

Board of Judicial Policy and Administration
Minutes
December 6, 2007

The Board of Judicial Policy and Administration met in Casper on December 6, 2007. In attendance were Chief Justice Barton Voigt, Justice Jim Burke, Judge John Brooks, Judge Jeff Donnell, Judge Mike Huber, Judge Robert Castor, and Judge Victoria Schofield. Holly Hansen and Ronda Munger also attended. Justice Marilyn Kite, Judge John Perry and Judge Dennis Sanderson participated by phone.

Old Business

Committee Updates

Court Technology Advisory Committee - Chief Justice Voigt reported to the Board regarding the progress of CTAC. CTAC met a couple times since the last Board meeting. Tina Wood, district court clerk in Crook County, joined CTAC. The core group traveled around to several district courts and discussed the different case management systems. The long term goal is to have all state courts, both circuit and district, at some point in the future be able to communicate electronically with one another. There are already identifiable areas where the courts overlap and need the ability to "talk" electronically with one another -- e-filing is one of those areas. As a side issue, Judge Schofield raised the topic of video arraignments (previously discussed with regard to CTAC). Chief Justice Voigt and CTAC have recently been fielding a lot of requests for video arraignment equipment in both the circuit and the district courts. Steven Dreher is working with most of the courts to facilitate the same or similar equipment in each court. Judge Donnell and Judge Castor commented that they would be reasserting the proposed rule change regarding video arraignments at the March Board meeting.

Court Security Task Force - Judge Donnell reported on the work of the Court Security Committee. The court security bill, which will be sponsored by Senator Ross, is ready to be presented during this legislative session. The bill establishes a Wyoming Court Security Commission. Judge Donnell also reported that the Law Enforcement Academy will be holding a week long class on court security. The class will be held in February.

E-Filing Committee - Chief Justice Voigt, Chair of the e-filing committee, reported that the final details are set and the test project for e-filing at the Supreme Court will begin training on December 20, 2007. E-filing could commence as early as January. The plan is to have both e-filing and paper filing for a probationary period. Chief Justice Voigt is confident that the first e-filing cases will occur before the Legislature meets in February.

Judicial Retirement Committee - Justice Kite reported to the Board the progress of the retirement committee. Justice Kite is scheduled to meet with Senator Nicholas on December 11, 2007, to discuss the proposed retirement legislation, and she has also discussed this issue with Senator Schiffer. Back in 1998 when the "new" judicial retirement plan was formulated, there was little or no discussion regarding those judges

that were non-retained or did not work until full retirement, meaning they did not have twenty years of service or were not yet seventy. When the retirement plan was originally discussed, the focus was directed to the age and number of years it would take to qualify for full retirement benefits, and what those benefits would be. Smoothing out the proportionate reduction problem is the goal of the new legislation.

Legislative Committee – Justice Burke shared his thoughts on the upcoming legislative session. A judicial salary bill is being proposed this session. The philosophical approach to this legislation is to request the same amount of increase as other state employees are potentially going to receive. Justice Burke also talked with Senator Nicholas. There was some discussion about putting the Judges in a salary bill with the Governor and the other elected officials. Justice Burke was not in favor of that approach; however, Senator Nicholas may facilitate that approach anyway.

Fair and Impartial Justice

During the September Judicial Council meeting, Dale Lefever, an expert in judicial independence issues, discussed the difference between judicial independence and the fair and impartial delivery of justice. At that meeting in Jackson, the judges discussed a need for an educational program that explained more about the judicial selection process and the delivery of fair and impartial justice. Justice Kite developed a power point presentation on that topic for some criminal justice classes at the University of Wyoming. She also made the same presentation to the Jackson Rotary Club and was asked to share it with the Board. After making the presentation to the Board, Justice Kite explained that she was in contact with the Chair of the Bench/Bar Committee and there are ongoing discussions about possibly utilizing that committee and possibly the statewide rotary clubs to help educate the public on Wyoming's judicial selection process.

Code of Judicial Conduct

During the September Board meeting, the Board requested a committee be set up to review the new revisions to the Code of Judicial Conduct. Professor John Burman has agreed to Chair a select committee to review the newly revised code. The Board approved a proposed list of committee members, which are as follows: Justice E. James Burke, John Burman, Judge Robert Castor, Bernadine Craft, Judge Timothy Day, Sleeter Dover, Judge Jeffrey Donnell, Judge Jane Eakin, Mark Gifford, Judge Gary Hartman, Teresa Jensen, Richard Lavery, Rebecca Lewis, Judge Ruth Neely, Judge Scott Skavdahl, and Rhonda Woodard. The committee will begin its work in January of 2008.

