

# Board of Judicial Policy and Administration

Supreme Court Building, Room 237

Cheyenne, Wyoming

March 11, 2019

9:00 A.M. – NOON

Video Conference

## MINUTES

**BJPA Members Present:** Chief Justice Michael Davis (Chair), Justice Kate Fox, Justice Lynne Boomgaarden, Judge Catherine Rogers, Judge Tom Rumpke, \* Judge Wes Roberts,\* Judge Curt Haws\*

**BJPA Members Absent:** Judges John Fenn and Bob Castor

**Others Present:** Judge Tim Day,\* Judge Brian Christensen,\* Patty Bennett, Clerk of the Supreme Court, Nate Goddard, IT Infrastructure & Operations Manager, Heather Kenworthy, IT Applications Project Manager, Claire Smith, Chief Fiscal Officer, Elisa Butler, General Counsel, Diane Sanchez, Laramie County Clerk of District Court, Cierra Hipszky, Business Manager and Lily Sharpe, State Court Administrator

*\*Appeared remotely via phone or video conference*

Agenda Items	
Welcome	Chief Justice Davis welcomed Board members and others present.
Judicial Vacancies	Chief Justice Davis advised Judge Frank Zebre retires May 1, 2019 and Judge Norm Young retires July 3, 2019. There are 12 applicants for Judge Zebre's position. There are 14 applicants for Judge Young's position. By Judge Norm Young retiring July 3, 2019, the raise for district court judges becomes effective July 1, 2019.
Legislative Update	1. Session Overview – Lily Sharpe A. Bill Summaries (Appendix 1) The Legislature passed a number of bills that will affect courts. Some of the bills include: <u>HB44 Expungement of juvenile court records</u> <ul style="list-style-type: none"><li>• Deals with expungement of records of MINORS only;</li><li>• Allows the State or the minor to petition for expungement;</li><li>• Defines expungement as <i>permanent destruction or deletion</i> of the records</li></ul>

by the court and agencies; and

- Imposes responsibility on the court to specifically list the agencies that may have records relating to the offense. Lily emphasized the importance of including DCI and WyDOT Driver Services in the order because the Supreme Court is statutorily required to provide DCI and WyDOT Driver Services records relating to minors and adults. It is also critical the court sends the order to each agency named in the order.

HB53 Probation and parole – incentives and sanctions

- Creates a new article in the sentencing statutes;
- Allows DOC to create rules implementing incentives and sanctions when a probationer or parolee violates conditions of release;
- Sanctions can include: loss of privileges, short periods of jail, or 3 months incarceration with substance abuse treatment or cognitive-behavioral programming; and
- Provides DOC \$1.6 million to implement.

HB143 Presentence investigation reports – judicial discretion

- Allows a district or circuit judge to dispense with or limit the scope of a presentence investigation report before imposing probation or suspension of a sentence.

HB155 Guardianships – reintegration planning authorized

- In termination of guardianship proceedings, the court must consider the best interests of the child as well as giving deference to the rebuttable presumption that a fit parent is entitled to custody of the child; and
- Court can create a reintegration plan - including graduated visitation, education and treatment.

HB177 Court supervised treatment programs – prosecutor’s consent

- Allows a court to order a defendant to participate in a supervised treatment program without the consent of the prosecutor.

SF7 Alternate penalties & pretrial release for alcohol crimes

- Creates a restricted driver’s license for participants in a 24/7 sobriety testing program;
- The fees for the license will go into the 24/7 program account;
- Funds from the account are distributed to sheriffs to administer a 24/7 program; and
- Judges may require participation in the program as a condition of probation or suspension of a sentence.

SF10 Modification of probation

- Allows a judge to place a defendant on supervised or unsupervised probation;
- Requires a judge to consider 8 factors in setting a probation period:
  1. Stable employment;
  2. Positive community support;
  3. Positive family support;
  4. Attendance to spousal or parental responsibilities;
  5. Progress addressing substance abuse;
  6. Seriousness of the crime;
  7. Risk to the community;
  8. Risk of re-offense as determined by a valid risk assessment; and
- Allows a judge to reduce a period of probation at any time.

SF38 Limitation on length of probation

- Limits the length of probation under Wyo. Stat. 7-13-301 to 3 years; and
- Limits probation under Wyo. Stat. 7-13-302 and 35-7-1037 to 3 years unless the judge finds good cause otherwise after considering public safety, rehabilitation and other sentencing goals.

SF104 Wyoming chancery court

- Creates a chancery court; and
- Leaves many questions unanswered.

SF115 Order of protection – tolling during

- Allows a protection order to be repeatedly extended for up to 3 years; and
- Tolls the order during incarceration.

SF151 Judicial salary increase

- Increases the salaries of judges and justices.

B. Interim Topics

Management Council will consider interim topics on March 22, 2019. Court Administration requested consideration of legislation relating to implementation of electronic court records, garnishments and pretrial release. Justice Fox added that the Children’s Justice Project asked Management Council to study restructuring the Guardian Ad Litem Program and creating a parents’ counsel office.

2. Budget Update – Claire Smith

Exception requests

The Legislature approved the 3 Judicial Branch budget exception requests:

- Authorization to use Equal Justice Wyoming funds to fill a part-time position;

