

Board of Judicial Policy and Administration
Minutes
March 18, 2011

The Board of Judicial Policy and Administration met in Cheyenne on March 18, 2011. In attendance in person in Cheyenne were Judge Tom Campbell, Joann Odendahl, Ronda Munger and Becky Craig. Those in attendance by video conference were Chief Justice Marilyn Kite, Justice Michael Golden, Judge John Brooks, Judge Dan Price, Judge Dan Forgey, Judge Robert Castor, Judge Wes Roberts, and Judge Randy Arp.

Old Business

Committee Updates

Court Security Commission – Joann Odendahl informed the Board that the head of the Office of Homeland Security has not yet been formally replaced by Governor Mead. She also reported that last year the Homeland Security Office decided that it would be beneficial to have \$100,000 set aside in a contingency fund to pay for any security needs for high profile cases. The Governor, however, struck this from the Office of Homeland Security's budget request. The Court Security Commission will be meeting with the Governor soon to update him on their progress, and to let him know that they have completed their review of the court facilities across the state. The Commission found many areas that are in need of improvement, but unless the county commissioners are supplied with funds, it will be difficult to require local governments to put recommended security equipment and personnel in place. Discussion was held about developing a statewide weapons policy, but it is felt that this might be difficult to do in light of all of the different facilities and circumstances that exist. The Supreme Court Weapons Policy will be sent out to all of the judges as a format for any court to use that is interested in developing its own policy. If, at some point in time, the courts feel that having a uniform policy in place would be helpful in terms of having leverage with local governments, the Supreme Court would consider adopting a statewide policy.

Access to Justice Commission – Chief Justice Kite reported that there is a preliminary board in place for the Wyoming Center for Legal Aid that has done extensive work. The advice that they have given to the Supreme Court, which has been accepted, is to structure the Center as an entity within the Supreme Court. The Center's Board of Commissioners will determine what the program structure will be, and will contract out to individual entities for specific services as it determines. Progress is being made on development of a website, with the hopes that it will be ready to go live on April 15th. The automated pro se packets will also be available on the Center's website. The pro se packet review consists of three phases. The first phase, which has been completed, was to modify the existing pro se forms to comply with the redaction rules and to put them on the Supreme Court's website. The second phase is to streamline the entire process and to eliminate some of the forms. Attorney Amanda Roberts is working on this phase, and once completed, the new forms will be automated and put on the Center's website. The third

phase will be to develop self-help forms and materials in other areas to be put on the website.

CTAC – Joann Odendahl informed the Board that James Bothamley is currently working on converting the district court data into the new case management system, and also mapping the information that is already in place in 3-4 different district courts' software systems into that system. Chief Justice Kite thanked the district court clerks for their efforts and great attitudes in dealing with the conversion process.

Joann advised the Board that the e-payment system is up and running, and that it has been a great success. About half of the circuit courts are trained on using the program. Marketing of the e-payment system will begin as soon as all of the courts are online. The e-payment capability may be advertised on the Highway Patrol's website and the DOT's website, which would allow people to click on a link and access the e-payment information.

Joann also provided an update on the status of the e-citation project. The Highway Patrol is currently working with their vendor to get the software in place that will enable the patrol car terminals to print copies of the citations so that they can be handed to the defendants. The Supreme Court IT staff is working to get the software ready that takes the Highway Patrol's electronic information and feeds it into the FullCourt system. Work is also being done with DCI for a funding request in the next budget session to enable entities to obtain e-citation software for their local law enforcement for application in the circuit court system, and eventually in the municipal court system.

She also advised that all of the circuit courts now have public access terminals for the purpose of conducting record searches. Standard statewide reports are being developed that the circuit court clerks can provide to private entities that request basic information.

Rule 1 Initiative

Chief Justice Kite informed the Board that Judge Young and Judge Tyler are organizing the survey data from the judges and bar members that was gathered last year. Judge Kautz is working with his group of domestic relations lawyers, as well as the Institute for the Advancement of the American Legal System, to prepare specific suggestions on the domestic relations front. If legislative changes are needed, it will be necessary to formulate any revisions to the domestic relations statutes before August, when the Joint Judiciary Interim Committee will be having its second meeting.

Legislative Update

Chief Justice Kite reviewed several pieces of legislation from the 2011 session:

HB190 – Electronic Fine Submittal: This Bill allows for the payment of fines electronically. A lot of progress has been made in this area, with more than half of the circuit courts now being able to take e-payments. The amount of fines that are being collected through this method is very dramatic and should save a significant amount of time. By early April, all of the circuit courts should have this capability.

HB249 – Acceptance of Citation: Joann explained that this legislation, which removed the requirement of a defendant’s signature needing to be on a citation, was necessary in order to proceed with e-citations. The Highway Patrol should be ready to implement the e-citation project at the end of this year.

HJR1 – District Court Commissioners: This amendment will increase the efficiency of the district courts. The Statute regarding the District Court Commissioners contains the language that will go on the ballot regarding this constitutional amendment.

SF15 – Civil Jurisdiction in Circuit Courts: Chief Justice Kite extended her thanks to the district court judges, circuit court judges, and the clerks of both court systems for having very constructive attitudes. The Circuit Court Conference has prepared a set of expedited civil rules to apply in the circuit courts, and the group will be finalizing them at their meeting at the end of April. They will then be submitted to the Civil Rules Committee of the State Bar. It is hoped that the Rules will be in place by July 1, 2011 when the Statute goes into effect.