Weighted Workload Study/ Request for Judges

Holly Hansen provided the Board an update on the discussions regarding the request for additional judges. The Weighted Workload Study conducted in 2007 supports a request for a circuit judge in Johnson County and a district judge in Sublette County. Chief Justice Voigt spoke with the judges in each of these judicial districts. The judges in the Fourth Judicial District were not as confident that the request for a circuit judge in Johnson County needs to be submitted at this time, so even though the request has been submitted to the Legislature, via the Supreme Court budget, that request may be withdrawn. The judges in the Ninth Judicial District support a request for a district judge to be placed in Pinedale, and that request will be made during this legislative session.

Notary Policy

Ronda Munger reported to the Board regarding the status of the Notary Policy. During the September meeting of the Board, a request was made to take out all references to notarizations, and instead insert the language, "oath and proof of acknowledgment". The Board reviewed a second draft of what is now referred to as the Oath and Proof of Acknowledgment Policy. The Board approved the policy as drafted, however, Judge Donnell raised the issue of passport applications. Apparently, district courts across the state oath and receive passport applications for the federal government. Ronda agreed to contact Judge Donnell's clerk of court and figure out whether or not the passport applications fall within the policy.

Legislative Matters

Holly Hansen passed out a copy of the calendar for the upcoming legislative session. She advised that February 11th is the opening day, and that is also the day of the Legislative Breakfast and the State of the Judiciary. She also advised that Friday, February 15th is the final day for bills to be introduced. Holly discussed the "Court Modernization" bill, which reflects statutory changes requested by the Board. Primarily, it includes some clean up of Justice of the Peace language in the statutes; it includes removal of the potential drafting of the affidavit by a circuit judge in small claims cases; and it includes repealing the statutory qualifications of court reporters (the Board has adopted Court Reporter Rules).

New Business

District Court Commissioner Jurisdiction

Judge Dennis Sanderson engaged the Board in a discussion regarding the powers and duties of District Court Commissioners. Specifically, he wanted to discuss Wyo. Stat. § 5-3-301 through 312 and Wyo. Con. Article 5, Section 14 pertaining to district court commissioners' powers. Judge Sanderson found himself in a position where he needed to have some TRO's and emergency hearings heard by a district court commissioner, and he was unsure exactly what commissioners can and can not do. The language in the Wyoming Constitution reads "commissioners shall have authority to perform such chamber business in the absence of the district judge from the county***". Wyoming statute describes the commissioners' authority in part as being the ability to "make any order which the judge or the district court is authorized by law to make in chambers***". The Board discussed Judge Sanderson's concerns and requested the district court conference discuss the issue first, and possibly bring a solution from the conference to the Board. Judge Sanderson agreed to put the question on the agenda of the next district judges meeting.

Municipal Judges Appointment Process

During the 2007 Judicial Council meeting there was discussion regarding the process of appointing Wyoming judges and the Missouri system. After that discussion, Tom Jordon, municipal judge in Jackson, sent an email to Holly Hansen requesting the Board discuss the selection process for municipal judges. The Board discussed the fact that municipal judges are appointed by a Mayor, with approval of the city council, and are not

appointed by the same process as the Wyoming state court judges. The Board did not believe it was within its purview and declined to take action on Tom Jordon's email.

Public Access to Records

Chief Justice Voigt broached the issue of a Public Access to Court Records Policy. Chief Justice Voigt raised the issue with the Board because he was asked to provide Wyoming's court records policy. He advised that we did not have a court records policy and asked the Board if we should create one. Judge Donnell pointed out that with the advent of e-filing and electronic documents, at some point it will become necessary to address this issue. Judge Huber described the lack of uniformity across the state with regard to court records and requested the Board look into this issue. The Board decided to establish a committee to look into the possibility of a court records policy. Ronda will obtain a copy of the COSCA/CCJ model rules.

Board adjourned 1:30 p.m.

Schedule of Future Meetings

March 26, 2008	Cheyenne
June 25, 2008	Casper
September 17, 2008	Cheyenne
December 4, 2008	Casper

Minutes approved by email on January 8, 2008