

DISTRICT JUDGES' CONFERENCE
April 24, 2004 Meeting
Riverton, Wyoming

MINUTES

The April meeting of the Wyoming District Judges Conference was held at the Holiday Inn in Riverton, Wyoming on April 23 and 24, 2004. Present for the meeting, or portions thereof were Judges Guthrie, Kautz, Ryckman, Stebner, Park, Brooks, Waldrip, Hartman, Donnell, Skavdahl, Sullins, Brackley, Sanderson, Patrick, Price and Young.

Minutes of the September 9, 2003 meeting were read and approved on unanimous motion.

Judge Park presented the Treasurer's Report. He reported that the conference account had a current balance of [REDACTED]

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Joan Stockdale made a presentation on the budgets, particularly the individual budgets of the judges. She noted that the judiciary generally did well with the recent legislative session; the primary exception was denial of funds for a "permanent law clerk." She also noted that the legislature had denied budget requests for some furniture; this presents some problems since there was no statutory obligation for counties to furnish these items. The Board of Judicial Policy and Administration will be asked to consider requesting reimbursement of ABA dues.

Judge Sanderson then discussed the Court Improvement Project and presented proposed model orders. He invited comments on the proposed orders. Although not completely related, this led to a discussion of the problems at the Wyoming Girls School in Sheridan, and the judges adopted a Resolution noting the success of the Girl's School, especially when compared to other state juvenile institutions. Judge Sullins will forward the resolution and the judges' concerns to Roger McDaniel, DFS and to the Governor.

Judge Kautz presented an update on *Daubert* case law, and recent developments in Wyoming. He outlined the status of the Judge's "gate-keeping" function under Wyoming case law. The consensus among the District Judges was that it was very difficult to preclude presentation of evidence under

Daubert and the line of Wyoming cases post-*Daubert* if there was any evidence of expert opinion on the subject matter of the proposed evidence.

The judges were treated to a tour of the facilities at the Wyoming Honor Farm, where the judges heard presentations of various staff members and engaged in several question and answer sessions.

The Conference selected Judge Donnell to replace Judge Grant on the Judicial Board of Policy and Administration. The conference also heard updates from members of the Permanent Advisory Committees for Evidence and Criminal Procedure.

Judge Hartman, assisted by Judge Brackley, made a presentation on Family Treatment Courts. This prompted substantial discussion, including whether these were "courts" or "programs," the concerns over due process issues, separation of power questions, judicial ethics, statutory enabling legislation and the advisability of judicial involvement in such programs. No clear consensus was reached.

Finally, Judge Price updated the judges on recent statutory changes in Title 14, new and significant time limitations and various substantive amendments. The last agenda item involved a general discussion on many issues and the problems raised by the various presentations.

There being no further business to come before the Conference, the meeting was adjourned.

David B. Park
District Judge