

Minutes  
Board of Judicial Policy and Administration  
February 11 & 12, 2002  
Wyoming Supreme Court Conference Room  
Cheyenne, Wyoming

The February 11 and 12, 2002, meeting of the Board of Judicial Policy and Administration was held in Cheyenne, Wyoming at the Wyoming Supreme Court Conference Room. Chief Justice Larry Lehman, Justices William Hill and Bart Voigt, Judges Ed Grant, Jeffrey Donnell, Rob Denhardt, Wade Waldrip, and Frank Zebre attended. Judge Hartman, Judge Skar, Holly Hansen, Joann Stockdale, and Linda Burke also attended.

The meeting was called to order at 2:25 PM on February 11, 2002.

A. Approval of: December 6 and 7, 2001 Minutes  
January 8, 2002 Conference Call Minutes

Judge Zebre advised the Board that his attendance at the December meeting was not reflected in the Board minutes. Judge Waldrip moved and Justice Hill seconded a motion to approve the December 6 & 7, 2001 and January 8, 2002 minutes, subject to an addition stating that Judge Zebre attended the December meeting.

B. Circuit Court Issues

1. Supervision of clerical staff

a. Recommendations from sub-committee

Judge Skar explained to the Board that he met with the judges directly affected by this matter and that he received mixed opinions. Some circuit judges want to assign some supervisory duties to magistrates, others want to assign all supervisory duties to magistrates, and still other circuit judges wish to assume the supervisory duties themselves. After discussing the language proposed by Judge Skar and Judge Arp, Chief Justice Lehman advised that he would draft language to be considered at the next Board meeting. The plan is to let the circuit judges in districts that have counties with no sitting circuit judge make the decision as to which judge will handle the clerical supervision of staff. If the decision cannot be agreed upon, the senior judge will assume the supervisory responsibilities. Holly Hansen volunteered to write letters to the affected judges.

2. Automation and Victim Service Fees in Cases with Multiple Citations  
Reports from Judges: Grant, Denhardt, Waldrip, Zebre, and Cole

Judge Denhardt reported that he emailed judges to ask how they handle the assessment of the automation fee and the victim compensation fee in cases consisting of multiple counts. He received answers from only eight or nine judges and their responses were mixed. Chief Justice Lehman suggested replacing "charge" with "charge or count" in Rule 1(a) and (b) under Costs and Fees in Criminal Actions in the Rules for Fees and Costs for Circuit Courts. The Board agreed that the matter should be held in suspension until Judge Grant has contacted the district judges.

The Board then considered Rule 1.05 under Compulsory Counterclaim, Cross-Claim, or Third-party Claim Outside Court's Subject Matter Jurisdiction in the Wyoming Rules of Civil Procedure for Circuit Courts and decided to table the discussion until the following day.

3. Practice of Law by Part-time Magistrates

After a brief discussion of this matter, Judge Denhardt volunteered to contact John Burman concerning his opinion about adding magistrates to the Code of Judicial Conduct.

4. Court Appointed Attorneys in Contempt Proceedings

The Board agreed that it needed to see the relevant case law concerning civil and criminal contempt cases. Chief Justice Lehman offered to enlist the aid of the staff attorney.

C. Judicial Salaries

Steve Cranfill reported that he was fairly confident that the salary bill (House Bill 46) would be introduced. Cranfill further indicated that Phil Nicholas might file a second bill (House Bill 111) as a back up to the first bill.

D. Judicial Retirement

1. Magistrate Retirement

Tom Mann, from the State of Wyoming Retirement System office, answered questions from the Board concerning the advantages and disadvantages to magistrates staying in the State Retirement System or transitioning into the Judicial Retirement System. Mann advised that, depending on the demographics of the individual and unless a career move was involved, there would not be much advantage for a magistrate to change into the Judicial Retirement System.

E. Natrona County Facilities

1. Contacts with Commissioners – Chief Justice Lehman and Judge Kautz

Chief Justice Lehman reported that the Natrona County Commissioners have formed a committee to study the short and long term proposals for housing a new judge. The Chief has not been updated on their progress.

Joann Stockdale advised the Board that when the Joint Appropriations Committee (JAC) worked Judicial District 7C, they asked if a judge would be on board by July 1, 2002. Stockdale advised the JAC that there would probably not be a judge as of July 1, 2002, but that the Board was hopeful for a judge before the biennium ending June 30, 2004. Therefore the JAC decided to give full funding of JD 7C, but added a footnote that basically stated that for whatever portion of the 2003-2004 biennium a judge is in office, only that same percentage of the budget can be used. This means that if a judge were only in office the last six months of the biennium, then 75% of the budget would have to revert to the General Fund. The JAC did agree that Judicial District's 7A & 7B should fill the law clerk position that was provided to Judicial District 7C.

The Board adjourned at 3:40 pm.

The Board reconvened at 8:30 am on Friday, February 12, 2002.

