

After describing the creation of the CACC and its goal to provide aid to pro se litigants, especially in family law matters, Jackie Zaddach described and showed copies of the forms developed by the CACC's Statewide Forms Sub-Committee. She emphasized that the idea of the forms is to encourage pro se litigants to seek advice and help from an attorney. She pointed out the space on the forms for the attorney's name making it easier for the judge to contact the appropriate attorney if a change is necessary. Jackie further described the new forms developed by the sub-committee (Affidavit of Indigency, Waiver of Process Fee, Publication Modification, etc.). She indicated that a standard visitation order would not be included in the packet of forms, but rather a visitation order to be completed by the parties for their particular situation. The goal is to have the packets available at the clerks' offices, in libraries, and eventually on the web. The CACC would like to have their forms accepted throughout the state, but were not asking that they be used exclusively. The CACC's plan

is to provide training to the clerks on the forms in February. After discussion of the advantages and disadvantages, Judge Kautz moved and Judge Donnell seconded a motion to advise the CACC that it is welcome to publish the forms and that it is not necessary for the Board to approve them. Motion carried with one opposing vote by Judge Waldrip.

2. Guidelines to Clerks – Jackie Zaddach

The Board reviewed the Guidelines to Clerks developed by the CACC. Judge Waldrip suggested adding language that clerks would avoid expressing opinions to “anyone, including judges.”

3. Rule Changes, Notice and Consent

John Burman discussed these on December 7, 2002. See Letter M.

4. Road Show Schedule

The Board was provided with a draft of the CACC’s tentative road show schedule.

C. Update on Laramie Pilot

Jim Bivona reported that the major problems with the Laramie Pilot occurred in three areas: accounting, overdue processing, and help desk support. The Internal Auditor, Don Merriam, discovered many of the problems and JSI has addressed many of them. Bivona explained that by early next month, they should have a better idea about the status of the accounting system.

Bivona related that the next conversion will take place in Judge Skar’s court in Basin and Teton County is extremely anxious to get started. The Buffalo-Sheridan project is in the process of working out the details for their conversion.

D. Executive Session – Personnel Matters

The Board met in executive session.

E. Employment Issues

After a lengthy discussion of the problems with at-will and for-cause employees, hiring and termination practices, federal law, and exposure to lawsuits, the Board agreed to ask Matt Fermelia to review the drafts of the personnel rules previously distributed to the Board. Judge Denhardt then moved and Justice Hill seconded a motion to establish a policy, effective December 11, 2001, that all newly hired personnel for positions within the Judicial Branch of State Government would be at-will employees. Motion carried unanimously. The Board agreed that the policy would clarify that employees hired before December 11, 2001 would maintain their current status, whether at-will or for-cause, and that

no supervisor would have the authority to change the status of an employee from either at-will to for-cause or from for-cause to at-will.

The Board further discussed the creation of a document for new employees to sign, an information packet for state employees, nepotism, and Family Medical Leave. In addition, Holly Hansen suggested having Matt Fermelia review these issues.

The Board then discussed whether employees from the Justice of the Peace courts transitioning to the circuit court system would need to be at-will. Justice Voigt moved to revise the previous motion to state that all newly hired personnel for positions within the Judicial Branch of State Government would be at-will employees, including those employees of Justice of the Peace courts transitioning to circuit court employees.

The Board adjourned at noon for lunch and reconvened at 1:00 pm.

F. Natrona County Facilities

Judge Kautz reported that the Natrona County Commissioners are reluctant to commit to having facilities ready for a new judge in the near future. The Chief and Judge Kautz agreed to make a visit to Casper to discuss possibilities.

G. Report on Judicial Budget Request – 2003 and 2004 – Joann Stockdale

Joann Stockdale presented the 2003-2004 Biennium Budget to the Board giving highlights of the Supreme Court's approximate \$5 million exception budget request. Joann explained that the \$5 million includes approximately \$1.8 million for the transition of the remaining justice of the peace courts into the circuit court system and approximately \$1.2 for Technology, which is more of a request for spending authority from the Judicial Systems accounts and not a general fund budget request. Furthermore, Joann told the Board that the Judicial Salary Pool will cover benefit increases for the entire Judicial Branch and will include health insurance, longevity, and deferred compensation. Joann also indicated that \$392,086 would be requested to cover salary increases for employees who were in entry-level positions based on experience and should now be increased to journey-level positions. These funds would also make it possible for District Court Judges to provide increases to their law clerks and/or administrative assistants.

