

Board of Judicial Policy and Administration

Supreme Court Building

Cheyenne, Wyoming

December 12, 2016

MINUTES

Present In Person:

Chief Justice Jim Burke, Justice Mike Davis, Justice Kate Fox, Justice Keith Kautz, Judge Bob Skar, Judge Brian Christensen, Lily Sharpe, Ronda Munger, Julie Goyen, Elisa Butler, Eydie Trautwein, Carol Thompson, and Cierra Hipszky

Present by Video Conference or Phone:

Judge John Perry, Judge John Fenn, Judge Steven Cranfill, Judge Bob Castor, Judge Wes Roberts, Judge Curt Haws, and Anne Sutton, Teton County District Court Clerk

Agenda Items	Summary of Discussion
Welcome	Chief Justice Burke called the meeting to order at 9:00 a.m.
Courtroom Technology Committee Members: Chief Justice Burke, Justice Davis (Chair), Judge Tyler, Judge Sharpe, Judge Christensen, and Judge Prokos	Courtroom Audio Standard; Courtroom Technology Funding Approval Process; Approval of Courtroom Technology Committee as Subcommittee of BJPA Justice Davis advised that the Courtroom Technology Committee approved the courtroom audio standard recommended by Julie Goyen, Chief Information Officer. The IT Division is now working on a video standard. Justice Davis observed that the Judiciary began the biennium with \$300,000 appropriated by the Legislature to upgrade equipment in courtrooms throughout the State. A substantial amount of the funds, however, have been required for repairs. For example, Casper recently experienced significant problems with courtroom equipment purchased by the county when the Townsend Center was built. The County Commissioners, however, refused to pay for the repairs. Funds designated for upgrades were consequently used to make the repairs. An additional \$75,000 of the \$300,000 will be used for the new Justice Center in Rock Springs. Justice Davis suggested creating a review process for IT requests, so the circuit and district court judges have a role in the decisions. IT staff would make the initial decision to be nimble and address emergencies quickly, but an informal appeal to the Courtroom Technology Committee would be available if a court was not satisfied with a decision.

The circuit court judges have already approved this process and approved Judge Prokos and Judge Christensen as their Courtroom Technology Committee members. Judge Skar will ask the District Court Conference to discuss the procedure and consider Judge Tyler and Judge Sharpe as the representatives for the district court at their next meeting.

Julie Goyen explained the audio standard provided with the agenda.

- **Action Item:** Justice Fox moved, seconded by Judge Castor, to adopt the Courtroom Audio standard recommended by the Courtroom Technology Committee. The standard was unanimously approved on a voice vote.
- **Action Item:** Judge Castor moved, seconded by Judge Cranfill, to adopt the Courtroom Technology Funding Approval Process recommended by the Courtroom Technology Committee. The process was unanimously approved on a voice vote, subject to approval by the District Court Conference.

Action Item: Justice Fox moved, seconded by Judge Castor, to make the Courtroom Technology Committee a subcommittee of the BJPA. After discussion, the motion was unanimously approved on a voice vote.

Discussion: Judge Roberts inquired if the subcommittee would need to be comprised of BJPA members. Chief Justice Burke replied that the rules do not require this.

Funding Needs and Options

Chief Justice Burke updated the Board on budget issues. He stated that members of the Judiciary would be meeting with the Joint Appropriations Committee (JAC) this afternoon to discuss the Judicial Branch budget. An additional area of concern to be brought up with the JAC is the Judicial Systems Automation (JSA) Account. Some years ago, the Legislature, with agreement of the Supreme Court, moved court technology staff positions to the JSA account for funding. Those salaries are significant and the demands on the Judicial Branch for statewide technology improvement have continued to escalate. The Judiciary has several large projects to implement, including moving the district and circuit courts to the FullCourt Enterprise case management system, a new jury management system, electronic filing and upgrading courtrooms statewide.

Historically, the relatively small IT staff has attempted to act as a funding negotiator with the courts and counties to leverage funding for courtrooms. As times have gotten tough, some counties are unwilling to pay for equipment and/or repairs. The most recent example of this was in Natrona County. Judge Wilking had a major piece of equipment fail and the County refused to repair the equipment even though the County had initially paid for it. Supreme Court staff met with the Executive Director of the Wyoming Association of County Commissioners and attempted to outline the problem.

The circuit court judges and supreme court justices have also met with legislators to address funding and responsibility, as the existing statutes are subject to varied interpretations. We will ask the Judiciary Committee to consider delineating funding responsibility next legislative interim. However, we would also like to ask the Legislature to increase the JSA fee. With the fee increase, long-term benefits would include court technology being adequately staffed, having additional funds to upgrade all courtrooms

	<p>and the ability to handle situations where counties are not able to maintain courtroom IT.</p> <ul style="list-style-type: none"> • Action Item: Justice Fox moved, seconded by Justice Kautz, to recommend an increase in the JSA fee. The motion was unanimously approved on a voice vote.
Court Automation	<p>Julie Goyen, Supreme Court Information Officer, and Elisa Butler, Court Administration Staff Attorney, described the following developments in court automation:</p> <p>Circuit Court Upgrade Our current case management system in the circuit courts, FullCourt v5, is at end of life. We have contracted with Justice Systems Inc., to upgrade to FullCourt Enterprise. The contract was finalized in June of 2016, and we are currently working on configuring the system.</p> <p>District Court Case Management System Thomson Reuters and LT Court Tech were not a good fit for Wyoming district and circuit courts. As a result, we decided to move away from WyUser to FullCourt Enterprise. The contract with Justice Systems, Inc., for FullCourt Enterprise was finalized last week, and configuration of the system is underway. The roll-outs of the circuit court and district court case management systems will be dovetailed to occur simultaneously.</p> <p>E-Filing We are currently in contract negotiations with Tybera for its e-filing system. We expect the E-filing system to begin roll-out shortly after the case management systems have been rolled out.</p> <p>Judge's Tools Judge's tools will provide a way for judges to electronically organize and manage their cases. The vendor that provides the product is Mentis and the product is called aiSmartBench. It pulls much of the information that it needs directly from the case management system. To ensure the vendors work together, Judicial Systems, Inc. will oversee the implementation of aiSmartBench.</p> <p>Public Access Now that the district and circuit case management system contracts have been signed, we will begin the review of our public access system. Currently we have kiosks within each court building that allow public access. The ultimate goal is to be able to access court records from any location.</p> <p>Jury Management System We signed contracts with Xerox in June for its AgileJury and eJuror products. We spent two weeks with the vendor working on baseline configurations that will be tweaked going forward for the remaining courts as needed. Court staff is currently working with Xerox on business requirements to determine product enhancements we will need to bridge the gap between the Xerox products and Wyoming courts' jury processes. Additionally, court staff is pulling together the questionnaires and summonses for the pilot courts. In August we will receive the Xerox products with our initial baseline configurations and our data for testing purposes. We also plan on having additional training in August for court staff on configuring custom reports.</p>

