

# Board of Judicial Policy and Administration

**TEAMS Meeting  
December 14, 2020  
9:00 A.M. – NOON**

## MINUTES

**BJPA Members:** Chief Justice Michael Davis (Chair), Justice Kate Fox, Justice Lynne Boomgaarden, Judge Catherine Wilking, Judge Catherine Rogers, Judge Thomas Rumpke, Judge Wes Roberts, Judge Curt Haws, Judge Wendy Bartlett

<b>Agenda Items</b>	
<b>Roll Call</b>	All members were present.
<b>Welcome</b>	Chief Justice Davis welcomed members and other attendees.
<b>New Judicial Appointments</b>	<p><b>1. Sixth Judicial District: Stuart Healy</b></p> <p><b>A. Judge Deegan Retiring December 25, 2020</b></p> <p>Governor Gordon appointed Stuart Healy to be a District Court Judge for the Sixth Judicial District serving Campbell, Weston, and Crook Counties.</p> <p><b>2. Eighth Judicial District: Clark Allan</b></p> <p><b>A. Judge Case Retiring January 3, 2021</b></p> <p>Governor Gordon appointed Clark Allan to be a Circuit Court Judge for the Eighth Judicial District serving Converse, Niobrara, and Platte Counties.</p> <p>Chief Justice Davis noted Lily Sharpe’s upcoming retirement. Her leadership during notably difficult times helped shape and revolutionize Court Administration. She worked tirelessly for the Judicial Branch and will be deeply missed.</p>
<b>Children’s Justice Project</b>	<p><b>1. Update – Lisa Finkey</b></p> <p>Through work being done at the federal level and with other states, it is clear Wyoming is a leader in terms of virtual hearings.</p> <p>The new Federal Fiscal year recently began. The 2019 budget allowed for the purchase of printers for the district courts, aided in the purchased of two Microsoft Surface Hubs for Natrona Count, and allowed a contribution of approximately thirty thousand dollars (\$30,000) towards the juvenile</p>

	<p>customizations for the district court case management system, FullCourt Enterprise. Allocations for the 2020 budget include paying for any district judge who wishes to attend the Joint Symposium on Children and Youth or the National Association for Counsel for Children (NACC) Conference in Denver. The Symposium has gone virtual and its anticipated the NACC Conference will be as well.</p> <p>A series of webinars have been created. Topics such as parental substance abuse have been well received and distributed throughout the State for training. Those trainings may be accessed through the CJP website.</p>
<b>Equal Justice Wyoming</b>	<p><b>1. Update – Angie Dorsch</b></p> <p>Normal in-person events have been canceled during the pandemic. Online resources and the Wyoming Free Legal Answers platform have been heavily promoted to fill the void. Staff continues to provide appointments for self-help services via the phone. There has been a strong focus on recruiting more attorneys to help aid in providing services virtually. This has proved to be difficult as attorneys have been very busy during the pandemic.</p> <p>Equal Justice Wyoming provides grants to various legal aid providers throughout the State. Grants were being made in the middle of the pandemic, and there were concerns about revenue. There was a notable decrease in revenue in the Spring. The decision was made to not decrease any of the funding to grantees. Over one million one hundred fourteen thousand dollars (\$1.14M) in grants were given to legal aid providers for fiscal year 2021.</p> <p>The Victims of Crime Act Funding was reduced by fifty thousand dollars (\$50,000). That loss and others have been absorbed by other funds. Additionally, the Staff Attorney/Pro Bono Coordinator position will remain vacant for the time being.</p> <p>The Equal Justice Wyoming Foundation is a separate 501(c)(3) organization and administers the IOLTA funds to support legal services. A funding projection indicated there will likely be a decrease in these funds by about fifty thousand dollars (\$50,000). There is a push to replace these funds through private fundraising. The Wyoming State Bar has pledged to match up to twenty-five thousand dollars (\$25,000). The Foundation made grant awards for the 2021 calendar year and increased the amount granted due to the increased need for additional funding.</p> <p>There is a concern about the increase in legal service needs as the pandemic continues. If there are trends you are seeing or any way to help the low-income population, please relay that information to Equal Justice Wyoming.</p>
<b>COVID-19</b>	<p><b>1. Funding – Claire Smith</b></p> <p>The process has been started to revert any unused funds. Those reversions include:</p> <ul style="list-style-type: none"> <li>• Two million four hundred thousand dollars (\$2.4M) from Court</li> </ul>

	<p>Technology;</p> <ul style="list-style-type: none"> <li>• Approximately half of the two hundred thousand dollars (\$200,000) received for PPE;</li> <li>• Three hundred thousand dollars (\$300,000) from the Jury Adaptation fund; and</li> <li>• Substantial amount from the County Infrastructure pot (Reimbursement requests have been in the five thousand to ten thousand dollar (\$5,000 – \$10,000) range). Will begin contact with counties that have not submitted requests this week.</li> </ul> <p>Smaller pots of funds have mostly been spent. The Governor’s Office will likely place all our unspent funds in the Unemployment Compensation Fund.</p> <p><b>2. Procedures – Brenda Reedy</b></p> <p>Please contact Brenda Reedy, the Human Resources Manager should an employee test positive or be presumptive positive for COVID-19. If exposure happened in the workplace, she will additionally report and track that information for the OSHA log and Workers’ Compensation.</p> <p><b>3. Update on Employee Cases – Brenda Reedy</b></p> <p>In November the Judicial Branch saw thirteen (13) positive cases, four (4) with close contact, and one (1) with secondary contact. So far in December there have been four (4) positive cases, four (4) with close contact, and one (1) with secondary contact.</p> <p>The first round of COVID-19 vaccinations has been shipped out to the states. The courts are not in the first phase to receive those, as the focus is on health care workers, first responders, and those in law enforcement. An item to consider as an employer is if there should be a priority for court personnel for courts to operate in a safe and effective manner. There is no specific guidance regarding courts yet. It is anticipated more information will be released as the vaccination phases continue.</p>
<b>Legislative Interim Meetings</b>	<p><b>1. Joint Judiciary Committee, October 26 and 27 – Lily Sharpe</b></p> <p>The Committee heard testimony on several items relating to the Judicial Branch. One bill of interest is the Ethics and Disclosure Act Amendments:</p> <ul style="list-style-type: none"> <li>• Ethics and Disclosure Act Amendments, 21LSO60 v.4 (<b>Appendix 1</b>)</li> </ul> <p>The bill draft expands the scope of the Act to include the Judicial Branch. Wendy Soto, the Executive Director of the Commission on Judicial Conduct and Ethics, explained the authority of the Commission and emphasized that the bill draft violates Separation of Powers. Judge Wilking expressed the importance of citizen members of the Commission. Joe Baron, Crook County Prosecuting Attorney, spoke in favor of the bill’s criminal penalty applying to the Judicial Branch. The Committee removed the “judiciary” from p. 12, line 21.</p>