	<ul style="list-style-type: none"> <li>• Funding in the old retirement plan for a newly retired judge; and</li> <li>• Funding of \$11,666 for each Casper district court to compensate Title 25 special commissioners.</li> </ul> <p><u>Raises for employees (non-judges)</u></p> <p>The Legislature approved 2% pay raises for employees whose salary is not set by statute. The 2% raise applies up to \$80,000. This means if an employee earns more than \$80,000, the employee’s raise will be capped at \$1,600. The raise will be effective July 1, 2019.</p>
<p><b>Judicial Conference Reports</b></p> <p><u>Circuit Conference</u> President: Judge Christensen</p> <p><u>District Conference</u> President: Judge Day</p>	<p>1. Circuit Court Conference – Judge Christensen</p> <p>The circuit judges spring meeting will be held in Jackson on April 24-26, 2019.</p> <p>2. District Court Conference</p> <p>Chief Justice Davis welcomed Judge Kerri Johnson as the new member on the Court Technology Committee.</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></p> <p>Members: Chief Justice Davis (Chair), Justice Fox, Judge Sharpe, Vacant, Judge Christensen, and Judge Prokos</p>	<p><b>Courtroom Automation Committee Updates - Elisa Butler and Heather Kenworthy</b></p> <p>1. Case Management Systems Update – Heather Kenworthy</p> <p style="padding-left: 40px;">A. FCE Circuit</p> <p>Carbon County went live on February 3, 2019. It was the final pilot court. There are now 4 circuit courts on FCE: Natrona, Albany, Carbon and Laramie. The FCE circuit court clerk change committee will continue to assist with global configuration requests that arise during the implementation process.</p> <p style="padding-left: 40px;">B. FCE District</p> <p style="padding-left: 80px;">I. Child Welfare Module Update</p> <p>The child welfare module for FullCourt Enterprise has been installed at the Supreme Court and is being tested. A gap session was held on February 27 – 28, 2019. The FCE district court clerk committee and Children’s Justice Project staff participated. During the session, potential customizations were identified. Discussions will continue with the committee and JSI to determine which customizations to pursue.</p> <p>Judge Rumpke asked when FCE can be expected in district courts. Elisa Butler replied the rollout to circuit courts will tentatively be completed in early 2020 and then the district court rollout will begin. Heather Kenworthy expounded the Court Technology Office (CTO) has 7 people traveling over the next 18 months for circuit courts. The CTO rolls out a court every 3 weeks. There are 2 site visits per court. In-between visits, the CTO prepares the court over video conference and does cleanup activities. There are approximately 80 hours of</p>

	<p>contact per court. Once the CTO completes the rollout of the 29 circuit court locations, the same process will ensue for the district courts. It will likely be more complex because the migration issues are more difficult since the district courts are migrating from a different system.</p> <p>2. Jury Management System Update – Elisa Butler</p> <p>All but 1 court in Rollout Group 1 are live on AgileJury. Weekly training sessions with the courts in Rollout Group 2 will begin in April followed by an in-depth functional training June 11 – 13, 2019 in Casper. The courts in Rollout Group 2 include Converse, Goshen and Crook Circuit and District Courts, Niobrara Circuit Court, and Natrona District Court.</p> <p><b>Courtroom Technology Committee Updates – Nate Goddard</b></p> <p>1. Emergency Requests</p> <p>There have been 6 emergency requests. All requests have been completed with the exception of Carbon County District courtroom and the Supreme Court courtroom.</p> <p>2. Statewide Upgrades</p> <p>The statewide courtroom upgrade project is underway. The first court to receive upgrades was Lovell Circuit Court on March 1, 2019. The next courtrooms to be upgraded are Sweetwater District Court, Park Circuit Court and Laramie District and Circuit Courts.</p> <p>3. Laramie County</p> <p>The new courtroom is being dry walled. The courtroom area is the only avenue to remove waste from the building, so a final completion date is uncertain.</p> <p><b>Phase III: Hardware Refresh Update – Nate Goddard</b></p> <p>We have nearly completed the branch wide replacement of all work stations. The last 3 courts will be done by the end of June. The final courts are Casper, Wheatland/Douglas and Uinta.</p> <p><b>Azure Migration – Nate Goddard</b></p> <p>Migration to the Cloud began 18 months ago. We have moved WyUser, C-Track and the Data Warehouse. Within the next 2 months, we will have migrated all systems to the Cloud. We have good policies in place, including barebones backup every hour and server backup every night. The backups are located in 2 different Microsoft data centers.</p>
<p><b>Permanent Rules Advisory Committee (PRAC)</b></p> <p><u>Appellate Division</u></p> <p>Judicial Members: Justice</p>	<p><b>Appellate Rules Update – Justice Boomgaarden and Patty Bennett</b></p> <p>The committee met on March 5, 2019 to discuss possible changes to WRAP 3.05 and 7.07. The changes to rule 3.05 are intended to implement the practices of the Supreme Court Clerk’s Office regarding records on appeal. The changes address the mechanics of transmitting a record to the Supreme Court and how the record should be assembled, numbered, indexed and otherwise prepared for transmission. The proposed changes will not change the current process, but</p>

<p>Boomgaarden, Judge Fenn</p> <p><u>Civil Division</u></p> <p>Judicial Members: Justice Fox (Chair), Judge Castano, Judge Kricken, Judge Rumpke</p> <p><u>Criminal Division</u></p> <p>Judicial Members: Judge Edelman (Chair), Judge Arp</p> <p><u>Evidence Division</u></p> <p>Judicial Members: Judge Rumpke (Chair), Judge Nau, Judge Radda</p> <p><u>Juvenile Division</u></p> <p>Judicial Members: Judge Wilking (Chair), Justice Kautz, Judge Campbell, Judge Fenn</p>	<p>instead provide uniformity in the records received from the various district courts. The committee was not able to discuss rule 7.07 due to time constraints, but will meet again on March 26, 2019 to discuss this topic and further discuss changes to rule 3.05.</p> <p><b>Civil Rules Update – Judge Rumpke and Patty Bennett</b></p> <p>1. Proposed Amendment to WRCP 40.1(b): Change of Judge (Appendix 2)</p> <p>After some discussion about the proposed language, the Board agreed to change the “shall” in Rule 40.1(b)(1)(I) to “may” and to send the amendment to the Supreme Court for approval.</p> <p><b>Criminal Rules Update – Judge Edelman and Patty Bennett</b></p> <p>1. Proposed Amendment to WRCrP Rule 46.1(a)(1): Pretrial Release (Appendix 3)</p> <p>Patty Bennett reported that after the last BJA meeting, the circuit judges submitted a proposed change to WRCrP 46.1. The proposed rule change was sent to the Criminal Rules Committee. Judge Edelman had no update from the Criminal Committee on the proposal. Judge Roberts moved to approve the rule. Judge Rumpke voiced concern with the procedure of adopting a rule without input from the permanent rules committee, but not the substance of that rule. The motion passed.</p> <p>2. Proposed Amendment WRCrP Rule 3.1 Use of Citations; Bail (Appendix 4)</p> <p>A. Circuit Court Conference Report Back – Judge Christensen</p> <p>Judge Christensen noted that his initial concerns with the proposed amendment were addressed by limiting the change to adult defendants. The proposed amendment will be sent to the Supreme Court for consideration.</p> <p><b>Rules of Evidence Update – Judge Rumpke and Patty Bennett</b></p> <p>1. Proposed Amendments to WRE 701-705, 803(6) and 902 (Appendix 5)</p> <p>Judge Rumpke provided an overview on the rule changes submitted by the committee. The rule changes will be considered by the Supreme Court in the coming weeks.</p> <p><b>Juvenile Rules Update – Judge Wilking and Patty Bennett</b></p> <p>Judge Wilking had no update from the Juvenile Rules Committee.</p>
<p><b>Judicial Salaries Committee</b></p> <p>Members: Justice Fox (Chair), Chief Justice Davis, Judge Fenn, Judge Rogers, Judge Bartlett, Judge Christensen</p>	<p>1. Update – Justice Fox</p> <p>The committee members worked diligently to get legislation passed this year. The success was a result of judges working hard to contact their legislators. We are going to keep the committee alive to investigate automatic increases so we do not have to go through this arduous project again. Chief Justice Davis added that Arizona adopted periodic increases. By doing so, substantial pressure was taken off of their Judiciary and the Legislature. We hope to find good models from other states. We plan to wait until the 2020 interim to request periodic increases.</p>

