

Board of Judicial Policy and Administration  
Minutes  
September 15, 2006

The Board of Judicial Policy and Administration met in Laramie on September 15, 2006. In attendance were Chief Justice Barton Voigt, Justice Michael Golden, Justice Jim Burke, Judge Jeff Donnell, Judge John Brooks, Judge John Perry, Judge Mike Huber, and Judge Bob Skar. Joann Stockdale and Ronda Munger also attended. Throughout the course of the meeting the following individuals attended at some point: Dave Korowitz, Carol Collins, Carol Kinney, Mike O'Donnell, Scott Nickerson, Marvin Tyler, and Jeffery Schalow.

**Old Business**

**Committee Updates:**

**CACC/Pro Se Packets** - Joann Stockdale reported to the Board regarding the Citizen's Access for Courts Committee (CACC). The CACC came to the board a few years ago to request a way to provide a form for divorce or modification of support or custody so they would be consistent throughout the state. Those forms have recently been updated on the Supreme Court Web-Site for the public to have access to the forms. Some of the questions that the Clerks of District Courts have are: Can they advise the public what forms are needed to be printed out, or are they restricted to printing the entire packet? The Board discussed this issue at length and decided that choosing which forms to print would be exercising legal judgment and therefore should be restricted. Justice Golden moved, and Judge Perry seconded a motion to require clerks to print out the entire packet for pro se litigants. The motion carried unanimously.

**Retirement Committee** – Joann Stockdale reported to the Board regarding the progress that the retirement committee is making in changing the current Judicial Retirement plan. She explained that a bill is being proposed that will take out the actuarially reduced language in the plan and will insert a 5% reduction in the retirement amount under age 60. The new language will also drop employee contributions. There are still eight judges in the old state retirement system. Joann spoke with Tom Mann regarding the cost of the addition of these judges to the new system, but she does not have that information at this time. The committee plans to move forward with the proposed bill and will re-visit the issue of adding the other judges at a later time. One other possibility that is being discussed is an attempt to amend the retirement bill to state that judges could accrue 5% salary per year (up to 20 years of service with the state of Wyoming) so that retirees would get 100% of salary after 20 years of employment.

**Court Security** – Judge Donnell reported to the Board regarding the work of the Court Security Committee. The committee finished a report and sent it to Judiciary in August 2006. The committee will have another meeting in December to discuss some draft legislation. Judge Donnell reported that the work of the committee is progressing nicely. There are will be couple of meetings between the court security committee members and

WACO the week of September 18, 2006. Judge Donnell believes the most significant security issues will be in addressing "courthouse" security not "courtroom" security.

**E-Filing** – Chief Justice Voigt reported to the Board on the E-Filing Committee. The committee has set up a statewide meeting for clerks and judges to be held at the Ramkota Hotel on October 11, 2006, to begin at 1:00 p.m. The purpose of the meeting is to solicit input from court employees regarding the implementation of e-filing in Wyoming trial courts. E-Filing is in its infancy nation wide. No two state courts do it the same in any state. It is a big problem. Chief Justice Voigt reported that in his experience, the reaction of Wyoming lawyers regarding e-filing is that a few say it is great, a few don't want it at all, and the majority do not know what to think about it. He received a draft report from Susan Larson, an e-filing consultant, but the report was not in final form in time for the Board meeting. Some of the most common questions that arise regarding e-filing are: 1) How do you sign an electronic document?; 2) How do you pay filing fees?; 3) How do you ensure quality control?; and Is it possible to have both a manual system and an e-filing system?

### **Weighted Caseload Study**

Ronda Munger gave a presentation to the Board on the Weighted Caseload Study. The last time study (measuring Judges actual time) was done eight years ago in November of 1999. Ronda recommended that the Board ask the Supreme Court to include a request in the supplemental budget to pay for the cost of a new time study. Although the weighted workload study has been updated over the last eight years using new filing data, the actual case weights are based on the data collected back in 1999. Ronda gave a detailed presentation on the history of the weighted caseload study and how it has evolved over time. The weighted caseload study has been used to obtain an additional seven judicial positions over the past eight years. In May 2005, a weighted caseload study was done for the circuit clerks. Justice Golden moved and Judge Perry seconded a motion to recommend the Supreme Court request \$100,000.00 in the 2007 supplemental budget to pay the cost of a new judicial time study for the weighted caseload study. The vote carried unanimously.

### **Formula for full-time Magistrate salaries**

Joann Stockdale gave a presentation to the Board regarding the Salary Formula for full-time Magistrates. The formula was initially devised by Board in Lander, when the justice of the peace courts were coming on board as Circuit Courts. Joann led a lengthy discussion regarding how the formula was initially created, including her recommended changes for the future. Judge Donnell moved and Judge Skar seconded a motion to approve the new formula based on the recommendations made by Joann. The vote carried unanimously.