	<p>The Committee also heard from the Chief Justice, Judge Wilking, Judge Christensen, and Tina Wood, the Crook County Clerk of District Court regarding CARES Act funding, court operations during the pandemic, Chancery Court, email filing, and concerns regarding the proposed Title 25 bill.</p> <p><b>Joint Appropriations Committee, October 26 and 27 – Claire Smith</b></p> <p>The Joint Appropriations Committee recently held budget hearings. During the hearings, Senator Perkins expressed his opinion that chancery court functions should shift to the district court judges. There was not much discussion on moving forward any other way. It was offered to delay the eFiling contract and upgrade to the Appellate Case Management System. There was no interest in doing so. A recurring theme emerged about how much of our employee salaries could be cut. Responses to questions will be sent to the Legislative Service Office, and budget markup will begin on December 15, 2020.</p>
<p><b>Chancery Court Committee</b></p> <p>Judicial Members: Justice Fox (Chair), Chief Justice Davis, Judge Fenn, Judge Waldrip, Ret., Judge Sullins, Ret.</p>	<p><b>1. Update – Justice Fox</b></p> <p>The existing legislation provides for district court judges to act as chancery court judges for an interim period before the full-time chancery court judge is to be appointed in March of 2022. Through discussions with the Joint Judiciary Committee and Joint Appropriations Committee, it was learned that date could be pushed out to 2026. We have requested to keep the dedicated law clerk position.</p> <p>Configurations are being made to the chancery court case management system. Staff will then begin work on the eFiling system.</p>
<p><b>Judicial Conference Reports</b></p> <p><u>Circuit Conference President:</u> Judge Christensen</p> <p><u>District Conference President:</u> Judge Wilking</p>	<p><b>1. Circuit Court Conference – Judge Christensen</b></p> <p>The courts are open; however, jury trials ceased at the beginning of November. All other hearings are held based on the protocol of individual courts. Additionally, the Circuit Court Conference Winter Meeting was held remotely via Microsoft TEAMS.</p> <p><b>A. Judicial Poll Concerns</b></p> <p>Every two years the Judicial Poll is conducted. This is an advisory poll that is organized by the Wyoming State Bar. There are reoccurring concerns with the poll. Results are released shortly before judges sit for retention, and less than half of the Bar participates. The issue stems from the poll only being a snapshot in time and many times individual attorneys tend to voice displeasure in recent decisions. This year the poll received media coverage regarding opposition to retain a judge. There would be benefit for an internal committee to review the process.</p> <p>Judge Roberts moved to form a subcommittee composed of justices, district court and circuit court judges to start discussions and provide direction on how to handle the issue. Justice Fox seconded the motion. There was no further discussion by the Board. Judge Roberts called for the question. The motion passed unanimously on voice vote.</p> <p>Chief Justice Davis asked the Conferences to find volunteers for the</p>

	<p>subcommittee. An order appointing will be signed once the names are received. (Appendix 2)</p> <p><b>2. District Court Conference – Judge Wilking</b></p> <p>The District Court Conference Winter Meeting was held virtually last week via Microsoft TEAMS.</p> <p><b>A. Park Security Concerns</b></p> <p>Security at the Park County Courthouse is a concern. Movement at the local level to resolve the issue has not been successful. Judge Roberts noted this topic should be addressed during the next Court Security Commission. Ronda Munger relayed she will meet with Justice Kautz and Judge Roberts to move this forward. If necessary, there is benefit to having the Chief Justice participate in these issues as they arise as well.</p>
<p><b>Judicial Branch Technology</b></p> <p><u>Courtroom Automation Committee</u></p> <p>Members: Chief Justice Davis (Chair), Judge Fenn, Judge Edelman, Judge Campbell, Judge Christensen, Judge Castano, Judge Haws</p> <p><u>Courtroom Technology Committee</u> Members: Chief Justice Davis (Chair), Justice Fox, Judge Lavery, Judge Johnson, Judge Christensen, and Judge Prokos</p>	<p><b><u>Court Automation</u> – Elisa Butler and Heather Kenworthy</b></p> <p><b>1. DCAC/CCAC – Heather Kenworthy</b></p> <p><b>A. FCE Circuit</b></p> <p>The rollout of FullCourt Enterprise in the circuit courts was completed in November. Migration and data fixes are expected to be complete by the end of December.</p> <p><b>B. FCE District</b></p> <p>Staff plans to send the migration data to the vendor, Justice Systems Inc, by the end of the month to begin working on the next phase in preparation for rolling out the pilot courts. Work is ongoing to train the district courts in preparation for migration.</p> <p>The rollout schedule has not yet been set. There are factors that need to be considered for the individual courts. One example is the need to provide some district court clerk's offices the new case management system to replace end-of-life software. Those courts must be rolled out at the beginning. Training for the pilot courts will begin in May/June, and the first pilot will go-live in the Summer of 2021.</p> <p>EFiling information is now available on the Judicial Branch website. There you can find information regarding the project, timeline, and various reports.</p> <p><b>2. Jury Management – Heather Kenworthy</b></p> <p><b>A. Commencement of Activities for Group 5</b></p> <p>Training for Group 5 has commenced and will be completed by the end of the week. These clerks will pull the first jury list in December/January. The training for the final rollout Group 6 will happen in the Summer of 2021.</p> <p><b><u>EFiling</u> – Elisa Butler</b></p>

