be making a presentation at the District Court Clerks' Meeting in Jackson on September 21st, and that she has also written a memo to the court reporters that outlines the changes. After the draft policy has received a final recommendation from the committee, it will come back to the Board of Judicial Policy and Administration for consideration.

Interpreter Policy

Joann Odendahl presented the Language Interpreters Policy to the Board for final approval. She explained that the committee went back to a three tiered plan. If a judge feels very comfortable with a particular interpreter, even though that interpreter may not have had any training, that person is referred to as a "qualified" interpreter and will receive \$25.00 an hour. If an interpreter would want the chance to become "registered" and increase his or her fees to \$40.00 an hour, that individual would need to go through the state's training program that will be administered by Kristin Karr, one of the Supreme Court's law librarians. Kristin will be traveling around the state and conducting one day training sessions on the statutes and court processes. If an interpreter would want to complete a program to become "professionally certified," he or she would have the option of attending classes that are available to Wyoming citizens in several of the contiguous states, and would then receive \$55.00 an hour. Discussion was held on the policy. Judge Castor moved and Justice Golden seconded a motion to recommend to the Supreme Court that the Language Interpreters Policy be adopted. Motion carried unanimously. Joann also explained that it has been suggested that the district judges pay their interpreter fees instead of the district court clerks' offices paying the fees. If this is found to be agreeable with the district judges after discussion at their divisional meeting, Joann will contact each judicial assistant to determine what their need would be based on their history in the last biennium. That amount would be added into the district court's budget.

Joint Judiciary Interim Committee Meeting

Juvenile Justice – Chief Justice Kite reported that discussion about juvenile justice at the Joint Judiciary Interim Committee Meeting was very brief. The Governor has established a committee to continue to look into improvements that can be made to the current system.

Full-Time Magistrates – Chief Justice Kite reported on the Committee's conversation regarding full-time magistrates. The Committee was asked not to take any action on the matter until the Board of Judicial Policy and Administration has had a chance to conduct a detailed study on the issue. She commented that the Committee did hear very clearly from the county commissioners and local governments that they want to keep their local judicial presence. Chief Justice Kite pointed out that one of the judiciary's jobs is to manage the state's resources in the most efficient and cost-effective manner. The Board held a lengthy discussion on the structure of the present system, and how circuit court judges in some districts are not being fully utilized. The magistrate pay structure was discussed, and it was pointed out that there is an assumption built into that structure that

the circuit court judges in those districts will spend a certain number of days in the courts where the magistrates are located. There presently is not a reporting system in place to document that this is happening. It was decided that the Board will spend the next 1 ½ years studying the issue, and that a uniform reporting system will be devised that will enable the circuit court judges to keep track of their time. With that information, and a new study that will reflect whether the jurisdiction change has had any impact, the Board will be able to determine if the present system is working, or if it should be structured differently. These initiatives will be communicated to the Joint Judiciary to assure them that the problem is being examined.

New Business

W.S. 20-2-309(f) Revision

Amanda Roberts, the Sheridan attorney who has been working on revising the pro se packets, pointed out to the Board that there are some inconsistencies between certain Wyoming statutes and the federal law governing wage withholding. She believes that the language of Wyoming Statute 20-2-309(f) needs to be revised, and that a legislative change may be warranted. Discussion was held on this issue. Chief Justice Kite requested that Amanda help draft the legislation to revise the statute. In the interim, a court order will be issued that will clarify that the more specific statutes governing income withholding orders should prevail over the general statute that governs all child support payments for purposes of dissolution of marriage. Chief Justice Kite thanked Amanda for her work on the pro se forms. Amanda mentioned that there may be additional packets created in the future to establish custody and visitation in situations where the parties are not married, and to modify visitation for parents who move away or where there is not necessarily a change in custody.

Miscellaneous

Discussion was held about the turnaround time for the filing of civil cases in some of the circuit courts. It was pointed out that if any circuit courts are having difficulty keeping up with their workload, there are rover clerks available to be sent to those courts to assist.

Board Adjourned.

Schedule of Future Meetings:

December 1, 2011
March 1, 2012
June 1, 2012
September 18, 2012
December 6, 2012

Approved by email on October 28, 2011.

The Board of Judicial Policy and Administration's meetings are not open to the public unless the Board, in its discretion, determines that a particular meeting or agenda item should be open to the public. The Board will disclose what is discussed at the meetings at its discretion.