

Board of Judicial Policy and Administration

Minutes

December 2, 2015

The Board of Judicial Policy and Administration met in Cheyenne, Wyoming on December 2, 2015. In attendance in person were Chief Justice Jim Burke, Justice Michael Davis, Justice Keith Kautz, Carol Thompson, Julie Goyen, Mary Thomas, Kristi Racines, Eugenia Charles-Newton, Ronda Munger, and Becky Craig. Judge John Perry, Judge Tom Campbell, Judge John Fenn, Judge Wes Roberts, Judge Bob Castor, and Judge Curt Haws participated by video.

Chief Justice Burke called the meeting to order.

Updates:

Court Security Commission –

- **Local Court Security Management Committee Activities** – Ronda Munger advised the Board that she contacted all 24 local court security management committees and spoke with someone from each of the teams. She commented that the committees are moving forward in varying degrees. Ronda concentrated her report to the board on the eight counties that received funding during the last legislative session. She reported that Goshen, Albany and Crook counties submitted grant applications to the State Lands and Investment Board (SLIB) and had funds approved; Niobrara county is on SLIB's December 10th agenda; Platte county is on SLIB's agenda for February 4, 2016; Big Horn and Weston counties are in the process of drafting grants for submission at a future date; and Park county's status is uncertain at this point. Discussion was held on Section 328 of Senate Enrolled Act No. 56, which requires matching funds from each county. Ronda advised that the grant application for funding to conduct additional courthouse security assessments will be sent to the National Center for State Courts prior to the February 1st deadline. She also noted that the Court Security Commission was unable to meet in November because of a scheduling conflict. The commission's next meeting will be held in April, 2016, when Homeland Security will conduct a PRMD Training, which is training that deals with radioactivity. Chief Justice Burke stressed the importance of each judicial conference routinely including court security information and training on its meeting agendas.

Court Automation –

- **Circuit Court Case Management System** – Ronda updated the board on the status of the Circuit Court Case Management System. She explained that the FullCourt system, which is the operating system that the circuit courts presently use, is no longer supported by Justice Systems International (JSI); therefore, no technological support exists to upgrade or improve the system. Ronda reported that JSI has developed and is now

supporting a new system called “FullCourt Enterprise.” She commented that it may be advisable, if the budget allows, to upgrade the circuit courts to the FullCourt Enterprise system as a stop-gap until Thomson Reuters completes WYROCC, which is the new circuit court case management system. After completion of e-filing in the district courts, the WYROCC system could then be implemented.

- **District Court –**

- **IT Staffing** – Julie Goyen, the newly designated Chief Information Officer at the Supreme Court, reported that recent changes were made to the structure of the IT Department. The department was previously supervised by two people, but it is now unified under her supervision. Julie announced that Nate Goddard will start work on December 14th and will be one of the Circuit Court/District Court Network Managers. Jen Petrella, who previously was the Circuit Court Network Manager, will cross-train with Nate to learn the district court system. Julie advised that the IT Department will speak with the Joint Appropriations Committee about adding two additional positions to the IT staff to assist with implementation of the WyUser system in the district courts. The new employees would help with everything from project management to front line helpdesk work for the module. Chief Justice Burke commented that the IT Department has been significantly understaffed. He stressed the importance of acquiring the additional positions in order to be successful with the massive task of implementing the WyUser system.

- **WyUser Stabilization** – Mary Thomas reported that there have been many accomplishments and also a few set-backs with the WyUser system since August, but that the project seems to be moving forward. She reviewed the progress that has been made on stabilizing the WyUser product. Mary explained that there was a major design flaw discovered in the calendaring and scheduling module, therefore, those capabilities will not be available until a future release is rolled out. She informed the Board that each new release needs to be tested thoroughly, and the Supreme Court IT staff time to do that amounts to approximately \$4,500 per release.

- **Calendar and Scheduling** – Judge Fenn advised the Board that Lily will be speaking with the District Judges’ Conference in a few weeks and will be proposing that a small oversight committee be formed to address questions pertaining to the capabilities needed for the calendar and scheduling module.