	<p><b>1. Update</b></p> <p>Staff has dedicated much time to work through the contract with the vendor. The plan is to have the contract completed by the end of the month.</p> <p><b><u>Courtroom Technology</u> – Nate Goddard</b></p> <p><b>1. COVID-19 Funded Technology</b></p> <p><b>A. Courtroom Technology</b></p> <p>The request for a second round of COVID-19 funding was approved. Most of the courtrooms will be upgraded to the Courtroom Technology Standard by the end of the year. Fifty-six (56) courtrooms have been upgraded, and it is anticipated six (6) more will be completed by the end of December. An additional sixty-five (65) Surface Hubs were purchased for use in jury rooms.</p> <p><b>B. COVID-19 Equipment/Software</b></p> <p>The ability to teleconference and work remotely has been an integral part in completing work of the Judicial Branch during the pandemic. Two hundred (200) additional laptops were purchased and were provided to all employees that did not currently have one. Two hundred (200) headsets and seventy (70) web cameras were also acquired. One hundred and fifty (150) iPads were purchased to ship out to the courts for use by pro se litigants who may not have the ability to otherwise appear remotely.</p> <p>Additional software was deemed necessary to operate efficiently during the pandemic. These items include:</p> <ul style="list-style-type: none"> <li>• VPN High Availability;</li> <li>• Liberty Recording in district court courtrooms;</li> <li>• Cisco Umbrella; and</li> <li>• Barracuda.</li> </ul>
<p><b>Permanent Rules Advisory Committee (PRAC)</b></p> <p><u>Court Records Division</u> Judicial Members: Justice Gray, Judge Overfield, Judge Castano</p> <p><u>Appellate Division</u> Judicial Members: Justice Boomgaarden, Judge Fenn</p> <p><u>Civil Division</u> Judicial Members: Justice Fox (Chair), Judge Castano, Judge Kricken, Judge Rumpke</p> <p><u>Criminal Division</u> Judicial Members: Justice Kautz</p>	<p><b>1. Court Records Division – Elisa Butler</b></p> <p><b>A. Committee Work</b></p> <p>The purpose of the Court Records Division is to propose rules and statutory changes to clarify the classifications and availability of court records. The Division was created in September of 2019. Committee work will help with eFiling and remote public access. The first working meeting was held at the beginning of December 2020. The Division worked through the first seven (7) titles of the Wyoming Statutes to define levels of access. It is anticipated the next meeting will happen in January 2021 and the Division will work through the next seven (7) titles.</p> <p><b>2. Appellate Rules Division – Justice Boomgaarden</b></p> <p><b>A. Chairman Greg Dykeman Working on Reappointments</b></p> <p>All Division members with expiring terms were asked to be reappointed and</p>

<p>(Chair), Judge Sharpe, Judge Phillips</p> <p><u>Evidence Division</u></p> <p>Judicial Members: Judge Rumpke (Chair), Judge Radda, Judge Phillips</p> <p><u>Juvenile Division</u></p> <p>Judicial Members: Judge Wilking (Chair), Justice Kautz, Judge Campbell, Judge Fenn</p>	<p>agreed. There are a few items that have been suggested to the Division to address.</p> <p><b>3. Civil Rules Division – Justice Fox</b></p> <p><b>A. New Email Filing Rule and Effective Date</b></p> <p>The revision to Wyoming Rule of Civil Procedure 5 for email filing has been approved and will become effective December 5, 2020. As a reminder, this was approved during the last meeting. The email filing allowed during the time of COVID-19 operations has been popular with the attorneys; however unpopular with the clerks of court. The Division is interested in any feedback regarding the revision to Rule 5. During the Summer meeting of the Joint Judiciary Committee, a proposed bill requiring email filing was brought forth.</p> <p>The next project will include evaluating other relief measure in the Court Rules implemented during COVID-19 operations and if any of those should become permanent.</p> <p><b>4. Criminal Rules Division – Justice Kautz</b></p> <p>No Update.</p> <p><b>5. Rules of Evidence Division – Judge Rumpke</b></p> <p>The new member of the Rules of Evidence Division is Judge Paul Phillips. The Division will be completing a comprehensive overview of the rules. This overview will be comparable to what the Civil Rules Division accomplished a few years back.</p> <p><b>6. Juvenile Rules Division – Judge Wilking</b></p> <p>No Update.</p>
<p><b>Judicial Ethics Advisory Committee</b></p> <p>Judicial Members: Judge Overfield, Judge Bluemel, Judge Greer</p>	<p><b>1. W.S.C.J.E.A.C Advisory Opinion 2020-01 – Lily Sharpe</b></p> <p>The Committee issued the opinion (<b>Appendix 3</b>) in October that found a circuit judges could not take on a paid extra-judicial employment to serve as a liaison for an American Bar Association with respect to DUI laws.</p> <p><b>2. Term Expiration and Member Reappointment – Lily Sharpe</b></p> <p>Judge Bluemel’s first full term on the Judicial Ethics Advisory Committee will expire on December 31, 2020. He served a partial term already when he was appointed to fill Judge Brook’s unexpired term. Judge Bluemel has agreed to serve an additional term. Judicial Ethics Advisory Rule 2 provides that the Committee shall be appointed by the Chief Justice and shall consist of three (3) judges or retired justices and two (2) members of the bar.</p> <p>Chief Justice Davis will appoint Judge Bluemel to a second term by order.</p>
<p><b>Access to Justice Commission</b></p>	<p><b>1. Update – Justice Boomgaarden</b></p> <p><b>A. November 2, 2020 Meeting</b></p> <p>Given Angie Dorsch’s EJW update, this is a good opportunity to remind BJPA</p>

