

Minutes
November 4, 2000
Board of Judicial Policy and Administration

The November 4, 2000 meeting of the Board of Judicial Policy and Administration was held in Casper, Wyoming at the Natrona County Annex.: Chief Justice Larry Lehman, Justice Richard Thomas, Judge Gary Hartman, Judge Jeffrey Donnell, Judge Bart Voigt, Judge Rob Denhardt, Judge Wade Waldrip, Judge Frank Zebre. Justice Hill had planned to participate by telephone, but the meeting room did not have a speakerphone. Absent: Judge Scott Cole. Holly Hansen also attended.

The primary purpose of the meeting was to finalize the Board's recommendations for the addition of judicial positions.

Discussion of Criteria and Factors

1. Backlog and Delays. Judge Hartman explained the questionnaire that was circulated to the district court judges. The purpose of the questionnaire was to get a sense of what a judge's calendar could accommodate. The discussion focused on the need to emphasize that the criminal docket is driving the court calendar and that criminal cases are driving away civil cases. It was pointed out that in some jurisdiction, that a fair amount civil litigation is being handled by mediation firms out of Colorado. Justice Thomas said this is a clear indication that citizens are not happy with what's happening in the courts. Judge Donnell said that litigants also feel they have more input in the settlement process. Judge Waldrip said it is extremely important for the Board to explain the "speedy trial" rule and how the 120 day rule on criminal cases impacts civil cases. We need to be sure and state that the Constitution gives a defendant the right to a speedy trial and that guarantee has to be assured, even if a civil case may have to be rescheduled. The Board said it is also important to explain stacking of cases.
2. Circuit Court versus District Court Judge. Justice Thomas made the comment that the statistics are so clear that we need both district and circuit court judges. Judge Voigt talked about the differences between circuit and district court that make it difficult for them to cover for each other. Judge Donnell said that right now, the limitation on the circuit court judges is keeping them from doing more work for the district court judges. In addition, scheduling is an issue. If the district court judges are going to assign cases to the circuit court judges, then the circuit court judges could not plan their own calendars. The Board agreed that until the uncertainty surrounding the justice of the peace courts settles, it is too early to talk about moving around circuit court judges. Another factor the Board discussed, is the issue of geography. To a large extent, the state's geography is not conducive to having judges travel in order to cover for each other.

3. Increase Criminal and Civil Jurisdiction. The Board said this is another area that needs to be put on hold, until we know what is going to happen with the justice of the peace court counties.
4. Circuit Court Judges Travel Outside Their Circuit. The Board weighed the rational of having a circuit court judge travel to another circuit in order to cover for a judge. One of the primary drawbacks to this concept is that the judge is not retained in the circuit they would be visiting. Other considerations include the travel time, mileage expense, and not being available in the judge's own circuit.
5. Demographic Information. There was no further discussion of the demographic information that was provided.
6. Cost Factors. The Board talked about the cost projections and the need to add additional staff. District court judges are required to have an official court reporter. Each additional district court judge would probably need an administrative assistant. It might be possible for the district court judges to share a law clerk, although, the two judges in Cheyenne share a law clerk and the two judges in Casper share a law clerk. It might be difficult to have one law clerk cover three judges. With regard to the circuit courts, it was agreed that two clerks would need to be added for each additional judge
7. District Court Commissioner. The Board agreed that if Judicial Districts 1A and 1B were to get an additional judicial position, and then they need to eliminate their district court commissioner. The Board decided to make this position part of its official recommendation to the Legislature.

Meeting with Judges

At 11:00AM, the Board gave judges an opportunity to present information on the need for additional judicial resources. Judges Park, Sullins, Brown and Huber and Debbie Meyer, Chief Clerk of the Circuit Court of the Seventh Judicial District, attended the meeting. Chief Justice Lehman recapped what the Board had previously discussed. He asked them to respond to the observation that more circuit judges are being requested, when we already have an excess on a statewide basis. Judge Huber indicated that until the situation with the justice of the peace courts settles, its too early to tell what will be needed statewide. He also pointed out that the Seventh Judicial District is a single county judicial district and that makes it difficult to use outside judicial resources. There was some discussion about the facilities to house additional judges in the Natrona County Courthouse.