	<p>Website No update given.</p> <p>Disaster Recovery and Security The Supreme Court has just begun an audit of our IT infrastructure and security systems with a company called RSM. The company, RSM McGladery, began as a tax auditing firm that has branched out to IT audits. RSM staff was on-site last week conducting staff interviews and will be out on the road this week to Casper and Rawlins reviewing equipment and talking to additional court staff. A final report is expected sometime in January.</p>
<p>Court Security</p>	<p>Ronda Munger, Deputy State Court Administrator, indicated the second round of court security on-site assessments has been done, which included traveling and speaking to local sheriffs and interested parties in courthouses. A stakeholder meeting was held in the seven (7) counties assessed (Carbon, Converse, Hot Springs, Lincoln, Sheridan, Washakie, and Uinta counties). We are waiting for the National Center to give us the first draft of assessments. Ronda has also met with the Executive Director of the County Commissioners Association, Pete Obermueller. Ronda relayed to Mr. Obermueller that the Court Security Commission will meet after the legislative session to discuss funding aid strategies for these seven (7) counties. The Commission will work with counties on funding options.</p> <p>Chief Justice Burke reminded the Board that the first round of court security assessments included eight (8) counties. Five (5) of the original eight (8) have received funding. The upgrades are in differing degrees of completion. Of the three (3) counties that have not yet applied for funding, two (2) of those counties have indicated they will request funding. Park County has indicated it may not apply. The deadline for using money appropriated by the Legislature is June 30, 2018. If funds remain in 2018, it may be beneficial to request authority for other counties and the Supreme Court to use remaining funds for security upgrades. Chief Justice Burke encouraged the District and Circuit Conferences to form subcommittees for court security. Subcommittees of the Conferences could build dialogue with the county staff and commissioners. Chief Justice Burke asked the Conferences to report back to the Board on how we can best move forward on court security issues.</p> <p>Judge Cranfill indicated that he is optimistic about the situation in Park County, as it appears the County has been making some recent progress in the areas of court security.</p> <p>Judge Roberts commented that at the Circuit Judges' meeting last week, the judges heard from Representatives Harshman and Walker and Senators Perkins and Landen. The legislators inquired about court security and how court security funds are being spent. Judge Roberts encouraged the legislators to look at the annual court security report and/or contact Ronda Munger, Deputy State Court Administrator. Ronda confirmed the report is distributed to the Governor, the Joint Appropriations Committee, and the Joint Judiciary. She will send a copy to these four (4) legislators. The report outlines all expenditures, the amount counties have spent and funds still available. The report also includes a letter from a judge in each county. The letters from the judges are particularly persuasive as to the importance of court security improvements. Chief Justice Burke agreed and emphasized</p>

	<p>the credibility of the judges and the weight their comments have. Chief Justice Burke encouraged the judges to continue their good efforts, because their input makes a huge difference.</p>
<p>Children's Justice Project</p>	<p>CJP Update</p> <p>Eydie Trautwein, Director of Legal Resources and Judicial Education, indicated grant funding for 2017-2021 is still somewhat uncertain. It is likely that CJP will receive a 1/3 cut to funds in 2017 through 2021 (from approximately \$300,000 to \$100,000 a year). Eydie provided the following update on Congressional action:</p> <p>CJP consist of 3 grants: basic, data and training – each grant is approximately \$100K. Full funding for all 3 grants through 2021 was contained in the Family First Prevention Act and this bill stalled (did not make it out of the Senate). The text of a modified Family First Act was then added to the 21st Century Cures Act (H.R. 34). On November 30th, the FFA text was pulled from the 21st Century Act, primarily because of opposition to “congregate care provisions” contained in the bill. On December 7th, the House agreed upon a Continuing Resolution (CR) to fund the government through April 28th – in this CR there is authority for funding for CIPs for the basic grant only for years 2017-2021. We have received confirmation this morning that Wyoming has been awarded 75% of the basic grant for 2017, with the remaining 25% to be distributed in February. There is still a chance funding for the training and data grants could be added later, but for now, we are operating under the conservative assumption we only have the basic grant for 2017. CJP has full funding (approximately \$300,000) through December, 31, 2017.</p> <p>CJP is working on the following projects:</p> <ol style="list-style-type: none"> 1. Timely Permanency Project; 2. Termination of Parental Rights Audit; 3. Court Observation Pilot Project; 4. Statewide conference – CJP has partnered with the Attorney General's Office to host a Joint Symposium on Children and Youth (to be held in Laramie on August 15 – 17, 2017); 5. Development of a prosecutor's handbook; 6. Ongoing trainings for judges, attorneys, social workers and providers working with abused and neglected children (BlogTalk Radio trainings, regional trainings, district trainings, Parent Attorney Handbook trainings); 7. Providing assistance and support to the Wyoming Department of Family Services as it implements a Program Improvement Plan (PIP) as a result of the federal Child and Family Services Review (CFSR) that occurred in July, 2016; 8. Participation in statewide awareness and prevention of sex and human trafficking; and 9. Participation in statewide efforts related to compliance with IV-E and efforts focused on increasing the IV-E penetration rate in Wyoming.
<p>Judicial Learning Center</p>	<p>Eydie Trautwein provided an update and indicated that the grand opening is scheduled for January 9th at 3:00 p.m. Invitations went out in the mail today.</p>