	<p>members that the Access to Justice Commission has downsized and is focusing on supporting EJW's efforts. Toward that end, Walter Eggers, Angie Dorsch and a few interested Commission members will be meeting with the State's legal service providers to assist in identifying priorities and optimizing resources toward meeting those needs identified in the Statewide Needs Assessment published by DataCorp in August. If anyone needs a link to or copy of the Needs Assessment, please visit the Supreme Court website under Access to Justice Commission or contact Justice Boomgaarden. In addition, the Commission is working on a fee waiver rule (a committee chaired by Stuart Day), a menu of volunteer opportunities for government attorneys who cannot take on a pro bono case (Prof. Lauren McLane Mackenzie Williams), and an updated presentation to provide to community libraries to make available to low income patrons concerning available legal resources (various ATJ Commission members). The Funding Working Group will be exploring alternative funding sources for anticipated long-term revenue declines. Justice Boomgaarden added that she will work with Lisa Finkey to identify means by which courts might provide WiFi hot spots to indigent litigants who need to participate in court proceedings remotely, and asked circuit and district court judges to please contribute any ideas they may have or bring access issues to her attention.</p>
<b>Judicial Education</b>	<p><b>1. Judicial Orientations – Elisa Butler</b></p> <p>Judicial Orientations for Judge Allan and Judge Healy are scheduled for January 6, 2020. Thank you to all the judges that have volunteered to assist. The district court schedule is almost complete. We do need a few more circuit court judges and will reach to fill the schedule.</p>
<b>Member Appointment</b>	<p><b>1. State Council for Interstate Juvenile Supervision – Lily Sharpe</b></p> <p>The Attorney General's Office and DFS has asked for the BJPA to make an appointment to the Council. W.S. § 14-6-102 provides that the Council shall include one (1) member appointed by the BJPA. It appears the last appointment was Judge Waters in 2008.</p> <p>Chief Justice Davis asked the conferences to discuss and provide the name of a volunteer to serve on the State Council for Interstate Juvenile Supervision. If no objections are received, an order appointing the volunteer to serve on the State Council for Interstate Juvenile Supervision will be signed. (Appendix 4)</p>
<b>Forms Approval</b>	<p><b>1. Garnishment Forms – Ronda Munger</b></p> <p>Ronda Munger appeared before the Board to request approval to place newly revised garnishment forms on the Judicial Branch website. In 2019, the Legislature passed House Enrolled Act 31, which provided protections for a defendant's disposable earnings if those earnings were deposited in the defendant's bank account twenty (20) calendar days prior to the service of the writ of garnishment on the banking institution. After passage of the House Enrolled Act 31, the Circuit Judges Conference assigned Judge Matt Castano and Judge Toni Williams to work with the Administrative Office of the Courts to revise the garnishment forms. The revisions were extensive because the forms had not undergone a complete review since 2004. The forms were then</p>



	approved by the Circuit Judges Conference, with the addition of written instructions. Judge Roberts moved and Judge Haws seconded a motion to place the forms on the website. Motion passed unanimously.
<b>Audit of Circuit Courts</b>	<b>1. Torrington</b> The audit letter for the Circuit Court located in Torrington was provided to the BJPA.
<b>New Business</b>	<b>1. Member Input</b> <p>Chief Justice Davis relayed there was a recent update to one of the COVID-19 orders. If there are further changes needed to these orders, please let the Conference Presidents know. Weekly meetings with the Conference Presidents are still happening and have been very productive. Additionally, guidance has been received on contacting the Executive Branch to create priorities for judicial branch personnel to receive the COVID-19 vaccination. Please relay any thoughts you may have to the Conference Presidents.</p> <p>Chief Justice Davis noted the Legislative Session must officially open on January 12, 2021. The swearing in of legislators will be spaced out. There will be a short address by the Governor. It is unclear when the State of the Judiciary will take place.</p>
<b>Adjournment</b>	The meeting was adjourned at 10:55 p.m.

<b>Action items:</b> <ol style="list-style-type: none"> <li>1. Conference presidents will ask for volunteers to serve on the Judiciary Poll Advisory Subcommittee. Chief Justice Davis will sign an order appointing the members.</li> <li>2. Conference presidents will ask for a volunteer to serve on the State Council for Interstate Juvenile Supervision. Chief Justice Davis will sign an order appointing the member.</li> </ol>

<b>Action taken by Board:</b> <ol style="list-style-type: none"> <li>1. Approved the creation of the Judicial Poll Subcommittee of the BJPA.</li> <li>2. Approved the posting of the updated Garnishment Forms on the Judicial Branch's website.</li> </ol>

**Appendix 1:** Ethics and Disclosure Act Amendments, 21LSO60 v.4

**Appendix 2:** Order Appointing Members to the Judicial Poll Subcommittee of the Board of Judicial Policy and Administration

**Appendix 3:** W.S.C.J.E.A.C Advisory Opinion 2020-01

**Appendix 4:** Order Appointing Member to the State Council for Interstate Juvenile Supervision

**Attachments are highlighted**

Approved on February 16, 2021

**DRAFT ONLY  
NOT APPROVED FOR  
INTRODUCTION**

HOUSE BILL NO.

Ethics and Disclosure Act amendments.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to government ethics; amending and  
2 establishing definitions and procedures for the Ethics and  
3 Disclosure Act; expanding the scope of the Act to include  
4 local governmental entities, the judicial branch and  
5 additional state employees; amending offenses and penalties  
6 of the Ethics and Disclosure Act; amending financial  
7 disclosure requirements; and providing for an effective  
8 date.

9

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

11

12 **Section 1.** W.S. 9-13-102(a)(xii)(intro), (xv), by  
13 creating new paragraphs (xvii) through (xxi) and by

renumbering (xvii) as (xxii), 9-13-104, 9-13-105(a),  
(b)(intro) and (ii) and (c), 9-13-106(a)(intro) and (b), 9-  
13-107, 9-13-108(a)(iii) and (b) and 9-13-109(a) and (b)  
are amended to read:

**9-13-102. Definitions.**

(a) As used in this article:

(xii) "Public employee" means any ~~of the~~  
~~following state employees:~~ employee or at-will contract  
employee of a state entity or local office;

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**STAFF COMMENT**

"State entity" and "local office" are terms currently  
defined in the Ethics and Disclosure Act. The definition  
for "state entity" is amended in this bill draft. The  
definition for "local office" follows:

(vii) "Local office" means the offices of county  
commissioner, county treasurer, county assessor, county  
clerk, county sheriff, county coroner, district attorney,  
county attorney, clerk of the district court, mayor and  
member of the council of a municipality, member of the  
board of trustees of a community college district or a  
school district and member of a joint powers board or  
special district. As used in this paragraph "special  
district" means any special district specified under W.S.  
22-29-103(a) and any other corporate district authorized to

1 be formed as a political subdivision under the laws of this  
2 state;

3  
4 The Committee may wish to consider whether a definition of  
5 "at-will contract employee" is necessary to include in the  
6 Ethics and Disclosure Act. For state employees, an at-will  
7 contract employee is one whose position is created by the  
8 governor exercising his authority under W.S. 9-2-  
9 1022(a)(xi)(F)(VI) and for which the position is granted  
10 continued authorization through the enactment of the state  
11 budget.

12  
13 Given the changes in this bill draft to include local  
14 employees, the Committee may wish to consider whether the  
15 definition of "public member" should be amended to include  
16 those members appointed to local boards, commissions, and  
17 councils.

