

Board of Judicial Policy and Administration

March 15, 2021

NEWSLETTER

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

Agenda Items	
Opening Remark	The March 15, 2021 BJPA meeting was canceled due to inclement weather in Cheyenne, Wyoming.
Equal Justice Wyoming	<p>1. Update – Angie Dorsch</p> <p>Equal Justice Wyoming and the Equal Justice Wyoming Foundation are scheduling a joint strategic planning session. Members of both boards and Justice Boomgaarden are planning to participate. The joint strategic planning will explore ways to increase collaboration, efficiency, and effectiveness of EJW and the EJW Foundation.</p>
BJPA Elections	<p>1. Terms Expiring on June 30, 2021</p> <p>A. Justice Boomgaarden</p> <p>B. Judge Rumpke</p> <p>C. Judge Haws</p> <p>A reminder to the conferences that BJPA terms expiring at the end of June.</p> <p>2. Elections Held in May</p> <p>A. Rule 5 of the Rules and Procedures Governing the Board of Judicial Policy and Administration (Appendix 1)</p> <p>Rule 5 of the Rules and Procedures Governing the Board of Judicial Policy and Administration provides, “Elections to fill vacancies shall be held in May of each year.” Following elections by each of the conferences, please provide the names of the Judges who will be filling the vacancies to Elisa Butler.</p> <p>Regarding the Supreme Court membership, Justice Fox becomes Chief Justice on June 30, 2021. Justice Fox will be the presiding officer of the BJPA, and Justice Gray will take Justice Fox’s current membership term. Additionally,</p>

	Justice Boomgaarden has agreed to serve another term.
Fiscal Update 	1. Budgets – Claire Smith The Legislature has taken no additional action to reduce Judicial Branch budgets further. 2. CARES Act Funding – Claire Smith The Governor’s Office has been hesitant to provide an update on unspent CARES Act funds that were allocated to the Judicial Branch. This is likely due to Legislative action during the session, and discussion by the Legislature to determine how unspent CARES Act funding will be reallocated. [Update after March 15, 2021 After the Legislative Session, the Governor’s Office approved the use of the remaining CARES Act funding for the Judicial Branch on projects/items that were approved as part of the original CARES Act allocation. The Supreme Court is currently working with the Conference Presidents to determine if there are additional items that should be purchased with CARES Act funds.]
Chancery Court Committee Judicial Members: Justice Fox (Chair), Chief Justice Davis, Judge Fenn, Judge Waldrup, Ret., Judge Sullins, Ret.	1. Update – Justice Fox The Committee will meet March 30, 2021 to finalize the rules. Chancery court is on track to open for filing December 1, 2021, with Judges Lavery, Fenn and Sharpe as the panel of Judges that will sit on chancery court cases.
Judicial Conference Reports <u>Circuit Conference President:</u> Judge Christensen <u>District Conference President:</u> Judge Wilking	1. Circuit Court Conference – Judge Christensen The Circuit Court Conference will be holding its Spring Meeting May 5 through 7, 2021 in-person in Jackson with the ability to appear remotely via Teams. 2. District Court Conference – Judge Wilking The District Court Conference will be holding its Spring Meeting via Teams on April 22 and 23, 2021.
Judicial Branch Technology <u>Courtroom Automation Committee</u> Members: Chief Justice Davis (Chair), Judge Fenn, Judge Edelman, Judge Campbell, Judge Christensen, Judge Castano, Judge Haws <u>Courtroom Technology</u>	<u>Court Automation</u> – Elisa Butler and Heather Kenworthy 1. DCAC/CCAC – Heather Kenworthy A. FCE Circuit The Circuit Court Change Committee has done good work since the end of the FullCourt Enterprise (FCE) rollout. To focus more time on the upcoming district rollout, Committee meetings will be temporarily suspended, and will reconvene later this year. Any priority decisions will be addressed with an Ad Hoc meeting or via email.

Committee Members: Chief Justice Davis (Chair), Justice Fox, Judge Lavery, Judge Johnson, Judge Christensen, and Judge Prokos

B. FCE District

Staff is continuing to work with the District Court Committee on configurations. This involves looking at various case types and ROA codes (docket entry codes).

The vendor has provided preliminary database migrations for the first two pilot courts. Committee members that are in the pilot court locations have been asked to look closely at the latest migration databases and provide feedback.