<p><b>Access to Justice Commission</b></p>	<p>1. Update – Justice Boomgaarden</p> <p>The commission collaborated with stakeholders to develop an RFP for a legal resources needs assessment. A vendor had been selected and now funding is needed. A subcommittee will be formed to work on a report for the Supreme Court reviewing accomplishments made under the current strategic plan. The current plan expires in 2019. The commission is working on updates to the plan.</p>
<p><b>Revision to BJPA Policy</b></p>	<p>1. Policy on Executing an Oath of Office – Patty Bennett (Appendix 6)</p> <p>The attached amendment clarifies the Supreme Court Clerk’s Office is to receive a <i>copy</i> of the oath of office. The amendment is necessary because there are times when the Supreme Court Clerk's Office receives the originals of the oath.</p>
<p><b>New Business</b></p>	<p>1. Member Input</p> <p>Chief Justice Davis discussed the Chancery Court bill and possible options for moving forward, including creation of a committee to work on implementation.</p> <p>Judge Rumpke inquired how the password policy came into existence and why the judges were not consulted about the policy. Lily Sharpe explained the changes were necessitated to protect the security of the network and to comply with Payment Card Industry (PCI) standards. Lily noted that officials in Jackson County, Georgia, paid a \$400,000 ransom to restore county IT systems disabled since early March. The CTO has worked with a security vendor to take precautions to prevent hackers entering our network. Chief Justice Davis emphasized the password security is not optional. Judge Rumpke stressed the difficulty the lock out function creates during trials. The CTO will continue to investigate a possible solution that does not require a judge to tap on the mouse during proceedings.</p>

<p><b>Action items:</b></p> <p>1. None.</p>

<p><b>Action taken by Board:</b> None.</p>

<b>Schedule of Future Events</b>	2019 BJPA Meetings June 17, 2019 September 16, 2019 December 16, 2019

<p><b>Appendix 1:</b> Bill Summaries.</p> <p><b>Appendix 2:</b> Draft Order Amending Wyoming Rule of Civil Procedure 40.1 (b). Transfer of trial and change of judge.</p> <p><b>Appendix 3:</b> Draft Order Amending Wyoming Rule of Criminal Procedure 46.1 (a)(1). Pretrial release.</p> <p><b>Appendix 4:</b> Proposed Amendment to Wyoming Rule of Criminal Procedure 3.1. Use of citations; bail.</p> <p><b>Appendix 5:</b> Draft Order Amending Wyoming Rules of Evidence 701, 702, 703, 704, 705, 803 and 902.</p> <p><b>Appendix 6:</b> Policy on Executing an Oath of Office.</p>	

**Attachments are highlighted**

Approved on April 9, 2019

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<b>BILL &amp; LSO #</b>	<b>CATCH TITLE</b>	<b>SUBJECT</b>	<b>OVERVIEW</b>	<b>CHAPTER NUMBER</b>
<b>HB0004</b>	Recordation of judgments and orders.	Removing recordation requirements	<ul style="list-style-type: none"> <li>• Removing requirements for recording judgments and orders in a separate journal relating to: Real property; child support and adoption proceedings.</li> <li>• Amending requirements for clerks of court to keep books for probate.</li> <li>• Repealing provisions requiring district court clerks to maintain certain books and records.</li> </ul>	<ul style="list-style-type: none"> <li>• Assigned Chapter Number 24</li> </ul>
<b>HB0013</b>	Jury procedure amendments.	Amendments to jury procedure	<ul style="list-style-type: none"> <li>• Amending provisions for juror selection, composition, exemption, excusal and compensation.</li> <li>• Repealing provision related to completing a jury panel.</li> </ul>	<ul style="list-style-type: none"> <li>• Assigned Chapter Number 14</li> </ul>
<b>HB0030</b>	Trust company statutes-updates.	Updates to trust company statutes	<ul style="list-style-type: none"> <li>• Establishing supervised trust companies and private family trust companies; requirements for trust company records.</li> <li>• Amending and creating definitions for trust companies.</li> <li>• Providing rulemaking authority.</li> <li>• Making conforming amendments; renumbering; repealing obsolete and superseded provisions.</li> </ul>	<ul style="list-style-type: none"> <li>• Assigned Chapter Number 13</li> </ul>
<b>HB0031</b>	Rule against perpetuity amendments.	Amendments to rule against perpetuity	<ul style="list-style-type: none"> <li>• Amending applicability to perpetuities to interests in real estate.</li> <li>• Eliminating the requirement to opt out of the rule for property held in trust other than real property.</li> </ul>	<ul style="list-style-type: none"> <li>• Assigned Chapter Number 47</li> </ul>
<b>HB0033</b>	Principal and income act-principal place of administration.	Application of Wyoming Uniform Principal Income Act to trust or estate	<ul style="list-style-type: none"> <li>• Specifying when a trust or estate is subject to the Wyoming Uniform Principal Income Act.</li> </ul>	<ul style="list-style-type: none"> <li>• Assigned Chapter Number 45</li> </ul>
<b>HB0044</b>	Expungement of juvenile court records.	Amending juvenile offender expungements	<ul style="list-style-type: none"> <li>• Amending juvenile offender expungement provisions relating to agency and court records.</li> </ul>	<ul style="list-style-type: none"> <li>• Assigned Chapter Number 29</li> </ul>
<b>HB0045</b>	Crime victim compensation	Time lines for compensation awards	<ul style="list-style-type: none"> <li>• Providing time lines for compensation awards.</li> <li>• Authorizing division of victim compensation to extend compensation time</li> </ul>	<ul style="list-style-type: none"> <li>• Assigned Chapter</li> </ul>