18  
19 Finally, the Committee may wish to consider the breadth of  
20 employees, public members, and public officials who should  
21 be covered under the Ethics and Disclosure Act. Compare  
22 Bretz v. City of Center Line, 276 N.W.2d 617, 618 (Mich.  
23 Ct. App. 1979) (holding that a city's anti-nepotism policy  
24 was unconstitutionally overbroad because the policy  
25 prohibited any hiring that created an immediate family  
26 relationship with another employee of any public body),  
27 with Sioux City Police Officers Ass'n v. City of Sioux  
28 City, 495 N.W.2d 687, 697 (Iowa 1993) (holding that a  
29 city's anti-nepotism policy—one that prohibited employees  
30 from working in the same department if the employee had a  
31 familial or spousal relationship with another employee in  
32 that department—was not unconstitutionally overbroad).

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37 (xv) "State entity" means a state agency, state  
38 office, department, division, bureau, board, commission or  
39 council of the state, including the legislature, any court  
40 or agency in the judicial branch and the Wyoming community

development authority; ~~and Wyoming science, technology and energy authority. The term does not include a court or an agency in the judicial branch;~~

(xvii) "Judicial branch" means any court or agency in the judicial branch;

(xviii) "Judicial officer" means any supreme court justice, district judge, circuit judge, chancery court judge, district court commissioner and magistrate;

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STAFF COMMENT

The Committee may wish to consider whether the judicial branch and, in particular, judicial officers should be subject to the Ethics and Disclosure Act. Under the Wyoming Constitution, the Commission on Judicial Conduct and Ethics is responsible for considering complaints of judicial misconduct made against judicial officers and may discipline or recommend discipline of a judicial officer. Wyo. Const. art. 5, § 6. The Wyoming Supreme Court (or, if necessary, a special supreme court) has the authority to suspend or remove a judicial officer upon being charged or convicted of certain crimes or for willful misconduct or conduct prejudicial to the administration of justice, among other things. Id.

Inclusion of the judicial branch may raise separation-of-powers concerns. The Wyoming Supreme Court has stated that the "Wyoming Supreme Court makes the initial determination whether to impose discipline on a judicial officer." Neely

1 v. Wyo. Comm'n on Judicial Conduct & Ethics, 2017 WY 25, ¶  
2 57, 390 P.3d 728, 747 (Wyo. 2017).

3  
4 Research revealed no case concerning a judicial officer or  
5 employee and the Ethics and Disclosure Act (likely because  
6 the act expressly does not apply to them). But at least one  
7 state has held that the provisions of its governmental-  
8 ethics act that related to judges were unconstitutional as  
9 violating the separation of powers. Cusack v. Howlett, 254  
10 N.E.2d 506, 512 (Ill. 1969). The provisions in Cusack  
11 concerned the legislature's authority to establish a  
12 legislative committee to review potential judicial  
13 impropriety. Another state has noted that the judicial  
14 branch (specifically, the state's supreme court) has "an  
15 inherent and implied power" to govern the ethics of all  
16 members of the judiciary. See In re Kading, 235 N.W.2d 409,  
17 412-13 (Wis. 1975).

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22 (xix) "Personal or private interest" means an  
23 interest that is direct and immediate as opposed to  
24 speculative and remote and that provides a greater benefit  
25 or a lesser detriment than it does for a large or  
26 substantial group or class of persons who are similarly  
27 situated;

28  
29 (xx) "Private benefit" means the receipt of a  
30 gift by the public official, judicial officer, public  
31 member or public employee and the receipt of the gift  
32 resulted from taking action or inaction or his holding that  
33 office;

1

2 (xxi) "Salaried employment" means an employment  
3 relationship under which the employee is compensated, at  
4 least in part, by payment of a specified dollar amount for  
5 a specified period of service;

6

7 ~~(xvii)~~(xxii) "This act" means W.S. 9-13-101  
8 through 9-13-109.

9

10 **9-13-104. Nepotism.**

11

12 (a) No public official, judicial officer, public  
13 member or public employee shall advocate or cause the  
14 employment, appointment, promotion, transfer or advancement  
15 of a family member to an office or position of ~~the state, a~~  
16 ~~county, municipality or a school district~~ a local office,  
17 state entity or the judicial branch. ~~A public official,~~  
18 ~~public member or public employee shall not supervise or~~  
19 ~~manage a family member who is in an office or position of~~  
20 ~~the state, a county, municipality or school district.~~

21

22 (b) A public official, judicial officer, public member  
23 or public employee, acting in his official capacity, shall



1 not participate in his official responsibility or capacity  
2 regarding a matter relating to the employment or discipline  
3 of a family member.

4  
5 (c) A public official, judicial officer, public member  
6 or public employee shall not supervise or manage a family  
7 member who is in an office or position of a local office,  
8 state entity or the judicial branch, unless the family  
9 member began employment in the local office, state entity  
10 or judicial branch before the public official, judicial  
11 officer, public member or public employee began supervising  
12 or managing the family member.

13  
14 **9-13-105. Misuse of office.**

15  
16 (a) A public official, judicial officer, public member  
17 or public employee shall not use public funds, time,  
18 personnel, facilities or equipment for his private benefit  
19 or that of another unless the use is authorized by law.

20  
21 (b) A public official, judicial officer, public member  
22 or public employee shall not use public funds, time,

1 personnel, facilities or equipment for political or  
2 campaign activity unless the use is:

3

4 (ii) Properly incidental to another activity  
5 required or authorized by law and the public official,  
6 judicial officer, public employee or public member  
7 allocates and reimburses the governmental entity for any  
8 additional costs incurred for that portion of the activity  
9 not required or authorized by law.

10

11 (c) A public official, judicial officer, public  
12 employee or public member shall not disseminate to another  
13 person official information which the public official,  
14 judicial officer, public employee or public member obtains  
15 through or in connection with his position, unless the  
16 information is available to the general public or unless  
17 the dissemination is authorized by law.

18

19 **9-13-106. Official decisions and votes.**

20

21 (a) A public official, judicial officer, public member  
22 or public employee shall not make an official decision or  
23 vote on an official decision if the public official,

1 judicial officer, public member or public employee has a  
2 personal or private interest in the matter or obtains or  
3 stands to obtain a private benefit from the matter. In  
4 determining whether he has a personal or private interest  
5 in a matter the public official shall recognize the  
6 importance of his right to represent his constituency and  
7 shall abstain from voting only in clear cases of a personal  
8 or private interest ~~as defined in this subsection or a~~  
9 private benefit. A public official or public member shall  
10 not vote to give money or any direct financial benefit to  
11 himself except for tax reductions affecting the general  
12 public. ~~For the purposes of this section, a personal or~~  
13 ~~private interest:~~

14

15 (b) A public official, judicial officer, public member  
16 or public employee described by subsection (a) of this  
17 section shall abstain from voting on the decision and from  
18 making any official decision in the matter. The public  
19 official's, judicial officer's, public member's or public  
20 employee's abstention from voting must be recorded in the  
21 governmental entity's official records.

