

Board of Judicial Policy and Administration
Minutes
December 18, 2013

The Board of Judicial Policy and Administration met in Cheyenne, Wyoming on December 18, 2013. In attendance in person were Justice Jim Burke, Justice Michael Davis, Judge Tom Campbell, Carol Thompson, Angie Dorsch, Joann Odendahl, Ronda Munger, Diane Bauersfeld and Becky Craig. Those in attendance by video conference were Chief Justice Marilyn Kite, Judge Jeffrey Donnell, Judge Curt Haws, Judge Wes Roberts, and Judge Robert Castor. Judge John Perry participated by phone.

Old Business

Committee Reports

Court Security Commission – Chief Justice Kite reported that the Joint Appropriations Committee voted to sponsor a bill creating the Court Security Assistance Fund, and also approved the appropriation of 10 million dollars from the general fund for that purpose. For counties that meet the criteria, these monies will serve as matching funds for the purchase of security equipment within courthouses, or for the construction or modification of facilities containing a state court; however, the funds cannot be used for staffing or for acquisition of land or infrastructure. Chief Justice Kite mentioned that the Court Security Commission feels strongly that the funds should also be able to be used for staffing since it is a major need in many counties, and that this issue should be addressed in the long run. Judge Donnell reported that County Commissioner's Association and the Wyoming Trial Lawyers Association are supporting the bill. Chief Justice Kite urged all judges to contact their legislators to show their support. Judge Roberts advised that the Fremont County Commissioners completed the final design phase of their project and are ready to proceed once funding is secured. Chief Justice Kite pointed out that the video that depicts the violent events that have happened in court facilities in Wyoming and across the nation cost the Supreme Court \$2,000 to produce, and that the funds to create it came from monies that the Court Security Commission saved by holding their meetings by video conference.

CTAC – Joann Odendahl reported that the Natrona County District Court is now on WyUser, and that the Laramie County District Court, the one remaining court to go on the new system, will do so in the middle of January. She indicated that e-filing was to be implemented in December, but that it has been delayed because of the holdup in these two district courts going onto WyUser. Joann commended Justice Davis for his work on the e-filing project, and reported that State Law Librarian Diane Bauersfeld is in the process of updating the Court Rules to reflect the e-filing process to ensure there won't be problems moving forward. Joann also indicated that the calendaring and scheduling project for the district judges' chambers is moving forward and is in good shape. She related that the circuit court case management system is moving forward as well, and that the requirements for that system are being outlined through a comparison of the different business practices that are used in the district courts and the circuit courts. Joann also noted that e-citations have now been implemented statewide by the Wyoming Highway

Patrol, and that the clerks have been trained on the procedure to accept e-citations into their systems.

Court Interpreter Orientation

Diane Bauersfeld reported that the Court Interpreter Orientation Program has made great progress in the past year. She reviewed the Orientation Update that she and Kristi Racines prepared which shows that 56 individuals have taken part in the orientation seminars to date. Diane briefed the Board on what is involved in the orientation process. She pointed out that of the 56 attendees that took the test, 50 passed the written test. She explained that the next step is the “Oral Proficiency Interview,” and of the 13 individuals that went on to take the OPI, 11 passed. Counting the two individuals who were previously registered, there are now 13 registered interpreters on the Wyoming Supreme Court Interpreter Roster. She explained that the large gap between the number of people who take the written test and those who take the OPI is because the oral proficiency interview is quite intimidating, and also that there is a fee to take the OPI. If an individual doesn’t pass the oral proficiency interview at the registered level, which is what Wyoming requires, there is a 90 day waiting period before it can be taken again.

Joint Judiciary Committee

Court Reporters and Jury Statute Changes – Chief Justice Kite reported that in November the Joint Judiciary Committee voted to sponsor a bill that eliminates the \$45.00 court reporting fee that is required in civil proceedings. The Committee also agreed to encourage the Joint Appropriations Committee to support the incentive that will increase real time certified court reporters’ salary by ten percent. Chief Justice Kite emphasized that having court reporters become real time certified is extremely beneficial to the efficiency of the court system. She also reported that the Joint Judiciary Committee voted to sponsor a bill that will update the jury pool selection statutes. This bill will put in place a mechanism that will provide that the names on the base jury list will be tagged for one year so that those individuals cannot be selected for a jury list for the following year. The bill will also update the archaic language in the statute that refers to the clerks pulling names out of a box. Judge Perry commented that the bill should include a section stating that it applies only to actions that are filed after the date of implementation. He will contact Senator Schiffer about a possible amendment.