In addition to meeting with the delegation from Natrona County, Judge Hartman spoke to Judge Grant by telephone and relayed his comments to the Board.

Items Discussed During Lunch

1. Five State Judicial Conference. Chief Justice Lehman reported on the telephone conference call with the Chief Justices and Court Administrators from Idaho, Montana, North Dakota and South Dakota. Those states were disappointed to hear of Wyoming's decision to withdraw from the Five State Judicial Conference. Chief Justice Lehman said that he had offered to present the matter to the Board one more time. After brief discussion, the Board decided to hold with its original decision of withdrawing from the Five State Judicial Conference. The Chief Justice will notify the other states.
2. Budget Training for Administrative Assistants. Judge Donnell had asked that some consideration be given to having a budget training session for the district court administrative assistants. Holly Hansen shared with the Board that the Office of Court Administration is planning a conference/training session in January. The plan is to invite the circuit court clerks, justice of the peace clerks and the district court clerks. The Administrative Assistants from the district courts could be invited to attend, since they have not been included in other training. Holly Hansen shared the proposed agenda with the board, which includes a short segment on budget training. The Board indicated it was satisfied with this approach.
3. Meeting with the State Auditor's Office. Holly Hansen reported that she and Joann Stockdale had met with State Auditor Max Maxfield and Deputy State Auditor Gary Stephenson. She indicated that the State Auditor's Office was okay with the revision to the Judicial Branch travel policy, which allows judicial branch personnel to elect either the \$60.00 per diem or actual expenses not to exceed \$85.00 per day. In lieu of an itemized receipt for meals \$15.00 or over, the State Auditor's Office will accept a statement from the claimant that reimbursement is not being claimed for alcoholic beverages.
4. Update on Domestic Violence Workshop. Holly Hansen told the Board that arrangements have been made with the Law Enforcement Academy to hold the domestic violence workshop on March 22nd and 23rd. Since the academy has a very nice computer lab, an abbreviated training session in Outlook and Word will be offered the afternoon of March 21st.
5. Day After Thanksgiving. Holly Hansen advised the Board that Supreme Court and Circuit Court offices would be closed the day after Thanksgiving.
5. Next Meeting. The Board decided to have it's next meeting on December 21st and 22nd in Lander.
6. Meeting Dates for 2001. The Board agreed on the following meeting dates and locations for 2001. March 23rd and 24th in Douglas, June 14th and 15th at Jackson

Lake Lodge, September 10th and 11th in Cheyenne, December 6th and 7th in Laramie.

Conclusions and Recommendations

After lunch, the Board formulated its conclusions and recommendations for presentation to the Joint Interim Judiciary Committee. Justice Thomas made a motion to recommend the addition of district court judges in the 1st, 3rd and 7th judicial districts and the addition of circuit court judges in the 1st and 7th judicial districts. Judge Donnell seconded the motion. In discussion following, it was clarified that the Board's intends to support the addition of a district court judge for the 1st judicial district with the understanding that the practice of using a district court commissioner would be eliminated. The Board also made it clear that in recommending the addition of a circuit court judge for the 1st judicial district it supported having the third circuit court judge devote time to covering the work handled by the district court commissioner. The motion carried unanimously.

In a second vote, the Board approved including a request in the Supreme Court's supplemental budget for the two additional circuit court judges, staff and other costs.

Retention of Magistrates

Judge Zebre led a discussion on the problem of finding attorneys who are willing to service as magistrates, because they do not want to have their name on the election ballot. Another issue raised during this discussion was the problem of determining who is responsible for supervising the magistrates, if they are selected by the county commissioners and retained by the voters. Following the discussion, Justice Thomas moved to recommend an amendment to the Joint Interim Judiciary Committee that would allow just the circuit court judge to appoint magistrates and have the appointment approved by the county commissioners and to remove the requirement that magistrates stand for retention in the general election. Judge Waldrip seconded the motion.

Being not further business, the meeting was adjourned at 3:00PM.