H. Judicial Salaries

Phil Nicholas discussed his ideas for approaching the judicial salary increase issue. He suggested hiring two lobbyists, initiating a letter writing campaign, and enlisting the aid of district and circuit court judges, retired judges, attorneys, lay members on the Judicial Nominating Commission, members of the State Employees Association, and the Wyoming State Bar. Nicholas emphasized the need for a well-planned and coordinated effort.

The Board approved an additional \$100, for a total of \$250, to be collected from the judges to hire a second lobbyist.

I. Judicial Retirement

After a general discussion of salaries for judges performing full time work after retirement, the Board agreed to postpone action on this matter until next year.

Judge Denhardt reported that the circuit judges are looking for a sponsor to pass legislation allowing circuit judges to have the choice of transferring prior years in the state retirement system to the judicial retirement system (as long as the judge is willing to pay the cost) or to leave the state retirement in existence and join the judicial retirement. Jerry Fox advised Judge Denhardt there would be no fiscal impact with the above plan.

Judge Cole reported that he is still working with Jerry Fox to ascertain the fiscal impact, if any, of justices of the peace or magistrates staying in the state retirement system or joining the judicial retirement system if given a choice. Judge Cole will report at the next meeting.

J. Garnishment Forms – Judge Denhardt

Judge Denhardt presented the garnishment forms being used by his court and by many circuit courts around the state. Holly Hansen reported that the Attorney General's office contacted the Court complaining about the lack of consistency in garnishments involving child support. The Board agreed that having garnishment forms approved by the Board might bring more accuracy and consistency to garnishment procedures in the state. Holly Hansen volunteered to coordinate formatting and providing Judge Denhardt's forms to the judges and chief clerks in hard copy and electronically. Judge Denhardt moved to approve, but not mandate, the revised forms, subject to changes by federal law as to numbers, and Judge Waldrip seconded the motion. Motion carried unanimously. Justice Hill suggested that a notation be made on the forms that they have been approved by the Board of Judicial Policy and Administration and can be obtained from the clerks of court.

The Board adjourned for the day at 5:00 pm.

The Board reconvened at 8:30 am on Friday, December 7, 2001.

K. Joint Meeting with Judicial Technology Task Force (JTTF)

Jim Bivona spoke for the Steering Committee, explaining its vision as a single place to go for key information within the justice community and the scope as a means to achieve and maintain focus. Bivona stated the strategy would be to move one step at a time, securing partnerships along the way. The sequence of events is to start with the Buffalo-Sheridan Pilot program, establish a statewide court information store, and then to add

public access via the web. The Integrated Justice Network would include the Department of Criminal Investigation (DCI), the Department of Corrections (DOC), and the Department of Transportation (DOT).

Doree Kobold and Bob Wyatt reported on the Local Integrated Justice Working Groups. Doree Kobold advised that the Johnson and Sheridan County courthouses have been wired and a representative from SEARCH presented training to Probation and Parole and the municipal, circuit, and district courts in November. Steven Dreher installed software for the courts to practice using the new software and Diane-Wilsey Geer provided training for the court staff. Doree further advised that Jim Bivona has been working on wireless connections and arranging video capability for criminal proceedings in an effort to address security issues. Bob Wyatt added that the various local groups are working together and the level of communications has significantly improved. He further stated that the cooperation of the judges is essential to the success of this project.

Mary Lewallen addressed the challenges of public access to records and privacy of data. She explained that this issue has become a national debate and suggested that the JTTF begin their policy development by referring to the existing federal and state Freedom of Information Act (FOIA), state statutes, and court rules.

Steven Dreher, Jim Wilson, and Jim Bivona briefed the group on the present status of the infrastructure and emphasized the importance of identifying standards to be considered: networking, communication, security issues, data format and codes, and national issues.