Rule 1 Initiative

Chief Justice Kite reminded the Board that there are two general committees working on expediting the civil litigation and domestic relations litigation processes. She reported that the committees received valuable input from the focus groups that were conducted at the Bar Convention. Lawyer members on the Rule 1 Committee have also been conducting interviews with each district judge to get their candid input. Chief Justice Kite advised that a circuit court judge will be appointed to the Rule 1 Committee to enable their conference to have input. Judge Curt Haws will serve as the conference’s interim representative at an upcoming Rule 1 Domestic Relations meeting. The proposed rule changes that are developed by the committee will come before the Board sometime in the spring.

New Pro Se Packets

Ronda Munger reminded the members of the Board that they reviewed three new pro se packets at the September BJPA meeting. The first two packets (one for petitioner and one for respondent) are designed for people who have never been married, but who have children together and need a determination as to custody, visitation and support. The third packet deals with abatement of child support for non-custodial parents. Ronda further reminded the Board that they recommended that the Supreme Court approve and adopt the packets, subject to review and comments from the district judges, law clerks, and judicial assistants. She reported that comments and suggestions were received and taken into consideration. Ronda advised that since the parties in the first two actions have never been married, and there are no property issues to be decided, a question arose among the pro se committee members as to how much financial information the district judges need in order to determine the amount of support. Angie Dorsch reviewed Rule 26 of the Rules of Civil Procedure and questioned how many of the schedules that are attached to the Initial Disclosures form are necessary in these actions. Judge Campbell will poll the district judges on this issue and will report the results to Ronda Munger.

Full-Time Magistrates

Committee members Judge Haws, Judge Castor, and Judge Roberts reviewed the memo they prepared for the Board concerning the full-time circuit court magistrate positions. Lengthy discussion was held on the topic. Chief Justice Kite pointed out that the environment has changed considerably in the circuit court system since it was established in 2000. She stressed that it falls to the Board to review the original salary formula for full-time magistrates that was approved in 2001 by the BJPA, and to determine if the salary and benefits are fiscally sound in relation to the current workload studies. The Committee will review the formula and the way it is being applied, and will have further recommendations for the Board at the next meeting.

Electronic Proof of Insurance & Rule 3.1

Judge Haws reported that the circuit court judges requested input from the auditors as to what documentation is required when a case is dismissed due to a defendant having shown proof of insurance to the court. He indicated that the clerks have received that information and are implementing the auditors' suggestions.

Judge Haws also spoke about the creation of Rule 3.1 of the Rules of Civil Procedure for Circuit Courts that would allow a plaintiff in a civil action to serve a complaint and summons on a defendant before the complaint is filed with the court. He explained that the Permanent Rules Committee suggested that a change be made to the proposed rule that would take the burden off the clerks of receiving phone calls from defendants asking if a complaint had been filed. Judge Haws advised that Rule 3.1 was redrafted to require the plaintiff to serve a notice of filing on the defendant when the complaint is filed with the court. He also indicated that several of the circuit court judges subsequently suggested that the word "serve" be changed to "shall provide a notice of filing to the defendant(s), as provided by Rule 5 of the Wyoming Rules of Civil Procedure." Judge Haws moved and Judge Castor seconded a motion to recommend that Rule 3.1 of the Wyoming Rules of Civil Procedure for Circuit Courts, as amended, be adopted by the Wyoming Supreme Court.

New Business

Public Access Presentation/Uniform Citation Order

These topics were tabled by the Board.

JEAC Membership

Chief Justice Kite reported that Judge Castor agreed to serve another term on the JEAC, and that District Judge Norman Young also agreed to serve on the Committee.

Miscellaneous

“You Be the Judge”

Justice Burke spoke about the free four-part educational program entitled “You Be the Judge” that will be presented at the Laramie County Library between March 10th and 19th. This program that will give the public a behind the scenes look at the difficult decisions that Wyoming Judges face, and will provide information on how judges get selected and how laws get made.

Judicial Learning Center

Chief Justice Kite spoke about the Judicial Learning Center that is being constructed in an area of the State Law Library in the Supreme Court Building.

Civics Conference

Chief Justice Kite informed the Board that the “2014 Conference for Civics Educators,” which is an interactive approach to teaching civics in the classroom, will be held at the Supreme Court in February during the legislative session.

Meeting was adjourned.

Schedule of Future Meetings:

March 12, 2014 (videoconference)

June 13, 2014 (videoconference) – new date

September 9, 2014 (State Bar/Judicial Council Meeting)

December 3, 2014 (videoconference)

Approved by email on March 3, 2014.

The Board of Judicial Policy and Administration’s meetings are not open to the public unless the Board, in its discretion, determines that a particular meeting or agenda item should be open to the public. The Board will disclose what is discussed at the meetings at its discretion.