22

1           **9-13-107. Actions taken while negotiating for**  
2 **employment.**

3  
4 A public official, judicial officer, public member or  
5 public employee may not vote or take an official action in  
6 a matter affecting a person with whom the public official,  
7 judicial officer, public member or public employee is  
8 negotiating for prospective employment.

9  
10           **9-13-108. Disclosure required.**

11  
12           (a) Not later than January 31 annually, each of the  
13 state's five (5) elected officials and each member of the  
14 Wyoming legislature shall file a financial disclosure form  
15 with the secretary of state. The form shall be signed by  
16 the elected official or legislator filing it and under a  
17 certification that it is accurate. Except as otherwise  
18 provided in this subsection, the financial disclosure form  
19 shall contain the following information current as of  
20 January 15 of that year:

21  
22           (iii) A list of all state entities the person, or  
23 the person's business enterprise in which the person owns

1 ten percent (10%) or more interest, has a contract with for  
2 services and supplies in an amount greater than five  
3 thousand dollars (\$5,000.00). The list shall include all  
4 contracts subject to this paragraph entered into by the  
5 elected official or legislator on and after January 15 of  
6 the prior year. For each contract, this list shall include  
7 the name and address of the business enterprise, if  
8 applicable, and state entity, the type and description of  
9 the contract and the effective date and term of the  
10 contract. ~~For purposes of this paragraph "state entity" as~~  
11 ~~defined in W.S. 9-13-102(a)(xv) shall include a court or an~~  
12 ~~agency in the judicial branch.~~

13

14 (b) Forms may be submitted by facsimile transmission  
15 under the same terms and conditions specified for campaign  
16 reports under W.S. 22-25-106. ~~For the purposes of this~~  
17 ~~section, "salaried employment" means an employment~~  
18 ~~relationship under which the employee is compensated, at~~  
19 ~~least in part, by payment of a specified dollar amount for~~  
20 ~~each month, or longer period, of service.~~

21

22 **9-13-109. Penalties.**

23

(a) Any person, public official, public member,  
judicial officer or public employee who violates this act  
is guilty of a misdemeanor punishable upon conviction by a  
fine of not more than one thousand dollars (\$1,000.00).

\*\*\*\*\*  
\*\*\*\*\*  
STAFF COMMENT

In light of the use of the broad term "person" in W.S. 9-13-109(a) above, the Committee may wish to consider whether it is necessary to include a list of specific persons covered under the act (or, alternatively, whether "person" should be stricken from the subsection).

\*\*\*\*\*  
\*\*\*\*\*

(b) Violation of any provision of this act constitutes  
sufficient cause for termination of a public employee's  
employment or for removal of a public official, judicial  
officer or public member from his office or position in  
accordance with law.

**Section 2.** W.S. 9-13-102(a)(xii)(A) through (E), 9-13-103(b) and 9-13-106(a)(i) and (ii) are repealed.

\*\*\*\*\*  
\*\*\*\*\*  
STAFF COMMENT

1  
2 The bill draft repeals the following provisions:

3  
4 First, W.S. 9-13-102(a)(xii)(A) through (E) list the five  
5 types of public employees who currently are covered by the  
6 Ethics and Disclosure Act:

7  
8 9-13-102. Definitions.

9  
10 (a) As used in this article:

11  
12 (xii) "Public employee" means any of the  
13 following state employees:

14  
15 ~~(A) The attorney general and the director of~~  
16 ~~any department of the executive branch appointed by the~~  
17 ~~governor under W.S. 9-2-1706, or the director of any~~  
18 ~~legislative agency;~~

19  
20 ~~(B) The chief executive officer of any~~  
21 ~~separate operating agency under W.S. 9-2-1704(d), except~~  
22 ~~those listed in paragraphs (d)(vi) and (x) of that section;~~

23  
24 ~~(C) To the extent the incumbent in the~~  
25 ~~position serves at the pleasure of persons listed in~~  
26 ~~subparagraphs (A) and (B) of this section, administrators~~  
27 ~~of department or agency divisions, and deputy directors of~~  
28 ~~departments;~~

29  
30 ~~(D) Commissioners of the public service~~  
31 ~~commission and members of the state board of equalization;~~

32  
33 ~~(E) Deputies and administrators of divisions~~  
34 ~~within the offices of state elected officials under W.S. 9-~~  
35 ~~2-1704(a). The positions, in the governor's office, of~~  
36 ~~chief of staff, attorney for intergovernmental affairs and~~  
37 ~~chief of policy are included within this subparagraph.~~

38  
39 Next, W.S. 9-13-103(b) defines "private benefit"; this  
40 definition is moved to W.S. 9-13-102 (the definitions  
41 section) in this bill draft:

42  
43 9-13-103. Use of title and prestige of public office.  
44

~~(b) As used in this section, "private benefit" means the receipt by the public official, public member or public employee of a gift which resulted from his holding that office.~~

Third, W.S. 9-13-106(a)(i) and (ii) define "personal or private interest"; this definition has also been moved to W.S. 9-13-102 in this bill draft.