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	eligibility clarification.	and ability to extend for mental health care	limits for mental health counseling and care. <ul style="list-style-type: none"> <li>Amending date compensation becomes available.</li> </ul>	Number 11
<b>HB0053</b>	Probation and parole-incentives and sanctions.	Incentives and sanctions for probation and parole supervision	<ul style="list-style-type: none"> <li>Establishing incentives and sanctions for probation and parole supervision.</li> <li>Specifying authorized sanctions and providing procedure for imposing sanctions.</li> <li>Providing for award of credit against original sentences for paroles.</li> <li>Requiring us of validated risk and need assessment.</li> <li>Clarifying requirements for intensive supervision program placement.</li> </ul>	<ul style="list-style-type: none"> <li>Assigned Chapter Number 116</li> </ul>
<b>HB0056</b>	Uniform Trust Code amendments.	Amendments to uniform trust code	<ul style="list-style-type: none"> <li>Eliminating claims of forced heirship and legitime.</li> <li>Providing definition of legitime.</li> <li>Clarifying discretionary distribution standards for trustee.</li> <li>Specifying review of discretionary powers of trustee.</li> </ul>	<ul style="list-style-type: none"> <li>Assigned Chapter Number 44</li> </ul>
<b>HB0065</b>	Procurement amendments.	Modifying procurement provisions	<ul style="list-style-type: none"> <li>Modifying provisions relating to the procurement of services by public entities.</li> <li>Subjecting school districts to the requirements of the Professional Architectural, Engineering and Land Surveying Services Procurement Act.</li> </ul>	<ul style="list-style-type: none"> <li>Assigned Chapter Number 134</li> </ul>
<b>HB0086</b>	Summary probate procedures.	Summary probate procedures	<ul style="list-style-type: none"> <li>Creating a definition for summary probate procedures.</li> <li>Specifying how distribution through intervening estates may take place; limits for creditor claims to distributed property.</li> <li>Amending procedure for summary probate distribution.</li> </ul>	<ul style="list-style-type: none"> <li>Assigned Chapter Number 85</li> </ul>
<b>HB0089</b>	Wage garnishment.	Extending protections for exempt funds	<ul style="list-style-type: none"> <li>Amending garnishment provisions to extend protections for exempt funds.</li> </ul>	<ul style="list-style-type: none"> <li>Assigned Chapter Number 70</li> </ul>
<b>HB0107</b>	Sexual assault parental rights.	Include sexual assault as TPR factor	<ul style="list-style-type: none"> <li>Including sexual assault as a factor that a court may consider to terminate parental rights.</li> <li>Specifying no reunification effort is required.</li> </ul>	<ul style="list-style-type: none"> <li></li> </ul>
<b>HB0143</b>	Presentence investigation reports-judicial discretion.	Establishing judicial discretion for presentence reports, amending requirements for substance abuse evaluations	<ul style="list-style-type: none"> <li>Specifying when a presentence investigation report must be completed for convicted felony defendants.</li> </ul>	<ul style="list-style-type: none"> <li>Assigned Chapter Number 167</li> </ul>

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<b>HB0155</b>	Guardianships-reintegration planning authorized.	Termination of guardianship; authorizing reintegration planning	<ul style="list-style-type: none"> <li>• Authorizing court orders related to the termination of guardianships as specified; specifying applicability.</li> </ul>	<ul style="list-style-type: none"> <li>• Assigned Chapter Number 130</li> </ul>
<b>HB0157</b>	Termination of parental rights-standing.	Standard for biological grandparents to petition for TPR	<ul style="list-style-type: none"> <li>• Creating standing for biological grandparents acting in loco parentis to petition for the termination of parental rights.</li> <li>• Requiring specified findings; amending petition requirements.</li> <li>• Creating factors for a court to consider when terminating parental rights on a petition by a biological grandparent.</li> </ul>	<ul style="list-style-type: none"> <li>• Assigned Chapter Number 88</li> </ul>
<b>HB0171</b>	Hemp and cannabidiol regulation.	Hemp and cannabidiol regulations	<ul style="list-style-type: none"> <li>• Amending substances regulated by the controlled substances act.</li> <li>• Providing for hemp production and hemp processing; rulemaking authority; penalty.</li> <li>• Authorizing the use and possession of hemp and hemp products.</li> <li>• Providing an affirmative defense.</li> <li>• Repealing confliction provisions.</li> <li>• Requiring the department to submit a state plan for the regulation of hemp.</li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>
<b>HB0177</b>	Court supervised treatment programs-prosecutor's consent.	Removing prosecutorial consent requirement	<ul style="list-style-type: none"> <li>• Removing the prosecutorial consent requirement for participation in a court supervised treatment program.</li> <li>• Specifying applicability.</li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>
<b>HB0236</b>	Wyoming Statutory Foundation Act.	Creating the entity of statutory foundations; establishing role of court in administration of statutory foundation	<ul style="list-style-type: none"> <li>• Creating statutory foundations as a new form of entity.</li> <li>• Establishing procedures and standards for the management of statutory foundation affairs.</li> <li>• Specifying liability.</li> <li>• Imposing fees as specified.</li> <li>• Providing for the operation and transfer of foreign foundations.</li> <li>• Authorizing the adoption of rules and the establishment of fees. Making conforming amendments.</li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>
<b>SF0007</b>	Alternate penalties & pretrial release for alcohol crimes.	Amending 24/7 program & alternate penalties & pretrial release for alcohol	<ul style="list-style-type: none"> <li>• Amending 24/7 sobriety program provisions to increase access to program and technology.</li> <li>• Creating restricted driver's license for participants in 24/7 programs;</li> <li>• Removing restriction on state funding for 24/7 administrator.</li> </ul>	<ul style="list-style-type: none"> <li>• Assigned Chapter Number 49</li> </ul>