A draft of the accounting plan will be presented to the Committee and clerks of district court on April 1, 2021. The plan incorporates clean up tasks for each court that can be accomplished in preparation for the new system. Courts will also be provided with reports and processes that will assist each court in the transition to the new system.

All three (3) pilot courts have been contacted and provided dates for each rollout. Albany County will be the first with a go-live date in July 2021. Laramie County is next with a go-live date in October 2021. The third pilot court, Fremont County, will go-live in February 2022.

2. Jury Management – Heather Kenworthy

The courts in Group 5 are now live on Clearview Jury and have pulled their first jury lists. As trials begin again in the courts, Supreme Court staff will be providing remote assistance during first trials.

Supreme Court staff is preparing for the final group (Group 6) training. The training is scheduled to be held over two (2) weeks online and will take place the weeks of June 7, 2021 and June 14, 2021. Once these courts are live on the system, the implementation phase of Clearview Jury will be complete and Supreme Court staff will move into the maintenance and support phase of the project.

E Filing – Elisa Butler

The Supreme Court executed contracts with File & ServeXpress (FSX) for an eFiling system in the District Courts and Chancery Court on December 31, 2020. FSX was the vendor selected and recommended by the eFiling Committee in the spring of last year based on its responses to the Request for Quotation and presentation to that Committee. FSX is a company based out of Texas that was formed in 2012 through the acquisition of two pioneers of eFiling and electronic service – CaseFileXpress and File & Serve, a former LexisNexis company. The resulting combination brought together products and teams with more than twenty-five (25) years of experience in legal eFiling and service delivery.

Supreme Court staff kicked off the eFiling project with the vendor on February 2, 2021. Since that time Supreme Court staff and FSX staff have continued to meet weekly to configure the system and uncover any possible gaps that require enhancements.

Courtroom Technology – Nate Goddard

1. Courtroom Technology

The CARES-funded courtroom technology upgrades are complete. Sixty-five

	<p>(65) courtrooms were upgraded to the new audio/visual standard approved by the Courtroom Technology Committee. Courtrooms that did not receive upgrades to the new audio/visual standard are Pinedale circuit and district, Rawlins circuit and district, and the two Rock Springs circuit courtrooms.</p> <p>2. Jury Rooms</p> <p>The CARES-funded jury room technology upgrades are complete. All jury rooms received Hearing Assist upgrades, with the exception of the jury rooms located in Pinedale district and circuit, and the two Rock Springs circuit jury rooms.</p> <p>3. Support and Maintenance</p> <p>The Supreme Court will be investigating long-term support options for the courtroom technology.</p> <p>4. Surface Hubs</p> <p>Thirty-three (33) additional Surface Hubs were deployed. The Branch now has one hundred eight (108) Surface Hubs in service.</p> <p>5. Public iPads</p> <p>One hundred forty (140) iPads for public use were provisioned and shipped. The intended use of the iPads was to ensure social distancing could be maintained during court hearings. In those instances where litigants are unable to join a hearing from their home virtually, they will be provided with an iPad in the courthouse to join the meeting, thereby increasing social distancing.</p>
<p>Permanent Rules Advisory Committee (PRAC)</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 (Chair), Judge Sharpe, Judge Phillips</p> <p><u>Evidence Division</u> Judicial Members: Judge Rumpke (Chair), Judge Radda, Judge Phillips</p> <p><u>Juvenile Division</u> Judicial Members: Judge Wilking (Chair), Justice Kautz, Judge</p>	<p>1. Court Records Division – Elisa Butler</p> <p>The Court Records Division met in January to continue its statutory review and has defined levels of access for users through Title 14 of the Wyoming Statutes. The Division will meet again in April to continue its review.</p> <p>2. Appellate Rules Division – Justice Boomgaarden</p> <p>Justice Boomgaarden and Clerk of Court Shawna Goetz are working on a set of proposed amendments to present to the Committee. If anyone has suggested amendments to the Appellate rules, now would be a great time to forward them to Ms. Goetz.</p> <p>3. Civil Rules Division – Justice Fox</p> <p>The Committee will meet March 25, 2021 to address some minor rule revisions, and also to consider 1) whether Rule 4 should be amended to allow service of summons by electronic means under the same circumstances when service by publication is allowed, and 2) whether any COVID-order temporary rule changes should be made permanent.</p> <p>4. Criminal Rules Division – Justice Kautz</p> <p>No update to report.</p> <p>5. Rules of Evidence Division – Judge Rumpke</p>