<p>Access to Justice</p>	<p>Justice Fox reported the Access to Justice Commission has been busy. The item of most interest to district and circuit court judges is the Volunteer Reference Attorney Program, which has been in place in Cheyenne for some time. The program recently began in Casper and is planned to be implemented statewide. The volunteer attorney is not there to give legal advice, but to help with basic self-representative issues on filling out forms, where to go, and what to do. Diane Sanchez, the Laramie County District Court Clerk, is extremely pleased with the program as it takes pressure off of her office and the judges. WyUser indicates that roughly 60% of divorces have at least one self-represented litigant.</p> <p>Justice Fox also reported the Commission will create public service announcements for the public at large. The announcements will provide legislators, self-represented litigants and others information about access to justice and services available.</p> <p>Ronda Munger, Deputy State Court Administrator, clarified that the BJPA approved the guardianship forms at its March 14, 2016 meeting. (The meeting minutes did not reflect the action taken to approve the forms.) The Supreme Court has since approved the forms and they should be on the website soon.</p> <p>Chief Justice Burke stressed the ability of the Conferences to positively impact access to justice efforts. He asked the Conferences to consider creating access to justice subcommittees if they do not exist.</p>
<p>Judicial Education Committee</p> <p>Members: Chief Justice Burke, Justice Kautz (Chair), Judge Sullins, Judge Lavery, Judge Haws, and Judge Healey</p>	<p>Chief Justice Burke announced Justice Kautz is the chair of the Judicial Education Committee and Eydie Trautwein is in a new position as the Director of Legal Resources and Judicial Education. In her new position, Eydie will oversee the State Law Library and staff the Judicial Education Committee.</p> <p>Justice Kautz explained the goal of the Committee to provide useful, relevant judicial education opportunities. Surveys have been sent to judges asking what areas of judicial education they would like to see. Circuit and district judges are preparing an orientation for newly appointed judges. IT staff is developing an online repository to store training materials. We are also seeking circuit and district judges interested in assisting with judicial education and putting together presentations.</p> <p>Justice Kautz recently attended training in Reno focused on how adult professional learners retain information. He also visited Nevada's Supreme Court to learn about Nevada's judicial education program. Comparatively, Wyoming's is fairly haphazard and ad hoc. The goal is to assist Wyoming judges obtain the education they would like to have.</p> <p>Judge Haws encouraged all the judges to respond to the survey to help the Committee have a better focus on where the judges would like the Committee to concentrate.</p>
<p>Permanent Rules Advisory Committee (PRAC)</p>	<p><u>Appellate Rules</u>: No update.</p> <p><u>Civil Rules</u>: Justice Fox, Civil Division Chair, advised the changes to the rules will go into effect March 1st. The rules were sent out for comment and a CLE was held at the Bar meeting. The Civil Rules Division is planning more CLE's and is happy to speak to</p>

	<p>anyone who is interested.</p> <p>Chief Justice Burke encouraged everyone to make a conscious effort to take a look at the rules, sooner rather than later. If changes need to be made, we can make those in the near future.</p> <p>Justice Fox indicated a change was made last week in response to a request from Judge Rumpke to change the word “may” to “shall” in Rule 56. Justice Fox reiterated there is still time to make changes, and that there will be mistakes and wrinkles that will need to be fixed.</p> <p><u>Criminal Rules:</u> Judge Skar reported that Judge Edelman will replace Judge Tyler on the Criminal Rules Committee.</p> <p><u>Rules of Evidence:</u> Judge Skar reported that Judge Rumpke will replace Judge Tyler on the Rules of Evidence Committee.</p> <p><u>Juvenile Rules:</u> Justice Kautz reported Judge Wilking has agreed to take over as the Chair of the Juvenile Rules Committee. The Committee met by email a few times over the summer to discuss possible rules changes.</p>
<p>Title 25 and Title 7 – Meeting with Dept. of Health</p>	<p>Judge Fenn briefed the Board on meetings with the Chief Justice, district judges and Department of Health Director Tom Forslund. Judge Fenn related that Director Forslund expressed continuing concern over costs to the Department for Title 25 commitments, but did not have specific requests for the courts. With respect to the length of time to get mental health evaluations under Title 7, Director Forslund asked judges to ensure their orders provide the Department all the current and background information necessary to conduct the evaluation. Judge Fenn will work with the Department on language for the orders. Judge Fenn warned, however, that this may merely be a band aid to a much larger problem.</p> <p>Chief Justice Burke stressed the importance of being proactive and responding to the request for assistance from the Department of Health.</p> <p>Judge Haws stressed this also applied to the circuit court judges, and requested Judge Fenn send the orders to Judge Christensen as well, in order to be on the same page regarding a uniform order.</p>
<p>Elder Task Force</p> <p>Members: Justice Fox, Justice Kautz, Judge Perry, Judge Campbell, Judge Roberts</p>	<p>Justice Fox updated the Board on the Elder Task Force. She observed the Task Force has a difficult job because there are so many entities involved with elder issues, including the Department of Family Services, Department of Health, Medicare, the Judiciary, prosecutors and law enforcement. The Task Force is working on a single harmonious report to be submitted to the Governor that will contain specific recommendations on a variety of issues. The report will not be directed at the Judiciary, but will be more focused on reporting, law enforcement and education. The Judiciary’s role would be more limited. For instance, if the prosecutors prosecute elder abuse, then the Judiciary would be involved at that point. The report will deal with elder abuse, financial exploitation and negligence. The final report will hopefully go to the Governor before the first of the year. Specific legislative recommendations will be too late to go to the Legislature this session. An interim committee may address legislation.</p>