### **Judicial Vacancy in Pinedale**

Chief Justice Voigt reported that he had received a letter from Judge Crow announcing his retirement at the end of December 2006. The Board discussed whether or not Chief Justice Voigt, as Chair of the Nominating Commission, should announce the vacancy. The Board reviewed the history of the discussions held when the fourth circuit judge

position was approved for the Ninth Judicial District. The Board reviewed the current weighted workload statistics for the Ninth Judicial District. The Board also discussed the expenses associated with placing a full-time magistrate in the position and decided to request Chief Justice Voigt announce the vacancy to fill Judge Crow's position with a circuit judge.

### **Garnishment forms**

Ronda Munger discussed the previously approved garnishment forms with the Board. In January of 2004, the Board approved 3 types of garnishment forms: 1) a form for Bank garnishments; 2) a form for continuing garnishments; and 3) a form for non-continuing garnishments. Ronda reported that changes need to be made to the non-continuing garnishment form to correct a problem that has arisen regarding the contract workers in the methane gas industry. This problem was brought to Ronda's attention by the clerk in Uinta County, and Ronda worked with Judges Denhardt and Campbell to figure out a solution to the problem. The Board review some proposed changes to the non-continuing garnishment form that will correct the problem. The Board decided to an e-mail to all circuit judges with purposed changes to the non-continuing garnishment form and if there are no objections to the proposed changes then the Board voted to approve to changes to the forms.

### **Dates for BJPA meetings**

Chief Justice Voigt proposed the dates for 2007 Board meetings be as follows:

March 22, 2007 – Cheyenne

June 21, 2007 – Casper

September 27, 2007 – Cheyenne

December 6, 2007 – Casper

### **Conduct and Ethics Rules Changes**

Dave Korowitz, Carol Collins, Carol Kinney, Mike O'Donnell, Scott Nickerson, and Marvin Tyler from the Conduct and Ethics Committee appeared before the Board to request changes be made to the rules. The requested changes come as a result of extensive input from past and current commission members, investigators and judges. The Commission believes the rules need changed to make them more operational, and to make the commission function better within the rules. Procedural rights aren't clear in the existing set of rules, and there are internal inconsistencies. The proposed changes are designed to try to resolve all these issues. The rules were changed in mid 90's. Commission had to deal with rules on an individual basis. Some of the proposed changes are being requested because the current rules are redundant and the changes make the process more efficient and understandable. The money from the requested monetary sanctions would go back into the commission's budget to cover the cost of conducting hearings and investigations. The Commission believes the new rules enhance judges procedural and due process rights. The existing rules have a six year statutory limitations embedded in them, and the proposed rules removes that provision, replacing it with language making it possible to investigate any misconduct that occurs by a judge in his tenure. The Board requested the Commission draft an executive summary for the

proposed changes. Justice Golden moved and Judge Perry seconded a motion to approve and submit these proposed rules to Supreme Court for its consideration with a recommended do pass. The Board agreed to send the proposed rule changes to all judges for comment. The motion carried unanimously.

### **Mentor Committee**

Marvin Tyler and Jeffrey Schalow appeared before the Board to request its support for a bench/bar mentoring program. Mr. Tyler explained that the program first began when Mark Harris wrote an article for the Wyoming Lawyer discussing the need for the mentoring program. Judge Sanderson discussed the program with Mr. Tyler and suggested having a presentation by a local judge or panel of local judges to local bars for the benefit of Wyoming attorneys. The State Bar Lawyer Mentoring Committee would like the Board to recommend this program go forward. Justice Golden moved and Judge Skar seconded a motion to support the bench/bar mentoring program. The motion carried unanimously.

### **Judicial Education**

Justice Burke engaged the Board in a discussion regarding judicial education. He asked the Board to consider whether there are things that could be done to make new judges transition to the bench less difficult. Justice Burke is concerned that it is difficult and should be easier transition for new judges for new judges to transition to the bench, and he would like the Board to explore additional training opportunities for new judges. Justice Golden suggested that the Board work toward an in-state educational program, with a curriculum committee that looks at what other states do. The Board agreed to work on the following issues: new judges, hot topics, circuit court issues, and district court issues.

Board adjourned.

Approved by email 10-24-06

### Schedule of Future Meetings

December 1, 2005	Douglas
March 22, 2007	Cheyenne
June 21, 2007	Casper
September 27, 2007	Cheyenne
December 6, 2007	Casper