Interim Topics – Chief Justice Kite reviewed the 2011 Joint Judiciary Interim Committee’s study on Juvenile Justice. The Committee meets on April 21, 2011 in Worland. Judges from both conferences will be attending the meeting to discuss this issue. Judge Hartman has been circulating a Juvenile Justice Model Code Strategy, and has emphasized that he feels that it should be a two year study. There are four main proposals in the Executive Summary: to establish original jurisdiction for all juvenile offenses in one court (which would include municipal violations); to reduce focus on the Multidisciplinary Team (MDT) process; to have a diversion process for those individuals with minor infractions; and to have a statewide data collection system. Judge Haws, Judge Roberts, and Judge Rogers have created a small subcommittee to look at these proposals.

HB29 – DUI-elimination of right to refuse test: Discussion was held about the “remotely communicated search warrant” provision of this Bill. This issue will be discussed by the circuit court judges and the magistrates at their April meeting. The Supreme Court will provide legal research to the circuit court judges on this matter as requested, as well as input from the IT staff regarding technological capabilities.

Court Interpreter Policy

Chief Justice Kite provided an update on the proposed Court Interpreter Policy that was approved by the Board and submitted to the Supreme Court for implementation. She explained that it has never been finalized because the Court does not have the infrastructure in place that the policy presumes there would be for interpreter testing and certification. Kristin Karr, one of the State Law Librarians, who was previously an immigration attorney in Colorado, joined the meeting. Kristin explained that she is working on molding the proposal into something that is workable and that takes advantage of what is going on in other states. She has done research on the National Center for State Courts Consortium, which provides support for the certification and testing of interpreters. She has looked at their agreement and the benefits and responsibilities of the member states, and believes that the Consortium may not be the best solution to our problem. Kristen is currently looking at the rules in Colorado, Utah and Nebraska, at their

certification and testing processes, and at the resources that those states might be willing to share in terms of their certification testing. Judge Forgey, Judge Castor, Judge Roberts, Judge Donnell, Judge Price, and Judge Fenn indicated that they would be willing to help Kristin on this project. Joann requested that the committee have their proposal ready for the Board by the June meeting so that any budgetary needs can be determined before July.

Peremptory Challenge Rule

Chief Justice Kite reviewed her letter that she sent to the Wyoming State Bar on March 10, 2011, which states that the Peremptory Challenge Rule will be left in its current form.

New Business

State Council for the Interstate Adult Offender Supervision

At the request of the Department of Corrections to have a member of the judiciary sit on the State Council for the Interstate Adult Offender Supervision, Chief Justice Kite asked for a volunteer from the district court judges. Judge Campbell agreed to serve as a member of this State Council.

Personnel Rules (Supreme Court and Circuit Courts)

The proposed changes to the Personnel Rules were reviewed and discussed by the Board. Judge Campbell moved and Judge Castor seconded a motion to approve the Personnel Rules as drafted. Motion carried unanimously.

Abatement Procedures in District Court

Ronda advised the Board about a case in a district court that dealt with overpayment of child support. Discussion was held about the need for the district courts to have uniform forms and procedures in handling Child Support Orders of Abatement. Judge Campbell will discuss this topic with the district court judges and the district court clerks.

Judicial Salaries

Chief Justice Kite shared with the Board the details of an email that she sent to the Judicial Branch Employees on March 3, 2011 concerning the 2011 budget and increases to salaries for judicial branch employees. She explained that while the Governor's veto of the JAC's conditions for the usage of funds represent his commitment to the long term best interest of the judicial branch, the result is that the budget this year does not have enough funds in it to accomplish any market based increases to judicial salaries. Joann will do further research on this matter for the upcoming budget, and will have information ready by the June meeting to allow the Board to move forward with its recommendation for market based increases and cost of living increases for judicial salaries.

Chief Justice Kite also informed the Board that the weighted caseload studies indicate the need for an additional district judge in both the Fourth Judicial District and the Third Judicial District. A new facility is being built in Johnson County, and the Lincoln County Commissioners are contemplating building a facility. Both districts will be asked for their opinions on adding these positions in order to begin the budget and legislative processes that would be necessary.

Judicial Council Meeting/State Bar Meeting in Cheyenne

Ronda informed the Board that its meeting in September has been rescheduled from September 12th to September 13th, and that the judges' divisional meetings, the judicial luncheon, and the welcome reception at the State Bar Annual Meeting and Judicial Conference are all scheduled this year on Wednesday, September 14th. The Bar Committee has not yet determined what type of CJE is going to be offered.

Drug Court Magistrates' hourly rate

Chief Justice Kite asked the Board to consider a matter that was not on the Agenda. It was brought to her attention that the rate being paid out to drug court magistrates is not consistent across the State--some being paid on a monthly contract rate, and some being paid on an hourly rate. The Board discussed this and felt that there should be statewide consistency in the rate and method that drug court magistrates are paid, and also, that there should be uniformity in the rate and method that drug court magistrates and regular magistrates are paid.

Board Adjourned.

Schedule of Future Meetings:

June 1, 2011

September 13, 2011

December 1, 2011

Approved by email on May 13, 2011.

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.