	<p>Justice Kautz indicated that Kelly Davis was successful obtaining sponsors for the proposed Uniform Power of Attorney Act and a bill will be presented to the Legislature.</p>
<p>Prison/Bail Reform</p>	<p>Jail time in lieu of paying fees Elisa Butler, Staff Attorney, explained a question arose relating to imposing jail time in lieu of paying fees during audits of the circuit courts performed by Carolyn Alami. It appears there is a lack of uniformity in how circuit courts are handling the victim's compensation surcharge, the court automation fee and the civil legal services fee. Some courts have found the fees should be discharged through jail service. The Board discussed the utility of the statutory provision allowing fines and costs to be discharged by serving jail time. There may be an issue as to the constitutionality of the practice. Additionally, there may be an absurd result as it costs more to house a person in jail than the fee owed. Judge Christensen indicated that the statute has outlived its utility. Judge Haws will take the lead on putting together guidelines for judges on this issue.</p> <p>Department of Corrections concerns: Criminal Rule 35 and W.S. 7-13-420(c) Elisa Butler notified the Board about a letter from the Department of Corrections asking for a clarification regarding a perceived conflict between a statute and a court rule. W.S. 7-13-420(c) allows a court to modify probation at any time. W.R.Cr.P. 35 only allows for the modification of a sentence within one year. The Department noted there is anecdotal evidence that at least one district court has refused to discharge a defendant from probation because it would require a sentence modification outside of the one year limitation. Other district courts have granted a discharge outside of one year pursuant to statute. The DOC seemingly would prefer that a probation discharge be available outside the one year period. Judge Fenn indicated that district courts do have the ability to modify probation outside of one year. Judge Skar stated that he did not believe many judges were taking the approach that W.R.Cr.P. 35 restricts a modification of probation, but he agreed to poll the district court judges at their upcoming conference and report back.</p>
<p>Judicial Outreach</p>	<p>Chief Justice Burke updated the Board on Judicial Outreach.</p> <p>"You Be the Judge" "You Be the Judge" programs were held in Sheridan, Jackson, and Laramie.</p> <p>"Judicially Speaking" Judge Castano conducted a "Judicially Speaking" program modeled after the program at the September Bar meeting. Judge Castano thought it worked great. The Chief encouraged the Board members to conduct "Judicially Speaking" programs. It is a great way to sow seeds about the good work the Judicial Branch does and to help citizens understand more about our Judiciary.</p> <p>Website Becky Craig has been very busy updating the Judicial Branch website. This site is intended to be a circuit, district and supreme court website. Judges and staff just need to let Becky know whenever they would like something added. The Chief encouraged the Conferences to provide updates for the website to let the public know about the work done by the Conferences.</p>

Budget Update	<p>Chief Justice Burke reminded the Board the Judiciary is meeting today with the Joint Appropriations Committee. The message the Judiciary will present is, “please don’t cut us anymore than we are suggesting.” With the cooperation of all three courts, the JAC will be provided proposed cuts approaching two million dollars (\$2,000,000) of our seventy-three million dollar (\$73,000,000) total budget. It is believed we can do this without substantial negative impact to court functions. The proposed cuts are in response to the letter received from the chairs of the JAC in July. The letter asked all agencies to tighten their belts. The letter made specific reference to the Judicial Branch, stating the Branch needed to participate in the cuts.</p> <p>Chief Justice Burke noted much of the cuts came from insurance premiums and district judges budgets. The district judges visited amongst themselves and with Kristi Racines, the Chief Fiscal Officer, and located areas to cut. The district judges agreed to work together as needed in the future to move funding from district to district to handle any problem that may arise in a specific district. Additionally, there are significant cuts coming from the circuit court budgets, which are part of the Supreme Court budget. We proposed eliminating one circuit court clerk position. The workload study numbers look bad to some extent because it makes it look like there are three (3) or four (4) extra vulnerable positions. Some courts have less business, but need at least two (2) or three (3) people for coverage. We believe that the current members of the JAC understand this issue; however, there is going to be significant turnover in that Committee and we will need to educate the new members. Lastly, there are cuts from our library. The hope is that the Committee will not recommend across the board cuts that exceed the proposed cuts. We will let the BJPA know once a decision is made by the JAC.</p> <p>Chief Justice Burke noted we are also going to bring up the court technology issue with the JAC this afternoon.</p>
Legislative Committee	<p>Circuit Court Judicial Salary</p> <p>Judge Christensen recounted the historical events during the last pay raise increase in 2012. Last year the JAC chairmen were supportive of going forward with attempting to rectify the lower salary for circuit court judges; however at that time it was decided not to proceed. This year Representative Miller and Senator Christensen agreed to cosponsor a bill to increase the salary of circuit court judges to the BJPA 2012 recommended amount of one hundred thirty-two thousand dollars (\$132,000). Speaker Harshman and Senator Perkins did not discourage the circuit court judges from going forward. Senator Landen and Representative Walters were also apprised of the issue. Judge Christensen noted there are twenty-four (24) circuit court judges, resulting in a yearly fiscal impact of four hundred five thousand and five hundred dollars (\$405,500). This is not the circuit court judges looking for a raise, but instead an attempt to rectify the issue to get them back up to what seems to be more appropriate salary.</p> <p>Judge Roberts recounted that for five (5) years the circuit court judges have been paid thirteen thousand dollars (\$13,000) less per year than what the BJPA recommended. The 2012 difference in salaries is far more than any previous time in history.</p> <p>Judge Skar mentioned the district court judges also broached the subject of judicial salaries with some of the individual members at the Joint Judiciary Committee meeting, especially as it relates to the lack of incremental raises. The Committee seemed very receptive to</p>