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		crimes	<ul style="list-style-type: none"> <li>• Providing additional driving privilege sanctions for driving while under the influence; penalties for violations.</li> <li>• Clarifying credit for time spent using ignition interlock deceives.</li> <li>• Amending provisions relating to persons prohibited from driving without an interlock device.</li> <li>• Creating account; repealing sunset date for 24/7 program.</li> </ul>	
<b>SF0008</b>	Court procedure amendments.	Amending & repealing terms of court	<ul style="list-style-type: none"> <li>• Amending terms of court for district courts; duties of court commissioners; provisions in Probate Code and drainage district laws related to terms of court and court actions in vacations.</li> <li>• Repealing provisions related to terms of court.</li> </ul>	<ul style="list-style-type: none"> <li>• Assigned Chapter Number 54</li> </ul>
<b>SF0010</b>	Modification of probation.	Modification of probation	<ul style="list-style-type: none"> <li>• Providing standards for imposition or modification of probation.</li> <li>• Clarifying probation supervision options.</li> </ul>	<ul style="list-style-type: none"> <li>• Assigned Chapter Number 37</li> </ul>
<b>SF0038</b>	Limitation on length of probation.	Probation length limitations	<ul style="list-style-type: none"> <li>• Limiting the length of probation term.</li> </ul>	<ul style="list-style-type: none"> <li>• Assigned Chapter Number 101</li> </ul>
<b>SF0057</b>	Public records.	Release time lines and designation of records person	<ul style="list-style-type: none"> <li>• Requiring the release of public records within a specified time; the designation of a public records person for each agency, institution and political subdivision of the state; applications for public records to be made to the designated public records person; the state chief information officer to investigate complaints and violations of the public records act.</li> <li>• Modifying penalties and providing remedies for violations of the public records act.</li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>
<b>SF0060</b>	Protection of children-child endangerment amendments.	Child endangerment and protective custody amendments	<ul style="list-style-type: none"> <li>• Revising the elements of the crimes of abandoning and endangering a child.</li> <li>• Amending when a child may be taken into protective custody as specified.</li> </ul>	<ul style="list-style-type: none"> <li>• Assigned Chapter Number 77</li> </ul>
<b>SF0070</b>	Landowner and lessee liability limitations.	Liability limitations for landowner and lessee	<ul style="list-style-type: none"> <li>• Specifying that a landowner is not liable for damages or injuries to a third party caused by a person using the land for recreational purposes; conditions under which a state lands lessee is not liable to users of improvements on those lands.</li> </ul>	<ul style="list-style-type: none"> <li>• Assigned Chapter Number 69</li> </ul>
<b>SF0074</b>	Professional services	Modifying residency	<ul style="list-style-type: none"> <li>• Modifying residency requirements related to the procurement of professional</li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>

***NOTE: The summaries below are intended merely to help identify possible areas of interest. THE FULL BILL MUST BE REVIEWED TO ASSURE COMPLETENESS AND CORRECTNESS. LINK TO FULL BILLS: <http://legisweb.state.wy.us/2019/billreference/BillReference.aspx?type=ALL>***

	procurement.	requirements	architectural, engineering and land surveying services.	
<b>SF0085</b>	Wyoming Medicaid Fraud Control Act.	Creating Wyoming Medicaid Fraud Control Act and criminal penalties	<ul style="list-style-type: none"> <li>Establishing the Medicaid fraud control unit within the office of the attorney general.</li> <li>Specifying duties.</li> <li>Requiring access to Medicaid records.</li> <li>Creating criminal penalties relating to Medicaid.</li> <li>Authorizing exclusion or suspension of Medicaid providers.</li> <li>Making conforming amendments.</li> <li>Authorizing the promulgation of rules.</li> </ul>	<ul style="list-style-type: none"> <li>Assigned Chapter Number 96</li> </ul>
<b>SF0102</b>	Circuit court bank accounts.	Amending requirement for circuit court bank accounts to one (1)	<ul style="list-style-type: none"> <li>Amending requirements for the management of bank accounts for money received by the circuit courts.</li> </ul>	<ul style="list-style-type: none"> <li>Assigned Chapter Number 107</li> </ul>
<b>SF0104</b>	Wyoming chancery court.	Creating a chancery court	<ul style="list-style-type: none"> <li>Creating a chancery court.</li> <li>Providing for jurisdiction; for funding of the chancery court; for adoption of rules for the chancery court; for the terms and appointment of chancery court judges; for the salary and expenses of chancery court judges; an appropriation.</li> </ul>	<ul style="list-style-type: none"> <li></li> </ul>
<b>SF0115</b>	Order of protection-tolling during imprisonment.	Tolling of protection order during imprisonment; extension of duration	<ul style="list-style-type: none"> <li>Providing for the tolling of the effective period of an order of protection as specified.</li> <li>Amending the duration of an extension.</li> </ul>	<ul style="list-style-type: none"> <li>Assigned Chapter Number 151</li> </ul>
<b>SF0151</b>	Judicial salary increases.	Judicial salary increases.	<ul style="list-style-type: none"> <li>Increasing judicial salaries as specified.</li> <li>Providing an appropriation.</li> </ul>	<ul style="list-style-type: none"> <li>Assigned Chapter Number 98</li> </ul>

***IN THE SUPREME COURT, STATE OF WYOMING***

*April Term, A.D. 2019*

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*In the Matter of Amendments to* )  
*Rule 40.1 of the Wyoming* )  
*Rules of Civil Procedure* )

**ORDER AMENDING RULES 40.1 OF THE WYOMING  
RULES OF CIVIL PROCEDURE**

The Permanent Rules Advisory Committee, Civil Division, and the Board of Judicial Policy and Administration have recommended that this Court amend Rule 40.1 of the Wyoming Rules of Civil Procedure. This Court finds the proposed amendments should be adopted. It is, therefore,

**ORDERED** that the amendments to Rule 40.1 of the Wyoming Rules of Civil Procedure, attached hereto, be and hereby are adopted by the Court to be effective July 1, 2019; and it is further

**ORDERED** that this order and the attached amendments shall be published in the advance sheets of the Pacific Reporter; the attached amendments shall be published in the Wyoming Court Rules Volume; and that this order and the attached amendments shall be published online at the Wyoming Judicial Branch's website, <http://www.courts.state.wy.us>. The amendments shall also be recorded in the journal of this Court.