Campbell, Judge Fenn	<p>In light of the pandemic, the Committee has not recently met.</p> <p>6. Juvenile Rules Division – Judge Wilking</p> <p>No update to report.</p>
Access to Justice Commission	<p>1. Update – Justice Boomgaarden</p> <p>The Commission will meet on March 22, 2021 and will be discussing many items as noted on the agenda (Appendix 2).</p>
Court Security Commission	<p>1. Update – Ronda Munger</p> <p>The Commission met remotely on February 24, 2021. The Commission received updates on incident reports and grant fund expenditures. The majority of the meeting was spent sharing ideas about the focus of the Commission’s work in the upcoming year. The Commission will explore several ideas, including cyber security and personal security for judges when they are at home or away from the courthouse. The Commission will meet again in late May 2021.</p>
Judicial Education	<p>1. Update – Elisa Butler</p> <p>Judicial orientations were held for Judge Allan and Judge Healy in January 2021. Thank you to all of the Judges who participated in those orientations.</p> <p>The Committee will be meeting in April to discuss the Judicial Council meeting, which will take place on September 14 and 15, 2021 in Cheyenne.</p>
Member Appointment	<p>1. Informational</p> <p>As approved by email vote on February 23, 2021, Judge Kerri Johnson was appointed to the State Council for Interstate Adult Supervision for a two-year term. (Appendix 3)</p>

Appendix 1:	Rule 5 of the Rules and Procedures Governing the Board of Judicial Policy and Administration
Appendix 2:	Wyoming Access to Justice Commission Agenda: March 22, 2021
Appendix 3:	Order Appointing Member to the State Council for Interstate Adult Offender Supervision

Rules and Procedures Governing the Board of Judicial Policy and Administration

Rule 1. Supreme Court.

In accordance with the Supreme Court's Order Establishing Board of Judicial Policy and Administration and Appointing Members, dated May 24, 2000, the superintending authority vested in the Wyoming Supreme Court by Article 5, Section 2 of the Wyoming Constitution is delegated to the Board of Judicial Policy and Administration.

Rule 2. District Courts.

In accordance with the resolution of District Courts unanimously adopted in June 2001, the Wyoming District Courts delegate their administrative authority as established by Article 5, Section 1 of the Wyoming Constitution and W.S. 5-3-102(b) and 9-2-1002(c), except for the submission of budgets, to the Board of Judicial Policy and Administration.

Rule 3. Board of Judicial Policy and Administration.

Pursuant to the Wyoming Constitution, the order of the Wyoming Supreme Court and the resolution of the Wyoming District Courts, the Board will exercise general superintending control over the judicial department for administrative, policy making and planning purposes.

Rule 4. Membership.

The Board is composed of the following members: the Chief Justice of the Supreme Court and two justices of the Supreme Court; three district court judges; and three circuit court judges.

Rule 5. Terms of Members and Vacancies.

The Chief Justice of the Supreme Court shall serve on the Board during tenure in that office. The other Board members shall be elected by their respective judicial divisions. Initial appointments shall be for staggered terms of one to three years. Thereafter, all appointments shall be for terms of three years, with the exception of the Chief Justice of the Supreme Court. Board members may serve successive terms. Elections to fill vacancies shall be held in May of each year. Vacancies may be declared by the Board because of the death, retirement, resignation, or nonattendance of a member at three meetings during a calendar year. If necessary, a member may attend by telephone.

Rule 6. Responsibilities of Presiding Officer.

The Chief Justice is the presiding officer of the Board. It is the responsibility of the presiding officer to preside at meetings of the Board and serve as chief spokesperson for the Board.

Rule 7. Organization.

The presiding officer shall preside at any meeting. In the chairperson's absence, the member with the most seniority in the judiciary shall act as the presiding officer. The presiding officer may appoint an executive committee, standing committees, and advisory committees at any time to assist the Board in carrying out its responsibilities. Existing Supreme Court committees may be designated as standing or advisory committees of the Board by order of the Chief Justice.