	<p>incremental raises, once the economy improves. It will be important to educate new members of the Judiciary Committee so we have their support when the time is right. Judge Skar emphasized the need to focus on Joint Judiciary Committee sponsorship.</p> <p>Judge Christensen suggested asking the Joint Judiciary Committee to consider incremental judicial raises as well as the definition of a suitable courthouse as interim topics for the Joint Judiciary Committee.</p> <ul style="list-style-type: none"> • Action Item: Judge Fenn moved, seconded by Judge Cranfill, to support an increase in circuit court judges' salaries to \$132,000. The motion was unanimously approved on a voice vote. <p>Chief Justice Burke pointed out the Attorney General's salary is one hundred and seventy-five thousand dollars (\$175,000). Historically, the AG's salary was set by statute and pegged to the district judges. Now many executive branch salaries exceed the circuit judges' salary. Chief Justice Burke indicated members of the Judiciary are willing to support the circuit judges because they weren't treated fairly initially. Although deserved, it may not be the time to seek other pay raises because of the poor economy. The statutory provision which refers to incremental pay raises could be an avenue for incremental increases once the economy improves. It appears the provision was intended to eliminate long periods with no raises.</p> <p>Appearance Fee Judge Christensen explained the Joint Judiciary Committee is sponsoring a bill to eliminate an obsolete appearance fee in small claims cases. The four dollar (\$4) appearance fee was replaced by the ten dollar (\$10) filing fee.</p>
<p>Judicial Conference Reports</p>	<p><u>Circuit Court Conference:</u> Judge Christensen reported the Conference met in Casper on December 1st and 2nd. One of the big concerns was a bill presented last year by Senator Case requiring preliminary hearings in misdemeanor cases. Judge Roberts met with Senator Case to answer questions and voice concerns that hearings would require a large amount of time for the public defenders, prosecutors, court docket and police officers. The Conference also spoke to the attending legislators about the importance of the merit system of selecting judges. Additionally, the Conference discussed new judge training.</p> <p>Judge Christensen informed the Board that the circuit court judges had chosen Judge Greer for the Judicial Ethics Advisory Committee, replacing Judge Castor.</p> <p><u>District Court Conference:</u> Judge Skar recounted the Joint Judiciary Committee requested comment on the Justice Reform Bill. The bill would impact the circuit and district courts in regards to W.S. 7-13-301 dispositions and deferred sentences. The bill would allow some latitude for district judges to impose a jail sentence for a violation of probation in lieu of revocation and the loss of the deferral. The DOC will review the proposed bill at the District Court Conference. Additionally, Ernie Johnson will talk to the Conference about the 24/7 project for monitoring DUI offenders. Judge Rumpke will address the changes in the Rules of Civil Procedure. Eydie Trautwein and Matt Newman will review the ICWA changes. The Conference will also welcome Judge Kricken. Judge Skar will report on the Conference at the next BJPA meeting.</p>

	<p>Chief Justice Burke added how helpful it is to have the Conference presidents at the BJPA meetings and would like to have them at future meetings.</p> <p>Lily Sharpe reminded the Board it has a Legislative Committee that consist of the Chief Justice and the presidents of the district and circuit judges conferences. During the Session if bills come up or things the committee may actually want the Judiciary to address, she will email all three (3) members. Chief Justice Burke stressed the importance of having members of the Judiciary at legislative committee meetings to build relationships and answer questions. Judge Skar encouraged judges to attend the legislative breakfast, especially since new legislators will be there.</p>
Circuit Court Audits: Lusk, Cody/Powell, Torrington, Basin and Lovell	<p>Chief Justice Burke reminded the Board the audits were provided with the agenda.</p>
Judicial Ethics Advisory Committee	<p>Judge Castor reminded the Board his term is about to end. He has been the chair for the last year. The Committee is finally getting some notoriety and has received more and more requests for judicial advisory opinions. Four (4) opinions have been published on the supreme court website. The Committee declined to issue opinions on some requests. Recently, an opinion was requested regarding whether a judge could sit on and participate as a member of a local domestic violence council that encourages legislative reform. The Committee found this would violate of the Code of Judicial Conduct and Ethics. The Committee, however, recognized it would be acceptable for a judge to participate in a statewide committee, such as the Governor's Council for Impaired Drivers. The Judicial Ethics Advisory Committee is extremely important for all judges, because it provides guidance, although it does not necessarily shield judges from grievances.</p>
Redaction Update	<p>Carol Thompson, Supreme Court Clerk, suggested the Board consider updating the Rules Governing Redactions from Court Records. Carol has identified several areas that should be revised or clarified, including:</p> <ol style="list-style-type: none"> 1. <u>Rule 8 Transcripts:</u> Rule 8 mandates, "The responsibility for redacting official court transcripts rests solely with counsel and the parties." Many times when a criminal case is appealed, trial counsel files a motion to withdraw and the trial court grants the motion. The problem is that trial counsel may withdraw before the transcript is filed. Under Rule 2.06 of Wyoming Rules of Appellate Procedure, court reporters have sixty (60) days after the notice of appeal is filed to file the transcript with the Clerk of Court. 2. <u>Court Orders:</u> Carol suggested the Rules Governing Redactions require the redaction of court orders.

	<p>Lily Sharpe, State Court Administrator, added an additional concern expressed by the circuit court clerks. When a case is bound over, it is not clear who is responsible for redacting the circuit court file. Ronda Munger, Deputy State Court Administrator, indicated that an example of the problem arises in sexual assault cases. The cases are confidential at the circuit court level, but once they are bound over to district court, they become public. The attorney in circuit court is not obligated to redact the pleadings because they are confidential. When the case is bound over to district court, someone needs to bear the burden of redacting the pleadings.</p> <p>Anne Sutton, Teton County District Court Clerk, agreed there is a need to review the Rules Governing Redaction. Anne described challenges her office experiences on a nearly daily basis to properly restrict access, while ensuring the availability of public documents. Records scanned today will be publically available in 2018. Consequently, it is critical to resolve the confidentiality versus public access concerns as soon as possible.</p> <p>Chief Justice Burke recognized proper redaction is both a rule and enforcement issue. It is important to resolve the issue at this stage to prepare for E-filing. Chief Justice Burke opined that redaction is a proper matter for the Board as it impacts every level of the courts and needs a coordinated approach. Justice Fox suggested a redaction rules committee be created to make a recommendation to the Board, and suggested Justice Davis as the chair. Lily suggested the Court Automation Public Access Committee also be involved in developing recommendations. Chief Justice Burke and Justice Davis will report back to the Board with a recommendation for who should be on the committee.</p>
Supreme Court Clerk	<p>The Chief announced this is Carol's last BJPA meeting. She will retire at the end of February. The Chief and the Board thanked Carol for all her efforts and work in the Supreme Court Clerk's Office during her twenty-two (22) years of service.</p>