**DATED** this 2<sup>nd</sup> day of April, 2019.

**BY THE COURT:**

**MICHAEL K. DAVIS**  
Chief Justice

## Wyoming Rules of Civil Procedure

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### Rule 40.1. Transfer of trial and change of judge.

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#### (b) *Change of Judge.* —

##### (1) *Peremptory Disqualification.* —

~~(A) *Motion.* A district judge may be peremptorily disqualified from acting in a case by the filing of a motion requesting that the judge be so disqualified.~~

##### ~~(B) *Time.*~~

~~(i) *Motion by Plaintiff.* The motion designating the judge to be disqualified shall be filed by the plaintiff within five days after the complaint is filed; provided, that in multi-judge districts, the plaintiff must file the motion to disqualify the judge within five days after the name of the assigned judge has been provided by a representative of the court to counsel for plaintiff by personal advice at the courthouse, telephone call, or a mailed notice.~~

~~(ii) *Motion by Defendant.* The motion shall be filed by a defendant at or before the time the first responsive pleading is filed by the defendant or within 30 days after service of the complaint on the defendant, whichever first occurs, unless the assigned judge has not been designated within that time period, in which event the defendant must file the motion within five days after the name of the assigned judge has been provided by a representative of the court to counsel for the defendant by personal advice at the courthouse, telephone call, or a mailed notice.~~

~~(iii) *Parties Added Later.* One made a party to an action subsequent to the filing of the first responsive pleading by a defendant cannot peremptorily disqualify a judge.~~

~~(C) *One Time Challenge.* In any matter, a party may exercise the peremptory disqualification only one time and against only one judge.~~

~~(D) *Criminal and Juvenile Proceedings.* This rule, and the procedures set forth herein, shall not apply to criminal cases or proceedings in juvenile court.~~

(A) *Motion.* — A party may peremptorily disqualify a district judge from acting in a case by filing a motion to disqualify the assigned judge.

(B) *Time for Filing Motion by Plaintiff.* The motion shall be filed no later than fourteen (14) days after:

(i) the entry of a notice assigning the judge as described in sub-section (H)

or

(ii) the entry of an order re-assigning the matter to another judge following the filing of a motion by a defendant under subsection (b)(1)(C), whichever occurs later.

(C) *Time for Filing Motion by Defendant.* The motion shall be filed no later than:

(i) The time of filing defendant's first responsive pleading or W.R.C.P. 12 motion; or

(ii) Fourteen (14) days after the entry of an order re-assigning the matter to another judge following the filing of a motion by a plaintiff under subsection (b)(1)(B) or by a co-defendant under subsection (b)(1)(C), which ever occurs later.

(D) Parties Added Later. One added as a party to an action after the filing of the first responsive pleading or W.R.C.P. 12 motion by a defendant cannot peremptorily disqualify a judge.

(E) Subsequent Motions or Additional Claims. No party may move to disqualify a judge peremptorily upon the filing of any additional claims, whether counterclaims, crossclaims, or otherwise, or upon subsequent motions filed in the same docket number.

(F) One Time Challenge. In any matter, a party may exercise the peremptory disqualification only one time and against only one judge.

(G) Criminal and Juvenile Proceedings. This rule, and the procedures set forth herein, shall not apply to criminal cases or proceedings in juvenile court.

(H) Initial Notice of Assignment. No later than five (5) days after a complaint is filed, the clerk of court shall enter a notice of assignment of judge.

(I) Conduct of Proceedings. Unless otherwise ordered by the newly assigned District Judge, all proceedings, except for final trial on the merits, may be conducted by telephone or videoconference.

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Advisory Notes: Subsection (E) clarifies that parties may not peremptorily disqualify a judge after the judge has already made any decision in the case. *In the Matter of Estate of Meeker*, 2017 WY 75, ¶ 19, 397 P.3d 183, 188 (Wyo. 2017), the Wyoming Supreme Court held that a party making a will contest could disqualify a judge under the rule because the will contest was a separate action from the pending probate matter. The Wyoming Supreme Court has also held that a custody modification petition, even though filed under the same docket number as the original divorce action, “is considered a separate and distinct proceeding.” *Goss v. Goss*, 780 P.2d 306, 310 (Wyo. 1989). However, in denying a petition for writ of review, the Wyoming Supreme Court in *Hendrickson v. Casey*, Case No. 02-140, held that a party to a modification petition could not peremptorily disqualify the judge who heard the initial custody case because the judge had “presided over prior modification proceedings.” Subsection (E) clarifies that a party may not seek a different judge when seeking to modify an order entered by a judge who had not been disqualified at the start of the case.

Although this Rule does not apply to Criminal and Juvenile proceedings, it does apply to all other original proceedings before the District Courts whether initiated by a “Petitioner,” a “Movant,” or otherwise.

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***IN THE SUPREME COURT, STATE OF WYOMING***

*April Term, A.D. 2019*

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*In the Matter of Amendments to* )  
*Rule 46.1 of the Wyoming* )  
*Rules of Criminal Procedure* )

**ORDER AMENDING RULE 46.1 OF THE WYOMING  
RULES OF CRIMINAL PROCEDURE**

**This Board of Judicial Policy and Administration** has recommended that the Court amend Rule 46.1 of the Wyoming Rules of Criminal Procedure. This Court finds the proposed amendments should be adopted. It is, therefore,

**ORDERED** that the amendments to Rule 46.1 of the Wyoming Rules of Criminal Procedure, attached hereto, be and hereby are adopted by the Court to be effective July 1, 2019; and it is further

**ORDERED** that this order and the attached amendments shall be published in the advance sheets of the Pacific Reporter; the attached amendments shall be published in the Wyoming Court Rules Volume; and that this order and the attached amendments shall be published online at the Wyoming Judicial Branch's website, <http://www.courts.state.wy.us>. The amendments shall also be recorded in the journal of this Court.

**DATED** this 2<sup>nd</sup> day of April, 2019.

**BY THE COURT:**

**MICHAEL K. DAVIS**  
Chief Justice

## Wyoming Rules of Criminal Procedure

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### **Rule 46.1. Pretrial release.**

(a) *Applicability of rule.* — All persons shall be bailable by sufficient sureties, except for capital cases when the proof is evident or the presumption great. Excessive bail shall not be required. When a person charged with the commission of a crime is brought before a court or has made a written application to be admitted to bail, a judicial officer shall order that such person be released or detained pending judicial proceedings, under this rule.