- **Supreme Court – Enterprise E-Filing** – Carol Thompson reported that she participated in a demonstration in October of the Enterprise E-Filing system, which is the system that will eventually be used in the district courts. She commented that while it looks very similar to the C-Track e-filing system that her office has been using since 2008, it provides some great features for the e-filer and appears to be a better product. Carol advised that a budget request has been made that would enable the Supreme Court Clerk’s Office to move to the Enterprise E-Filing system, thereby making her office compatible with the e-filing system at the district court level and creating a uniform method of electronic filing.

Access to Justice Commission

Judge Fenn reported that a Civil Litigation Day was held in the Sheridan County District Court. He explained that there were 20 attorneys available to assist pro se litigants in moving their divorce cases forward. He noted that many of the couples who were originally summoned to attend chose not to participate, and of the four couples who attended, three of the cases were resolved through mediation. Judge Fenn commented that a skilled mediator who understands the forms may be the most effective and useful tool for his court. Teton County plans to take the information from Sheridan County's experience and undertake the same type of program in Jackson.

Chief Justice Burke stressed that there needs to be better dialogue between Equal Justice Wyoming (EJW) and the judicial conferences regarding access to justice, forms, pro se representation, and any concerns that are not being met. He commented that EJW wants to ensure that it is focusing on the most important issues and is using its assets and personnel in the most advantageous ways. Chief Justice Burke suggested that judicial conference representatives meet with EJW to make sure their goals align. He also suggested that access to justice topics need to be included routinely on each judicial conference's agenda in order to move issues forward. Judge Fenn advised that a representative from EJW will be invited to give a presentation at the April District Judges' Conference.

Public Education/Outreach Programs

Eugenia Charles-Newton gave an update on the tours that have been conducted at the Wyoming Supreme Court. She noted that there were 21 tours from January, 2015 to date, which equates to approximately 500 people having toured the Court. Also this year, You Be The Judge programs were held in Green River/Rock Springs, Casper, Sheridan, Worland, Gillette and Laramie, and programs are being planned in Cody, Jackson and Cheyenne in the spring. Eugenia reported that the Supreme Court heard oral argument at the University of Wyoming College of Law in October and met with a Criminal Procedures class afterwards for a question-answer period. Chief Justice Burke encouraged anyone who is hosting an outreach program to notify the board.

Legislature –

- **Judicial Branch Budget** – Chief Justice Burke reported that the Court will be meeting with the Joint Appropriations Committee on December 9th concerning the Supreme Court's budget. He advised that the Supreme Court is making an exception request for funding to move forward with e-filing, and also a request for additional funding for the Judicial Learning Center's interactive exhibits. Chief Justice Burke commended the law clerks and staff attorneys at the Supreme Court for their assistance in creating scripts for the Judicial Learning Center exhibits.

Chief Justice Burke circulated the Governor's letter regarding budget reductions. He commented that the judiciary is already a "lean machine," but encouraged the courts to continue to operate conservatively.

Lengthy discussion was held by the board concerning judicial pay raises. Judge Campbell moved and Judge Castor seconded a motion that the board adopt the position that in light of the current economic environment, no legislation or budget action will be taken during the 2016 session to raise judicial salaries. Motion passed unanimously. Chief Justice Burke thanked the judges for their leadership on this issue.

- **Joint Judiciary Committee** – Judge Fenn reported that he attended the November Joint Judiciary Committee meeting in Cody. He noted that one of the legislative issues discussed was the designation of a high-moderate-low risk assessment for juvenile sex offender registration. Lily Sharpe will monitor all legislation and will notify the head of each of the judicial conferences of any topics of interest to the judiciary.

Pro Se Packets

Ronda reported that the Pro Se Packet Committee has been holding meetings with Equal Justice Wyoming (EJW) to discuss changes to the pro se forms. She commented that the biggest change involves the guardianship forms that EJW currently has on its website, and the request for the Wyoming Supreme Court to adopt them as official court forms. The guardianship forms will be sent to the district judges, clerks, and staff attorneys for comment. Ronda also advised the board that adjustments need to be made to all of the pro se packets to replace the words “mother,” “father,” “husband,” and “wife” with generic wording. She explained that since same sex marriage is now legal in Wyoming, there need to be general descriptors developed for automation of the forms.