Actions taken by the Board:

1. Approval of the Minimum Audio Technology Standard (Attached Exhibit A)
2. Approval of the Courtroom Technology Funding Approval Process (Attached Exhibit B)
3. Approval of the Courtroom Technology Committee as a subcommittee of the BJPA
 - a. Initial Committee Members: Chief Justice Burke, Justice Davis (Chair), Judge Tyler, Judge Sharpe, Judge Christensen, and Judge Prokos
4. Clarified the BJPA approved the guardianship forms at its March 14, 2016 meeting
5. Supported an increase to the Judicial Systems Automation fee by the Legislature (Attached Exhibit C)
6. Supported a salary increase to \$132,000 for circuit court judges (Attached Exhibit D)

Action Items:

1. Judge Fenn to send Title 25 and Title 7 uniform orders to Judge Christensen
2. Joint Judiciary Interim Committee topics to be requested:
 - a. Possible legislation to implement recommendations of the Elder Task Force
 - b. Consideration of a mechanism to implement incremental judicial raises
 - c. Clarify the state and counties responsibility for courtroom IT
3. Judge Haws to take lead on creating guidelines for judges regarding the jail time in lieu of fees
4. Judge Skar to poll district court judges as to whether W.R.Cr.P. Rule 35 restricts a modification of probation after a year
5. Update the Board on budget actions taken by the Legislature

Board Directives:

1. Chief Justice Burke encouraged the District and Circuit Conferences to form subcommittees for court security if they do not already exist and to report back to the Board on how to best move forward on court security issues
2. Chief Justice Burke encouraged the District and Circuit Conferences to form subcommittees for access to justice if they do not already exist
3. Chief Justice Burke encouraged the District and Circuit Conferences to provide updates to Becky Craig for the website to let the public know about work being done by the Conference
4. Chief Justice Burke and Justice Davis will recommend members for a Redaction Committee
 - a. Consideration may be given to include a circuit, district and supreme court clerk, practicing members of the Bar, a court reporter, a judge and a judicial assistant
 - b. Consideration may also be given to include members of the Court Automation Public Access Working Group

Committee Change Notifications:

1. Permanent Rules Advisory Committee
 - a. Criminal Division: Judge Edelman replacing Judge Tyler
 - b. Evidence Division: Judge Rumpke replacing Judge Tyler
 - c. Juvenile Division: Judge Wilking will chair
2. Judicial Ethics Advisory Committee: Judge Greer replacing Judge Castor

Schedule of Future Events

BJPA Meeting – March 13, 2017
Chief Circuit Court Clerks Meeting (Casper) – April 19 - 21, 2017
District Judges Conference meeting (Thermopolis) – April 20-21, 2017
Circuit Judges Conference meeting (Jackson) – April 26-28, 2017
BJPA Meeting – June 12, 2017

Approved on March 13, 2017

Courtroom Audio: Minimum Technology Standard

Date: 2016.11.30

- Digital Signal Processor (DSP)
 - Allows remote troubleshooting and configuration.
 - Minimum 8 Channel Inputs / 8 Channel Outputs
 - Preferred 12x8 or 16x16
 - Expandable

Required Inputs (8)	Required Outputs (8)
Judge	Judge/Well
Witness	Jury
Lectern	Gallery
Counsel Table 1	Hearing Assist
Counsel Table 2	Recording
Sidebar	Telephone
Telephone	Court Reporter
Interpreter	Other

Optional Inputs	Optional Outputs
Counsel Table 3	Video Cart
Laptops	
Video Cart	
Jury Foreman	

- 4 Channel Amplifier
- 3 Ceiling Mounted Speakers
- Hearing Assist
 - Infrared
 - 5 Rechargeable Units with Charging Base
 - Prefer 8
 - Prefer combination of fixed and lanyard.
 - Prefer T-Coil
- Mounted Equipment
- Proper Ventilation
- Surge Protection
- Prefer Hardwiring to Wireless Connections

Exhibit A

Courtroom Technology Formal Request Process

The process is to be done by email due to length of time in-between meetings.

1. Complete a Request Form

- a. Court
- b. Requestor
- c. On behalf of Judge(s) and/or County Commissioners
- d. Courtroom(s)
- e. Is this for New/Replacement/Upgraded/Repair of Equipment
- f. If Replacement, Upgrade or Repair, original purchaser of the Equipment.
- g. Description of Need / Equipment
- h. Special Considerations
- i. Timeline, if applicable

2. Submit to Courtroom Technology Office (CTO)

SLA – 2 Weeks

- a. Review of Submittal
- b. Assign a Request Number
 - i. Provide to requestor.
- c. Request & Review Quote
- d. Post on Intranet Site
 - i. Include current status of request (Submitted, Staff Review, Denied, or Approved, Dispute Resolution)
- e. Determination of Approval/Denial based on:
 - i. Funding Available
 - ii. Overall Statewide Plan
 - iii. Need (e.g. Emergency vs. "Nice to Have")
- f. Notification
 - i. Post on intranet site.
 - ii. Email
- g. If Approved
 - i. Scheduling Between the Vendor and the Requestor.

3. Informal Dispute Resolution (Email)

SLA – 2 Weeks

If requestor is dissatisfied with the CTO decision, the requestor can ask for a decision review by the Courtroom Technology Committee.