(1) Request for Release. — Within four hours after a person is confined to jail, the custodial officer shall advise the person of the right to file a written request with the court to be granted pretrial release. The custodial officer shall provide the necessary writing materials.

(A) A ~~No particular~~ form of request for pretrial release ~~may shall~~ be required by a judicial officer to assist in setting bail and bond conditions based on the factors set forth in 46.1(d). ~~and the~~ The request may be hand-written.

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Wyoming Rules of Criminal Procedure, W.R. Cr. P. Rule 3.1

Rule 3.1. Use of Citations; Bail

**(a) Where and when filed.** Citations shall be filed in the circuit court or municipal court in the county or municipality where the offense allegedly occurred. All citations issued to adult defendants must be filed within fourteen (14) days of issuance and delivery of the citation to the defendant.

**(b) When Citation May Issue.** A person arrested and taken into custody for any crime shall be brought before a judicial officer as provided in [Rule 5](#), except:

(1) A person who has been stopped, detained or arrested for a misdemeanor may, then or after further investigation, be issued a citation to avoid further detention. If the person to whom the citation is issued accepts the citation (thereby signifying his promise to appear in court on a date and time certain to answer to the offense charged in the citation), the person shall then be released from custody; and

(2) A person arrested and taken into custody for a 'forfeit' offense (as later defined in this rule) must be taken before a judicial officer within 12 hours. If the person is not taken before a judicial officer within 12 hours, the person must be issued a citation and released from custody, but only if the person signs a promise to appear in court on a date and time certain to answer to the offense charged in the citation. A judicial officer may, but is not required to, hold an initial appearance hearing for forfeit offenses other than during the regular business hours of the court.

**(c) Appearance in Court.** The peace officer issuing the citation shall specify on the citation the name and address of the court in which the citation will be filed and a date and time when the person cited must appear in that court. The time specified must be at least five days after the alleged violation unless the person cited consents to an earlier hearing. A person to whom a citation has issued must appear on the day and at the time and place specified in the citation, unless:

(1) The appearance is continued or excused by a judicial officer of that court; or

(2) The citing officer checks the box "MAY FORFEIT BOND IN LIEU OF APPEARANCE" on the citation.

**(d) Payment of Fines and Costs or Forfeiture of Bail in Lieu of Appearance.** A citing officer may require any person to appear in court on a date and time certain to answer to the offense charged in the citation by checking the “MUST APPEAR” box on the citation. If the citing officer checks the “MAY FORFEIT BOND IN LIEU OF APPEARANCE” box on the citation the offense may be dealt with as follows:

(1) A person may satisfy a promise to appear in court by paying to the court, or to another authorized by that court to accept bond for misdemeanor offenses, on or before the appearance date the amount of the fine and court costs as listed on the uniform bail schedules adopted and published by the Wyoming Supreme Court and set forth in [Appendix I](#) to this rule;<sup>1</sup>

(2) By paying fines and costs into court (by mail or otherwise) or, when permitted, by posting bond and failing to appear as promised a person elects:

- (A) To waive appearance before the court;
- (B) To waive a trial; and
- (C) Not to contest the offense charged (nolo contendere).

**(e) Warrant for Failure to Appear.** The court may issue a warrant for the arrest of any person who fails to appear as ordered by the court. The court may also issue a warrant for any person who fails to appear as promised:

(1) When “MUST APPEAR” is checked on the citation; or

(2) When the person fails to pay the fine and costs to the court (or post bond in lieu thereof) prior to the promised appearance date when “MAY FORFEIT BOND IN LIEU OF APPEARANCE” is checked on the citation.

**(f) Disposition of Citations.** Every citation filed or deposited with the court must be accounted for and disposed of by that court. Disposition may include forfeiture of bail.

**(g) Definitions.**

(1) “Forfeit offenses” are those misdemeanor offenses listed as forfeit offenses on the uniform bail schedules adopted and promulgated by the Wyoming Supreme Court and set forth in [Appendix I](#) to this rule.<sup>1</sup> A citing officer may not check the box “MAY FORFEIT BOND IN LIEU OF APPEARANCE” on the citation for any offense other than a forfeit offense; and

(2) “Must appear offenses” are those misdemeanor offenses for which a citation has issued and the citing officer has checked the “MUST APPEAR” box on the citation.

**Credits**

[Amended June 30, 2000, effective July 1, 2000; December 2, 2002, effective January 6, 2003; May 18, 2011, effective July 18, 2011.]

**Footnotes**

<sup>1</sup>

See Rule 3.1, [App. 1](#).

Rules Crim. Proc., Rule 3.1, WY R RCRP Rule 3.1

Current with amendments received through December 1, 2018

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***IN THE SUPREME COURT, STATE OF WYOMING***

*April Term, A.D. 2019*

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*In the Matter of Amendments to the* )  
*Wyoming Rules of Evidence* )

**ORDER AMENDING RULES 701, 702, 703, 704, 705, 803 AND 902 OF  
THE WYOMING RULES OF EVIDENCE**

**The Permanent Rules Advisory Committee, Evidence Division**, has recommended that this Court amend Rules 701, 702, 703, 704, 705, 803, and 902 of the Wyoming Rules of Evidence. This Court finds the proposed amendments should be adopted. It is, therefore,

**ORDERED** that the amendments to Rules 701, 702, 703, 704, 705, 803, and 902 of the Wyoming Rules of Evidence, attached hereto, be and hereby are adopted by the Court to be effective July 1, 2019; and it is further

**ORDERED** that this order and the attached amendments shall be published in the advance sheets of the Pacific Reporter; the attached amendments shall be published in the Wyoming Court Rules Volume; and that this order and the attached amendments shall be published online at the Wyoming Judicial Branch's website, <http://www.courts.state.wy.us>. The amendments shall also be recorded in the journal of this Court.

**DATED** this 2<sup>nd</sup> day of April, 2019.

**BY THE COURT:**

**MICHAEL K. DAVIS**  
Chief Justice

## Wyoming Rules of Evidence

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### **Rule 701. Opinion testimony by lay witnesses.**

~~If the witness is not testifying as an expert, his testimony in the form of opinions or inferences is limited to those opinions or inferences which are (a) rationally based on the perception of the witness and (b) helpful to a clear understanding of his testimony or the determination of a fact in issue.~~

If a witness is not testifying as an expert, testimony in the form of an opinion is limited to one that is:

(a) rationally based on the witness's perception;

(b) helpful to clearly understanding the witness's testimony or to determining a fact in issue;

and

(c) not based on scientific, technical, or other specialized knowledge within the scope of Rule 702.