Rule 8. Board Meetings.

The Board of Judicial Policy and Administration shall act only at a meeting, unless agreed upon unanimously by the Board, in which case the Board may take action or vote by email or other means. The Board shall meet quarterly in March, June, September, and December or as otherwise agreed upon by the Board, but in any event no less than four times a year. Additional meetings may be called at the discretion of the presiding officer. Standing or advisory committee meetings may be called at the discretion of the committee chairperson. The Wyoming Public Meetings Act, Wyo. Stat. Ann. § 16-4-401 et seq., by its terms, does not apply to the judiciary. Meetings of the Board are not public unless the Board, in its discretion, determines a particular meeting or agenda item should be open to the public.

Rule 9. Reporter for the Board.

The State Court Administrator shall be the executive secretary for the Board. It shall be the duty of the executive secretary to prepare and keep the minutes of all meetings. In the executive secretary's absence, the Board shall choose a member to record the minutes.

Rule 10. Board Minutes.

The minutes shall record the names of the members present, any and all actions taken by the Board, and any other matters that the Board may deem appropriate. Copies of the minutes shall be distributed as deemed appropriate by the Board and shall be filed in the office of the Clerk of the Supreme Court as a public record.

Rule 11. Actions and Voting.

Six members of the Board shall constitute a quorum. Once a quorum has been established, that quorum shall carry throughout the duration of the meeting. Approval by a majority of those voting shall constitute an action of the Board, except that a majority vote of five is required at any meeting where less than nine members are present. The Chairperson is a voting member of the Board. A tie vote means that the matter voted on has failed adoption. A member may vote on specific issues by written proxy delivered to the Chairperson. A motion to reconsider can only be made by a Board member who voted on the prevailing side of an issue.

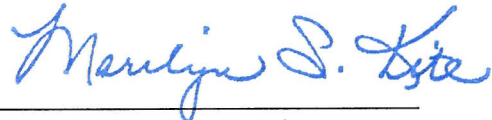
Rule 12. Staff.

Under the Chief Justice's direction, the State Court Administrator's office shall provide staff support for the Board.

Dated this 23rd day of March, 2011.

Board of Judicial Policy and Administration

By:



Chief Justice Marilyn S. Kite

Wyoming Access to Justice Commission Meeting

March 22, 2021

9:00 a.m.


Agenda

1. Welcome/ Introductions (Justice Boomgaarden)
2. Discussion
 - a. Fee Waiver (Stuart Day)
 - b. Government Attorney Pro Bono Menu (Lauren McLane)
 - c. Funding and EJW Foundation Planning – **See Attachment A** (Walter Eggers and Stuart Day)
 - d. Alternative Models for Assistance to Pro Se Litigants (Dona Playton)
 - e. Outreach/Libraries (Angie Dorsch)
 - f. Remote Access (Lisa Finkey)
3. Closing Matters (Justice Boomgaarden)
 - a. Upcoming Events
 - ABA Day, Washington, DC (April 20–22, 2021)
 - 2021 Equal Justice Conference, Virtual (May 3–7, 2021)
 - 2021 Access to Justice Chairs Conference, Virtual (early fall 2021)
 - Other
 - b. Next meetings
 - ATJ–November 1, 2021
 - c. Other

IN THE SUPREME COURT, STATE OF WYOMING

OCTOBER TERM, A.D. 2020

IN THE MATTER OF THE APPOINTMENT
TO THE STATE COUNCIL FOR INTERSTATE
ADULT OFFENDER SUPERVISION

IN THE SUPREME COURT
STATE OF WYOMING
FILED
FEB 23 2021

SHAWNA GOETZ, CLERK

ORDER APPOINTING MEMBER TO THE STATE COUNCIL FOR
INTERSTATE ADULT OFFENDER SUPERVISION

THIS MATTER having come before the Court upon the request of the Board of Judicial Policy and Administration to appoint the Honorable Kerri Johnson to the State Council for Interstate Adult Offender Supervision; it is therefore

ORDERED that the Honorable Kerri Johnson be, and hereby is, appointed to the State Council for Interstate Adult Offender Supervision for a two-year term that will expire on June 30th, 2023.

DATED this 23rd day of February 2021.

BY THE COURT:


MICHAEL K. DAVIS
CHIEF JUSTICE