Exhibit B

- a. Notify the Courtroom Technology Committee.
 - a. Email To: courtroomtech@courts.state.wy.us
 - b. Email CC: courttech@courts.state.wy.us;
 - c. Email Subject: ***Courtroom Technology Dispute Resolution <Request Number>***
 - i. Request Number provided at time of request submittal.
 - d. Provide the request as submitted to the CTO.
 - e. Give a brief description of the disagreement with the CTO decision.
 - f. Notification must be given within 14 calendar days after CTO decision.
- b. Documentation Review
- c. Update Status on Intranet Site
- d. Committee Members Determine Request Status
 - a. Requires a simple majority of at least 3 members.
 - b. Status: Evaluated, Approved as Decided by CTO, or CTO Determination Modified
- e. Notification
 - a. Post on intranet site.
 - b. Email

SENATE FILE NO. SF0085

Court automation fee.

Sponsored by: Senator(s) Perkins and Representative(s)
Nicholas, B.

A BILL

for

1 AN ACT relating to court fees; increasing the court
2 automation fee; conforming provisions; and providing for an
3 effective date.

4

5 *Be It Enacted by the Legislature of the State of Wyoming:*

6

7 **Section 1.** W.S. 2-2-401(a)(iii), 5-2-202,
8 5-3-206(a)(i), (vii) and (x), 5-6-108(a)(i), 5-6-204,
9 5-6-303, 5-9-135, 6-10-102 and 6-10-103 are amended to
10 read:

11

12 **2-2-401. Schedule; additional charges.**

13

14 (a) For probate matters filed or commenced, the clerk
15 of the district court shall collect fees as follows:

1

2 (iii) In addition to the original filing fee
3 under paragraph (a)(i) of this subsection, a court
4 automation fee in the amount of ~~ten dollars (\$10.00)~~ twenty
5 dollars (\$20.00) which shall be deposited into the judicial
6 systems automation account established by W.S. 5-2-120;

7

8 **5-2-202. Collection of fees.**

9

10 The clerk of the supreme court shall collect the following
11 fees from the plaintiff in error or appellant, or in case
12 of an original proceeding the plaintiff or relator shall,
13 at the time of filing the petition in error or record on
14 appeal or when commencing the cause in this court, the sum
15 of twenty-five dollars (\$25.00). At the time of filing, the
16 clerk also shall collect a court automation fee in the
17 amount of ~~ten dollars (\$10.00)~~ twenty dollars (\$20.00)
18 which shall be deposited into the judicial systems
19 automation account established by W.S. 5-2-120, and an
20 indigent civil legal services fee in the amount of ten
21 dollars (\$10.00) which shall be deposited into the indigent
22 civil legal services account established by W.S. 5-2-121.
23 Other fees or charges to be assessed within the clerk's

1 office are to be determined under rules of the supreme
2 court.

3

4 **5-3-206. Fees.**

5

6 (a) For all civil matters filed or commenced, the
7 clerk of each district court shall charge the following
8 fees:

9

10 (i) For filing instruments or documents in each
11 civil action and certifying one (1) copy of any order,
12 decree or judgment at the time of its filing for each
13 party, an original filing fee of ~~seventy dollars (\$70.00)~~
14 eighty dollars (\$80.00) which shall be paid by the
15 plaintiff. This fee shall apply to original actions
16 commenced and to actions that are reopened after a final
17 decree previously has been entered. ~~Ten dollars (\$10.00)~~
18 Twenty dollars (\$20.00) of the filing fee shall be for
19 court automation, ten dollars (\$10.00) shall be for
20 indigent civil legal services and both shall be remitted as
21 provided in W.S. 5-3-205;

22

1 (vii) For all transcripts in cases appealed to
2 the supreme court, ~~seventy dollars (\$70.00)~~ eighty dollars
3 (\$80.00), including certificates, seals and transmission.
4 ~~Ten dollars (\$10.00)~~ Twenty dollars (\$20.00) of the fee
5 under this paragraph shall be for court automation, ten
6 dollars (\$10.00) shall be for indigent civil legal services
7 and both shall be remitted as provided in W.S. 5-3-205;

8
9 (x) For docketing and in payment of clerk's fee
10 after docketing incident to any appeal or bill of exception
11 from a ~~justice's~~ circuit court, ~~forty dollars (\$40.00)~~
12 eighty dollars (\$80.00), and for docketing any transcript
13 of judgment from ~~justice's~~ a circuit court upon the
14 judgment and execution dockets, ~~thirty dollars (\$30.00)~~
15 eighty dollars (\$80.00), which amount shall be paid by
16 appellant, or by judgment holder to the clerk at time of
17 docketing. ~~Ten dollars (\$10.00)~~ Twenty dollars (\$20.00) of
18 any fee imposed under this paragraph shall be for court
19 automation, ten dollars (\$10.00) shall be for indigent
20 civil legal services and both shall be remitted as provided
21 in W.S. 5-3-205.

22

23 **5-6-108. Costs.**

1

2 (a) Each city or town in the state of Wyoming may
3 prescribe by ordinance such costs in all trials before
4 municipal courts as may be necessary or deemed expedient.
5 However, the costs shall not exceed ten dollars (\$10.00).
6 All costs collected shall be turned into the treasury of
7 the city or town. By ordinance a city or town may
8 prescribe:

9

10 (i) A court automation fee of ~~ten dollars~~
11 ~~(\$10.00)~~ twenty dollars (\$20.00) as a cost to be paid by
12 every person guilty of a violation of a city or town
13 ordinance;

14

15 **5-6-204. Fines and penalties to be paid to city**
16 **treasurer; report of cases; failure to comply with section.**

17

18 All fines and penalties collected and arising from a breach
19 of a city ordinance shall be deposited with the city
20 treasurer, and the municipal judge shall report at the end
21 of each calendar month a list of all cases for violations
22 of city ordinances instituted in his court, and the
23 disposition thereof, with a statement of the fines,

1 penalties and costs received. At the end of each month the
2 judge shall deposit with the city treasurer all fines,
3 penalties and costs received. If the municipal judge fails
4 to report and deposit all fines, penalties and costs for a
5 period of twenty-five (25) days, his office shall be
6 declared vacant. If a city enacts an ordinance prescribing
7 a court automation fee as provided in W.S. 5-6-108(a)(i),
8 up to ~~one-half (1/2)~~ five dollars (\$5.00) of the fee may be
9 retained by the city solely for the purpose of defraying
10 costs and expenses related to establishing and maintaining
11 an electronic citation system. The system shall collect and
12 submit data in a form and manner prescribed by the supreme
13 court to comply with the requirements of the judicial
14 systems automation account under W.S. 5-2-120. The
15 remaining portion of the fee shall be remitted to the
16 judicial systems automation account established by W.S.
17 5-2-120. If a city enacts an ordinance prescribing the
18 indigent civil legal services fee as provided in W.S.
19 5-6-108(a)(ii), the fee shall be remitted to the indigent
20 civil legal services account established by W.S. 5-2-121.