Dave Adsit described the TraCS software being used by law enforcement in Iowa. Each patrol vehicle utilizes a lap top computer to intake data via bar coded registrations and insurance cards. Information is then electronically transferred to the station, court, central repository, and other appropriate agencies. The Wyoming Highway Patrol and local agencies in Buffalo and Sheridan are exploring the possibility of installing this software in a few patrol cars.

L. Proposed Rule Changes to Uniform Rules for District Courts and to Rules on Professional Conduct

John Burman talked to the Board about the proposed Guardian Ad Litem (GAL) rule changes. The Board considered the dual role of the Guardian Ad Litem, using an attorney for the best interests, and the Court appointing an expert. The group also discussed changing the statute or accomplishing the changes by court rule. Judge Kautz moved and Judge Grant seconded a motion to approve the changes to the Wyoming Rules of Civil Procedure and to the Rules of Professional Conduct as proposed by the Guardian Ad Litem Committee (as appointed by the Joint House-Senate Judiciary Committee) and as amended, said rules to become effective April 1, 2002.

M. Citizens' Access to Courts Committee (CACC)

John Burman explained the changes to the Wyoming Rules of Professional Conduct, Rule 102 of the Uniform Rules for District Court, and a Notice and Consent to Limited Representation as proposed by the CACC. Burman related that other states have prepared form packets for use by pro se litigants, but no other state has made changes to their rules for limited representation of clients. Burman further explained that the proposed changes are aimed at civil and domestic cases, rather than criminal. The Board decided that the rule changes would only be effective for civil cases, attorneys could file appearances for limited representation of clients, and that clients would be responsible for keeping the Court informed of their current addresses. Subject to the preceding paragraph, Judge Grant moved and Judge Donnell seconded a motion to adopt the proposed changes in principle. Motion carried unanimously. John Burman and Karl Linde agreed to make the changes and forward revised rules to the Board.

The Board adjourned for lunch at noon and reconvened at 1:00 pm on Friday, December 7, 2002.

N. Circuit Court Issues

1. Rule Changes for Fees in Circuit, JP, and Municipal Courts

The Board approved the final form of the changes made on the October 9, 2001 conference call.

2. Preemptory Disqualification

The Board took no action on this item.

3. Court Appointed Attorneys in Contempt Actions

Judge Denhardt volunteered to contact Judge Skar and all circuit judges about when to use civil and criminal contempt proceedings.

O. Bond Schedule

The Board agreed to refer the issue of changing 31-5-1102 and 4 from "forfeitable" to "must appear" to the Bond Commission to consider at their meeting in the spring.

P. Miscellaneous Considerations

1. Standard Size of Paper for Court Documents

After a short discussion and receiving comments from Doree Kobold and Nancy Ratcliff, two District Clerks of Court, the Board decided not to take action on this matter.

2. Safe Project Letter from Mackenzie Williams to Holly Hansen
The Board decided that this request only affects Judge Castor's court and he may use his own discretion. Holly Hansen will advise Judge Castor that the Board has no problem with providing the information to the Safe Project.
3. White Paper on Judicial Self-Governance and Accountability
Jonathan Lippman's Memo of 07/09/01 to the COSCA membership was provided to Board members for their review.

Q. Administrative Orders – Chief Justice Lehman

Chief Justice Lehman advised the Board that past Administrative Orders had been obtained from Judy Pacheco, Clerk of Court, and were available for Board member review.

The Board unanimously approved creating an order to eliminate the need for orders for policies and rules established by the Board.

R. Other Matters

The Board was provided with a copy of Don Merriam's audit report for the Teton County Justice of the Peace Court.

The Board confirmed the scheduling of its next conference call on January 8, 2002. Holly Hansen announced that members of the Board would be welcome to attend the presentation of the Budget on January 14, 2002 and that Steve Cranfill would be invited to attend the February Board meeting.

Holly Hansen described the sequence of events scheduled for 2/11/02:

7:00 am	Continental Breakfast, Supreme Court Ctrtroom
8:45 am	Group Pictures, Walk to Capitol
10:00 am	State of the State and State of Judiciary
12:30 pm	Judicial Luncheon at Little America
1:15 pm	Cyber Crime, Tom Pagel, Little America
2:00 pm	Board Meeting – Supreme Court Conference Rm

S. Schedule of Future Meetings

- 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

The Board adjourned its meeting at 4:00 pm.