Conferences –

- **Circuit Court Conference** – Judge Castor advised that the circuit court judges are currently planning their April conference. They hope to provide information and discussion on court security, and are pursuing the possibility of utilizing the active shooter program that has been conducted in a number of jurisdictions. One of the topics for discussion will be the caseloads of the circuit courts. They will examine what their conference is doing to make sure they are adequately utilizing judicial resources to efficiently move their dockets and to assure that overworked districts are getting help from the districts that have time to lend a hand. Judge Castor stated that oftentimes the judicial resources exist to help another district, but it’s the lack of availability of a courtroom or facility that presents the problem. Judge Roberts commented that the circuit court judges are making great use of the technology made available to the courts by the Supreme Court and the Legislature. This resource enables the courts to help each other more easily and to maximize judicial time and resources. Judge Roberts also added that the Circuit Court Conference will now meet two times a year. There is a meeting scheduled for December 3-4 in Casper, and another meeting will be planned for the spring.

- **District Court Conference** – Judge Fenn indicated that the District Court Conference will be held on December 17-18, 2015. As to the topic of caseload, he advised that a year ago the conference adopted a Docket Committee in their rules. The committee was established to address the matter of caseloads. Judge Fenn stated that the district

judges are very willing to help each other and are on the road on a regular basis to assist where needed.

New District Judge in Laramie County

Judge Campbell reported that Senator Ross agreed to draft and sponsor legislation to authorize a fourth district judge in Laramie County. He advised that if the legislation passes, the second step will be the matter of the county providing adequate space for an additional judge. The Laramie County Commissioners and architects will meet with the district judges before the end of the year to discuss various options.

Judicial Education

Chief Justice Burke informed the Board that an education program for new judges is continuing to be developed. This program will supplement the training the judges receive in Reno through the National Judicial College. Justice Kautz spoke of the education program that he arranged for Judge Korell in which 12 district judges took part in a video presentation and provided written materials for his use. Justice Kautz commented that he was very impressed with his colleagues and the quality of their research, information, and materials. Chief Justice Burke stated that steps are being taken to make sure the materials that were assembled for Judge Korell's training will be available for use in the future. He also mentioned the possibility of involving law clerks in judicial trainings with regard to domestic relation cases, pro se cases, elder abuse, and guardianships. Chief Justice Burke would also like to look into developing a training program for law clerks in the future. Judge Castor advised that an education program and the civil and criminal best practices bench books for circuit court judges should be ready for presentation at the April Circuit Court Judges' Conference.

Request for Rule Change – Fees and Costs for Circuit Courts – Rule 5

Ronda advised that the request for this rule change is due to the archaic language in the Rules for Fees and Costs for Circuit Courts, and relates specifically to the cassette tapes of court proceedings that the circuit court clerks would prepare on request. The courts no longer deal with cassette tapes since proceedings are now digitally recorded and subsequently transferred to CDs, or simply emailed to the requesting party. Ronda explained that the clerks have requested that the rule be changed to establish a \$5.00 fee for copies of each recorded proceeding. Discussion was held on this matter. Judge Roberts moved and Judge Castor seconded a motion to recommend to the Supreme Court that the proposed amendment to Rule 5 of the Rules for Fees and Costs for Circuit Courts be adopted. Motion passed unanimously.

Human Trafficking Conference

Judge Fenn informed the board that Judge Day and Judge Edelman attended a Human Trafficking Conference in New York City that was reported to have been very worthwhile and insightful. Judge Fenn advised that he has invited a presenter from the conference to speak at the April District Judges' Conference in Sheridan as part of the educational program. He will notify other members of the judiciary about the speaker in case anyone

would like to attend this section of the meeting. He may also arrange to have the presentation available by video conference.

Meeting was adjourned.

Schedule of Future Meetings:

March 14, 2016 (video conference)

June 13, 2016 (video conference)

August 15, 2016 (video conference)

December 12, 2016 (video conference)

Approved by email on March 4, 2016