21

22 **5-6-303. Disposition of fines and penalties.**

23

1 All fines and penalties collected, arising from a breach of
2 the ordinances of the town, shall be paid into the town
3 treasury. If a town enacts an ordinance prescribing a court
4 automation fee as provided in W.S. 5-6-108(a)(i), up to
5 ~~one-half (1/2)~~ five dollars (\$5.00) of the fee may be
6 retained by the town solely for the purpose of defraying
7 costs and expenses related to establishing and maintaining
8 an electronic citation system. The system shall collect and
9 submit data in a form and manner prescribed by the supreme
10 court to comply with the requirements of the judicial
11 systems automation account under W.S. 5-2-120. The
12 remaining portion of the fee shall be remitted to the
13 judicial systems automation account established by W.S.
14 5-2-120. If a town enacts an ordinance prescribing an
15 indigent civil legal services fee as provided in W.S.
16 5-6-108(a)(ii), the fee shall be remitted to the indigent
17 civil legal services account established by W.S. 5-2-121.

18

19 **5-9-135. Filing fee.**

20

21 For all civil matters the circuit court shall collect from
22 the plaintiff an original filing fee of twenty dollars
23 (\$20.00), a court automation fee of ~~ten dollars (\$10.00)~~

1 twenty dollars (\$20.00), and an indigent civil legal
2 services fee of ten dollars (\$10.00) excluding small claims
3 civil actions as provided in W.S. 1-21-201 through 1-21-205
4 which shall have a filing fee of ten dollars (\$10.00). The
5 court automation fee shall be deposited into the judicial
6 systems automation account and the indigent civil legal
7 services fee shall be deposited into the indigent civil
8 legal services account as provided by W.S. 5-9-144.

9

10 **6-10-102. Imposition of fine for any felony; maximum**
11 **fine where not established by statute; court automation**
12 **fee; indigent civil legal services fee.**

13

14 The court may impose a fine as part of the punishment for
15 any felony. If the statute does not establish a maximum
16 fine, the fine shall be not more than ten thousand dollars
17 (\$10,000.00). The court shall impose a court automation fee
18 of ~~ten dollars (\$10.00)~~ twenty dollars (\$20.00) in every
19 criminal case wherein the defendant is found guilty, enters
20 a plea of guilty or no contest or is placed on probation
21 under W.S. 7-13-301. The fee shall be remitted as provided
22 by W.S. 5-3-205. In addition to the court automation fee
23 the court shall impose an indigent civil legal services fee

1 of ten dollars (\$10.00) in every criminal case wherein the
2 defendant is found guilty, enters a plea of guilty or no
3 contest or is placed on probation under W.S. 7-13-301 or
4 35-7-1037. The indigent civil legal services fee shall be
5 remitted as provided in W.S. 5-3-205(a)(ii).

6

7 **6-10-103. Penalties for misdemeanors where not**
8 **prescribed by statute; court automation fee; indigent civil**
9 **legal services fee.**

10

11 Unless a different penalty is prescribed by law, every
12 crime declared to be a misdemeanor is punishable by
13 imprisonment in the county jail for not more than six (6)
14 months, a fine of not more than seven hundred fifty dollars
15 (\$750.00), or both. The court shall impose a court
16 automation fee of ~~ten dollars (\$10.00)~~ twenty dollars
17 (\$20.00) in every criminal case wherein the defendant is
18 found guilty, enters a plea of guilty or no contest or is
19 placed on probation under W.S. 7-13-301. The fee shall be
20 remitted as provided by W.S. 5-3-205. In addition to the
21 court automation fee the court shall impose an indigent
22 civil legal services fee of ten dollars (\$10.00) in every
23 criminal case wherein the defendant is found guilty, enters

1 a plea of guilty or no contest or is placed on probation
2 under W.S. 7-13-301. The indigent civil legal services fee
3 shall be remitted as provided in W.S. 5-3-205(a)(ii).

4

5 **Section 2.** This act is effective July 1, 2017.

6

7

(END)

HOUSE BILL NO. _____

Judicial salaries.

Sponsored by: [Sponsorship Clause]

A BILL

for

1 AN ACT relating to circuit court judicial salaries;
2 increasing circuit court judicial salaries as specified;
3 providing for an appropriation; and providing for an
4 effective date.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8 **Section 1.** W.S. 5-1-110(a)(iii) is amended to read:

9

10 **5-1-110. Salaries of judges.**

11

12 (a) Subject to constitutional and statutory provisions
13 concerning when salaries can become effective, judges of the
14 supreme court, district courts and circuit courts shall
15 receive the following annual salaries which shall be paid in

1 equal monthly installments on the last working day of the
2 month:

3

4 (iii) Circuit court judges shall receive an annual
5 salary of ~~one hundred two thousand eight hundred dollars~~
6 ~~(\$102,800.00) commencing July 1, 2009 and one hundred~~
7 ~~nineteen thousand dollars (\$119,000.00) commencing July 1,~~
8 2012. one hundred thirty-two thousand dollars (\$132,000)
9 commencing on July 1, 2017.

10

11 **Section 2.** In addition to any other appropriation to
12 the supreme court, there is appropriated from the general
13 fund to the supreme court four hundred five thousand and five
14 hundred dollars (\$405,500.00) to implement the salary formula
15 for judges established under this act.

16

17 **Section 3.** This act is effective July 1, 2017.

18

19 (END)