### **Rule 702. Testimony by experts.**

~~If scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education, may testify thereto in the form of an opinion or otherwise.~~

A witness who is qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion or otherwise if:

(a) the expert's scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue;

(b) the testimony is based on sufficient facts or data;

(c) the testimony is the product of reliable principles and methods; and

(d) the expert has reliably applied the principles and methods to the facts of the case.

### **Rule 703. Bases of opinion testimony by experts.**

~~The facts or data in the particular case upon which an expert bases an opinion or inference may be those perceived by or made known to him at or before the hearing. If of a type reasonably relied upon by experts in the particular field in forming opinions or inferences upon the subject, the facts or data need not be admissible in evidence.~~

An expert may base an opinion on facts or data in the case that the expert has been made aware of or personally observed. If experts in the particular field would reasonably rely on those kinds of facts or data in forming an opinion on the subject, they need not be admissible for the opinion to be admitted. But if the facts or data would otherwise be inadmissible, the proponent of the opinion may disclose them to the jury only if their probative value in helping the jury evaluate the opinion substantially outweighs their prejudicial effect.

**Rule 704. Opinion on ultimate issue.**

~~Testimony in the form of an opinion or inference otherwise admissible is not objectionable because it embraces an ultimate issue to be decided by the trier of fact.~~

(a) In General--Not Automatically Objectionable. An opinion is not objectionable just because it embraces an ultimate issue.

(b) Exception. In a criminal case, an expert witness must not state an opinion about whether the defendant did or did not have a mental state or condition that constitutes an element of the crime charged or of a defense. Those matters are for the trier of fact alone.

**Rule 705. Disclosure of facts or data underlying expert opinion.**

~~The expert may testify in terms of opinion or inference and give his reasons therefor without prior disclosure of the underlying facts or data, unless the court requires otherwise. The expert may in any event be required to disclose the underlying facts or data on cross-examination.~~

Unless the court orders otherwise, an expert may state an opinion--and give the reasons for it--without first testifying to the underlying facts or data. But the expert may be required to disclose those facts or data on cross-examination.

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**Rule 803. Hearsay exceptions; availability of declarant immaterial.**

The following are not excluded by the hearsay rule, even though the declarant is available as a witness:

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(6) *Records of Regularly Conducted Activity.* A memorandum, report, record, or data compilation, in any form, of acts, events, conditions, opinions, or diagnoses, made at or near the time by, or from information transmitted by, a person with knowledge, if kept in the course of a regularly conducted business activity, and if it was the regular practice of that business activity to make the memorandum, report, record, or data compilation, all as shown by the testimony of the custodian or other qualified witness; or by a certification that complies with Rule 902(a)(11) through (14) or with a statute or other court rule permitting certification; or the opponent does not show that the source of information or the method or circumstances of preparation indicate a lack of trustworthiness. ~~unless the source of information or the method or circumstances of preparation indicate lack of trustworthiness.~~ The term “business” as used in this paragraph includes business, institution, association, profession, occupation, and calling of every kind, whether or not conducted for profit.

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**Rule 902. Self-authentication.**

(a) Extrinsic evidence of authenticity as a condition precedent to admissibility is not required with respect to the following:

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(11) Certified Domestic Records of a Regularly Conducted Activity. The original or a copy of a domestic record that meets the requirements of Rule 803(6), as shown by a certification of the custodian or another qualified person that complies with a state or federal statute, or a rule prescribed by the Wyoming Supreme Court, that if falsely made would subject the maker to a criminal penalty. Before the trial or hearing, the proponent must give an adverse party reasonable written notice of the intent to offer the record--and must make the record and certification available for inspection--so the party has a fair opportunity to challenge them.

(12) Certified Foreign Records of a Regularly Conducted Activity. In a civil case, the original or a copy of a foreign record that meets the requirements of Rule 902(a)(11), modified as follows: the certification, rather than complying with a state or federal statute or Wyoming Supreme Court rule, must be signed in a manner that, if falsely made, would subject the maker to a criminal penalty in the country where the certification is signed. The proponent must also meet the notice requirements of Rule 902(a)(11).

(13) Certified Records Generated by an Electronic Process or System. A record generated by an electronic process or system that produces an accurate result, as shown by a certification of a qualified person that complies with the certification requirements of Rule 902(a)(11) or (12). The proponent must also meet the notice requirements of Rule 902(a)(11).

(14) Certified Data Copied from an Electronic Device, Storage Medium, or File. Data copied from an electronic device, storage medium, or file, if authenticated by a process of digital identification, as shown by a certification of a qualified person that complies with the certification requirements of Rule 902(a)(11) or (12). The proponent also must meet the notice requirements of Rule 902(a)(11).

(b) *Lack of Record.* A written statement that after diligent search no record or ~~reorder~~ entry of a specified tenor is found to exist in the records designated by the statement, authenticated as provided in subdivisions (a)(1) and (a)(2) of this rule in the case of a domestic record, or complying with the requirements of subdivision (a)(3) of this rule for a summary in the case of a foreign record, is admissible as evidence that the records contain no such record or entry, including records generated by an electronic process or system and data copied from an electronic device.

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IN THE SUPREME COURT  
STATE OF WYOMING  
FILED

DEC 27 2018

PATRICIA BENNETT, CLERK

*Patricia Bennett*  
by CHIEF DEPUTY

**Board of Judicial Policy and Administration  
Policy on Executing an Oath of Office**

**A. GENERAL POLICY:**

It is the policy of the Board of Judicial Policy and Administration that any new or newly retained judicial officer shall execute an oath of office.

**B. FILING OATH OF OFFICE:**

A Supreme Court Justice shall file his or her oath of office with the Secretary of State and a copy with the Clerk of the Supreme Court. A District Judge, Circuit Court Judge, and a Circuit Court Magistrate shall file his or her oath of office with the office of the County Clerk of the county in which the oath was taken and a copy with the Clerk of the Supreme Court.

Dated this 26<sup>th</sup> day of December, 2018.

Board of Judicial Policy and Administration

By: *Michael K. Davis*  
Chief Justice Michael K. Davis