**9-13-106. Official decisions and votes.**

(a) A public official, public member or public employee shall not make an official decision or vote on an official decision if the public official, public member or public employee has a personal or private interest in the matter. In determining whether he has a personal or private interest in a matter the public official shall recognize the importance of his right to represent his constituency and shall abstain from voting only in clear cases of a personal or private interest as defined in this subsection. A public official or public member shall not vote to give money or any direct financial benefit to himself except for tax reductions affecting the general public. For the purposes of this section, a personal or private interest:

~~(i) Is, with respect to the public official, public employee or public member, an interest which is direct and immediate as opposed to speculative and remote; and~~

~~(ii) Is an interest that provides the public official, public employee or public member, a greater benefit or a lesser detriment than it does for a large or substantial group or class of persons who are similarly situated.~~

\*\*\*\*\*  
\*\*\*\*\*

**Section 3.** This act is effective July 1, 2021.

(END)



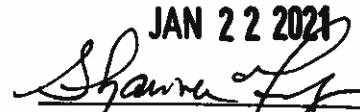
IN THE SUPREME COURT, STATE OF WYOMING

OCTOBER TERM, A.D. 2020

IN THE MATTER OF THE APPOINTMENT )  
OF MEMBERS TO THE JUDICIAL )  
POLL SUBCOMMITTEE OF THE BOARD OF )  
JUDICIAL POLICY AND ADMINISTRATION )

IN THE SUPREME COURT  
STATE OF WYOMING  
FILED

JAN 22 2021

  
SHAWNA GOETZ, CLERK

**ORDER APPOINTING MEMBERS TO THE JUDICIAL POLL  
SUBCOMMITTEE OF THE BOARD OF JUDICIAL POLICY AND  
ADMINISTRATION**

THIS MATTER came before the Court sua sponte to formally appoint members to the Judicial Poll Subcommittee of the Board of Judicial Policy and Administration, and it is

ORDERED that the following individuals be, and they hereby are, appointed to the Judicial Poll Subcommittee of the Board of Judicial Policy and Administration, and it is

FURTHER ORDERED that the Judicial Poll Subcommittee shall consist of the following members:

Hon. Lynne Boomgaarden  
Justice, Wyoming Supreme Court  
2301 Capitol Avenue  
Cheyenne, WY 82002  
Term expires: December 31, 2021

Hon. Timothy C. Day  
District Court Judge  
P.O. Box 1036  
Jackson, WY 83001  
Term expires: December 31, 2021

Hon. John G. Fenn  
District Court Judge  
224 South Main Street, B11J  
Sheridan, WY 82801  
Term expires: December 31, 2021

Hon. John R. Prokos  
Circuit Court Judge  
50140C US Hwy 191 South, Ste. 200  
Rock Springs, WY 82901  
Term expires: December 31, 2021

Hon. Susan Stipe  
Circuit Court Judge  
415 West Pine Street  
Rawlins, WY 82301  
Term expires: December 31, 2021

DATED this 22nd day of January 2021.

BY THE COURT:

  
MICHAEL K. DAVIS  
CHIEF JUSTICE

**Wyoming Supreme Court Judicial Ethics Advisory Committee**  
**W.S.C.J.E.A.C. Advisory Opinion 2020-01**

**QUESTION PRESENTED**

Can a circuit court judge take on extra-judicial employment involving data collection, interpretation and dissemination of information and development of processes related to driving while under the influence laws?

**RESPONSE**

The Committee answers no to the question presented.

**BACKGROUND**

The requesting judge is a full-time circuit court judge who receives a salary of \$145,000 per year. In addition to that position, the circuit court judge is seeking a part-time paid position with the American Bar Association Judicial Division to serve as the Region 8 Judicial Outreach Liaison (RJOL). The part-time position requires the applicant to have a law degree and is preferred to be either a sitting or retired judge with experience handling impaired driving cases. The successful applicant for the RJOL position would receive compensation of \$2,000 per month for a total of \$24,000 a year. The position is part of “a cooperative agreement between the National Highway Traffic Safety Administration (NHTSA) and the American Bar Association (ABA).” RJOLs function as “educators, writers, consultants, and liaisons, to share the latest research on impaired driving with the judges of their Region. In addition to informing sentencing and interventions in this manner, RJOLs can also provide important insight to policy makers attempting to improve impaired driving traffic safety.”

There is an expectation that the successful applicant will devote approximately twenty hours per month to the position. Specific duties of the RJOL position are numerous and extensive as set forth in the provided documentation. Several duties require cooperation, planning and reporting to the ABA, NHTSA and other highway safety officials.

# **APPLICABLE STATUTES AND RULES OF THE WYOMING CODE OF JUDICIAL CONDUCT**

## **Canon 1. A Judge Shall Uphold the Integrity and Independence of the Judiciary.**

A judge shall uphold and promote the independence, integrity and impartiality of the judiciary and shall avoid impropriety and the appearance of impropriety.

### **Rule 1.1 Compliance with the Law.**

A judge shall comply with the law,\* including the Code of Judicial Conduct.

### **Rule 1.2. Promoting Confidence in the Judiciary.**

A judge shall act at all times in a manner that promotes public confidence in the independence,\* integrity,\* and impartiality\* of the judiciary, and shall avoid impropriety\* and the appearance of impropriety.\*

### **Rule 1.3 Avoiding Abuse of the Prestige of Judicial Office.**

A judge shall not abuse the prestige of judicial office to advance the personal or economic interests\* of the judge or others, or knowingly\* allow others to do so.

## **Canon 2. A judge shall perform the duties of judicial office.**

A judge shall perform the duties of judicial office impartially, competently, and diligently.

### **Rule 2.1 Giving Precedence to the Duties of Judicial Office.**

The duties of judicial office, as prescribed by law,\* shall take precedence over all of a judge's personal and extrajudicial activities.

### **Rule 2.2. Impartiality and Fairness.**

A judge shall uphold and apply the law,\* and shall perform all duties of judicial office fairly and impartially.\*

### **Rule 2.4. External Influences on Judicial Conduct.**

(B) A judge shall not permit family, social, political, financial, or other interests or relationships to influence the judge's judicial conduct or judgment.

(C) A judge shall not convey or permit others to convey the impression that any person or organization is in a position to influence the judge.

## **Canon 3. A judge shall conduct the judge's personal and extrajudicial activities.**

A judge shall conduct the judge's personal and extrajudicial activities to minimize the risk of conflict with the obligations of judicial office.

**Rule 3.1. Extrajudicial Activities in General.**

A judge may engage in extrajudicial activities, except as prohibited by law\* or this Code. However, when engaging in extrajudicial activities, a judge shall not:

(C) participate in activities that would appear to a reasonable person to undermine the judge's independence,\* integrity,\* or impartiality;\* . . . .