F. Employment Issues

1. Personnel Rules - Matt Fermelia

After a discussion of specific personnel issues, the Board decided that it should draft a set of Personnel Rules applicable to the Supreme Court and circuit courts and another set applicable to district courts. Matt Fermelia will redraft a set of rules for At-Will and For-Cause employees of the circuit courts and work with Judge Kautz to create a set of rules for the district courts. After the Board's review, the district court

rules will then be sent out to the district judges for their review and comments. Fermelia advised that he could have the rules prepared by the time of the Board meeting in March.

G. Judicial Technology Task Force Update – Jim Bivona

Jim Bivona presented a brief update on the recent activities of the Judicial Technology Task Force. Bivona explained that the most prominent project is the Buffalo-Sheridan Pilot Project and it is composed of three phases: court technical infrastructure, justice agency data exchange, and public access to court records. Bivona described the progress within each phase. With respect to the court technical infrastructure phase, courthouse technical wiring has been completed, work is continuing to link local connections to law enforcement centers and other local agencies, the court case management software is being developed, and a Request for Proposal is being designed for the construction of a statewide central data store of court data. As for the justice agency data exchange, local-level working groups, including law enforcement, courts, probation and parole, county commissioners, and other local government representatives, are continuing to meet together and starting work on the citation process. Finally, the development of a public access policy is ongoing and the JTTF is awaiting action from the Board of Judicial Policy and Administration.

H. Rule Changes to Wyoming Rules of Professional Conduct - Guardian Ad Litem Committee

After a brief discussion of the finalized proposals from the Guardian Ad Litem Committee to the Wyoming Rules of Professional Conduct, Judge Grant moved and Judge Donnell seconded a motion to approve the rule changes as presented. Motion carried unanimously.

The Board met in an Executive Session to discuss a personnel matter.

I. Report on Judicial Budget Request – 2003 and 2004

1. Legislative Update - Joann Stockdale

Joann Stockdale gave further detail concerning the JAC cuts to the Judicial Branch Budget. She advised that every budget was cut by the 5% inflationary adjustment in the 200 series. This means that some courts may be tight in their travel funds, since travel reimbursement has increased over the last two years. Stockdale further advised that Judge Hartman asked both Senator Schiffer and Representative Rose to sponsor an amendment to put the funds back into the budgets for the District Courts. The total amount is approximately \$37,000.

Stockdale stated that both Judge Hartman's and Judge Brooks' budgets were cut in the In-State Travel category due to the fact that they both received funds to buy a vehicle, but then were only given enough funds to pay for the monthly maintenance fees. Due to the JAC cutting those funds, no money was left for lodging and meals. Therefore, an amendment is necessary to restore their travel budgets.

J. Out of State Travel – Joann Stockdale

Joann Stockdale updated the Board on Out-of-State Travel Requests stating that since the State went to a new travel reimbursement policy for lodging and meals based upon the destination of travel, there is no need for Out-of-State Travel Requests being approved by the Chief Justice. The judicial branch employees would,

however, need to have Out-of-State Travel approval if they were to request reimbursement for actual expenses.

Stockdale advised that there had been some question as to whether or not the judicial branch would follow the executive branch and reimburse employees for mileage at the new rate of \$.365 beginning January 1, 2002. She stated that she wanted to make sure that it was still the Board's intention to use the Federal allowable mileage reimbursement rate that was adopted in their policy last fall. The Board agreed that they did not intend to change their policy.

The Board asked Stockdale to create an abbreviated version of the travel policies, a "Travel for Dummies," explaining all the changes that are now in place and is also easy to read and understand.

K. Other Matters

1. Judicial Compensation Committee

The Board discussed the possibility of establishing a Judicial Compensation Committee. Chief Justice Lehman offered to check into the State Compensation Board and find out who works on the committee and what is being done.

2. Future Agenda Items

3. Miscellaneous

Holly Hansen advised the Board of the upcoming Domestic Violence training for District Court Clerks, Circuit Court Clerks, and their staff. She indicated that an invitation would be extended to the district judges' administrative assistants, if the district judges on the Board did not object. Judges Donnell and Grant said they did not see any problem with extending an invitation to the administrative assistants. The training will be held in April in two separate locations to accommodate attendance from around the state. The hope is to create an awareness and understanding of domestic violence and its results. The training will be fully funded by a VAWA grant, including the cost of travel and lodging for participants.

L. Schedule of Future Meetings

The Board agreed to cancel the March 21 and 22, 2002 meeting in Thermopolis and to meet by teleconference on March 12, 2002. The future meetings are as follows:

1. March 12, 2002 Conference Call
2. April 9, 2002 Conference Call
3. May 14, 2002 Conference Call
4. June 20 and 21, 2002 in Saratoga
5. July 9, 2002 Conference Call
6. August 13, 2002 Conference Call
7. September 9 and 10, 2002 in Jackson (to coincide with State Bar)
8. October 8, 2002 Conference Call
9. November 12, 2002 Conference Call
10. December 5 and 6, 2002 in Douglas

Adjournment