**Rule 3.11. Financial, Business, or Remunerative Activities.**

(B) A judge shall not serve as an officer, director, manager, general partner, advisor, or employee of any business entity except that a judge may manage or participate in:

- (1) a business closely held by the judge or members of the judge's family;\* or
- (2) a business entity primarily engaged in investment of the financial resources of the judge or members of the judge's family.\*

**Rule 3.12 Compensation for Extrajudicial Activities.**

A judge may accept reasonable compensation for extrajudicial activities permitted by this Code or other law\* unless such acceptance would appear to a reasonable person to undermine the judge's independence,\* integrity,\* or impartiality.\*

*Comment. — [1] A judge is permitted to accept honoraria, stipends, fees, wages, salaries, royalties, or other compensation for speaking, teaching, writing, and other extrajudicial activities, provided the compensation is reasonable and commensurate with the task performed. The judge should be mindful, however, that judicial duties must take precedence over other activities. See Rule 2.1.*

**W.S. § 5-9-118. Judge may be district court commissioner; private practice of law prohibited; magistrate of circuit court permitted to practice law.**

A judge of a circuit court shall devote full time to the office and may not engage in the private practice of law. . . .

**W.S. § 5-9-125. Court continuously in session.**

The circuit court shall be continuously in session.

**W.S. § 5-9-126. Business hours; judge to be always available for criminal matters.**

Circuit courts shall be open for the transaction of business during regular business hours, and in criminal matters a judge, magistrate or district court commissioner shall be

available at all times for fixing and accepting bail, issuing warrants including search warrants, and conducting arraignment proceedings.

## **DISCUSSION**

This Committee has been asked to consider whether the requesting judge's employment as an RJOL would violate the Code of Judicial Conduct (hereinafter "Judicial Code"). The entities involved in this position and the specific duties required of the RJOL are the primary factors that guide this opinion.

Judges are required to comply with the law. Full-time employment is not defined for judges. Other definitions of full-time employment include working 8 hours per day and forty hours per week. *Greub v. Frith*, 717 P.2d 323, 325 (Wyo. 1986). Judges must act "in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety." (Rule 1.2)(asterisks omitted). Consequently, judges are required to avoid extrajudicial "activities that would appear to a reasonable person to undermine the judge's independence, integrity, or impartiality." (Rule 3.1 (C))(asterisks omitted). In this matter, the requesting judge presides in a circuit court. Circuit courts have jurisdiction over some civil and criminal driving while under the influence and other driving and alcohol related offenses. Thus, circuit court judges should anticipate heightened scrutiny for their involvement in any extrajudicial activities that relate to those areas of the law and as would relate to their availability and compensation. In the request for this opinion, the judge did not express concern that this position would create an appearance of impropriety. However, this Committee has concerns about the involvement of a well-known opponent of driving and alcohol violations in funding and oversight of the position. This significant involvement could create an appearance of impropriety in violation of Rule 1.2 and 3.1(C). Moreover, this Committee has serious concerns that receiving compensation of \$24,000 a year in addition to the judge's full-time salary would be improper and if not improper, would create an appearance of impropriety, especially when considering the RJOL position would require approximately 20 hours of part-time work while performing the judge's full-time duties that include being available at all times for fixing and accepting bail, issuing warrants including search warrants, and conducting arraignment proceedings.

This Committee has additional concerns as relating to the duties of the RJOL that may involve active lobbying for legislative change of state statutes that the judiciary must interpret and enforce. These duties may have the propensity to implicate a violation of other rules of the Judicial Code. For instance, judges must avoid "abuse [of] the prestige of judicial office to advance the personal or economic interests of the judge or others, or knowingly allow

others to do so.” (Rule 1.3)(asterisks omitted). Because of the prestige of the judicial office, the mere fact of the judge’s involvement may be used by an organization as a tool of credibility to advance the legislative interests of a certain organization or its other members. In addition, judges “shall not permit family, social, political, financial, or other interests or relationships to influence the judge’s judicial conduct or judgment[,]” or “convey or permit others to convey the impression that any person or organization is in a position to influence the judge.” (Rule 2.4 (B) and (C)).<sup>1</sup> When an organization publicly lobbies for certain legislative changes, such as increasing criminal punishment for driving or alcohol related offenses, it may convey the perception that the organization or its members exert improper influence on the judge through his or her extrajudicial employment. This concern is primarily directed to the involvement of NHTSA in the role served by the RJOL.

This Committee recognizes it has always been the case that members of the judiciary have been included in commissions or groups dedicated to improvements in the law in specific areas, for instance the Governor’s Council on Impaired Driving and the Domestic Violence Elimination Council. These are somewhat similar to the role being sought in this matter, however, they are distinguishable in that they are not paid positions, there are not specific duties or requirements to fulfill in order to receive a paycheck, and they are supported by a State specific government entity for which a circuit court judge is already employed.

## **CONCLUSION**

The part-time paid employment being considered, even if not specifically precluded by law or rule, would be contrary to being wholly devoted to the full-time service statutorily required by a circuit court judge. The Committee also finds that the RJOL position has the significant involvement of a well-known national organization that lobbies for laws related to those primarily adjudicated by circuit courts in Wyoming. This involvement could further undermine the judiciary’s impartiality, integrity, independence, and public confidence. Therefore, this extrajudicial employment is not endorsed by this Committee.

**FINALIZED AND EFFECTIVE** this 1st day of October, 2020 by the Wyoming Supreme Court Judicial Ethics Advisory Committee.

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<sup>1</sup> The Comment for Rule 2.4 states:

An independent judiciary requires that judges decide cases according to the laws and facts, without regard to whether particular laws or litigants are popular or unpopular with the public, the media, government officials, or the judge’s friends or family. Confidence in the judiciary is eroded if judicial decision making is *perceived* to be subject to inappropriate outside influences.” (Emphasis added.)

IN THE SUPREME COURT, STATE OF WYOMING

OCTOBER TERM, A.D. 2020

IN THE MATTER OF THE APPOINTMENT TO  
THE STATE COUNCIL FOR INTERSTATE  
JUVENILE SUPERVISION

IN THE SUPREME COURT  
STATE OF WYOMING  
FILED

JAN 12 2021

SHAWNA GOETZ, CLERK

ORDER APPOINTING MEMBER TO THE STATE COUNCIL FOR  
INTERSTATE JUVENILE SUPERVISION

THIS MATTER having come before the Court upon the request of the Board of Judicial Policy and Administration that the Honorable Dawnessa Snyder be appointed to the State Council for Interstate Juvenile Supervision; and the Court being fully advised, it is

ORDERED that the Honorable Dawnessa Snyder be, and hereby is, appointed to serve as a member of the State Council for Interstate Juvenile Supervision.

DATED this 12th day of January, 2021.

FOR THE COURT:

*Michael K. Davis*

MICHAEL K. DAVIS  
CHIEF JUSTICE