

BOARD OF JUDICIAL POLICY AND ADMINISTRATION

TEAMS Meeting
June 13, 2022
9:00 A.M. – 12:17 P.M.

MINUTES

BJPA Members Present: Justice Lynne Boomgaarden, Justice Kari Gray, Judge Catherine Wilking, Judge Catherine Rogers, Judge Joseph Bluemel, Judge John Prokos, Judge Susan Stipe

Others Present: Justice John Fenn, Judge Richard Lavery, Judge Wendy Bartlett, Judge Nathaniel Hibben, Joe Hartigan, Elisa Butler

Welcome

Justice Boomgaarden opened the meeting at 9:00 a.m.

Security for Judges

Justice John Fenn

Justice Fenn presented as the new chair of the Court Security Commission.

There have been some serious incidents over the last six months in Natrona, Uinta, Sweetwater, and Sheridan County.

In Natrona County, a litigant appeared at a district court judge’s home and threatened the judge. In Uinta County, the court received a report from an attorney that a client was making threats against the prosecutor and the judge. In Sweetwater County, a litigant made some direct threats against a circuit court judge. In Sheridan County, a defendant appeared in court with a knife, and the defendant was then brought down and arrested by law enforcement when the defendant tried to flee.

There are about forty incidents a year, but the Commission believes these are under reported.

These incidents and other stories led to the examination of home security for Judges and Justices. The cost of this would be about \$1,500 for the equipment per Judge/Justice. The Commission is still exploring whether this is viable, and how to secure the money to pay for home security for the Judiciary.

There are also a number of Judges who carry firearms. The Judiciary needs to look at regular firearm training for any member of the Judiciary who chooses to carry a firearm. The approach will likely include training with the local Sheriffs’ Offices across the state.

There is a statute that exists for threats against public officials that is rarely used. Prosecutors should be more aware of that provision, to ensure they know about this statute.

Need to continue to be vigilant about security for the Judiciary moving forward.

Justice Boomgaarden asked about the funding for home security and whether that cost would be one-time or ongoing. Justice Fenn responded that the Judges in

	<p>each location would need to select the appropriate security for the location, and the cost of the initial install of the equipment would be reimbursed. The Commission is unsure whether it could secure ongoing costs. It is also unlikely that the administrative staff could pick up the burden of administering home security systems for Judges and Justices throughout the Branch.</p> <p>There was some additional discussion about options Judges and Justices could employ.</p>
<p>Rules For Fees and Costs for Circuit Courts Justice John Fenn</p> <p>Proposed Rule Change (Appendix A)</p> <p>The Board voted unanimously to recommend adoption by the Supreme Court.</p>	<p>Justice Fenn presented the proposed amendment to the Rules for Fees and Costs for Circuit Courts (Appendix A), which was presented to the Wyoming Rules of Civil Procedure Division of the Permanent Rules Advisory Committee. Justice Fenn asked the Board to recommend the change to the Supreme Court.</p> <p>Justice Gray moved that the Board recommend the adoption of the rule change to the Supreme Court. Judge Prokos seconded the motion. The Board voted unanimously to recommend adoption by the Supreme Court.</p>
<p>Fee Waiver Rule Justice Lynne Boomgaarden</p> <p>Memo (Appendix B)</p> <p>Proposed Rule Changes (Appendix C)</p>	<p>Justice Boomgaarden presented the issue of whether a fee waiver rule should be adopted in the Uniform Rules for District Courts. The recommendation to the BJPA was initiated by the Access to Justice Commission. The memo included in the materials as Appendix B addresses the constitutional concerns regarding the absence of a robust fee waiver rule or statute for civil cases.</p> <p>The Access to Justice Commission fully recommends the rule change, and the Civil Rules Division of the Permanent Rules Advisory Committee also supports the change.</p> <p>Judge Bartlett recommended that the new rule and the requirements to have a public defender appointed under Wyoming Statute 7-6-106 be consistent. Justice Boomgaarden explained that in drafting the rule the working group of the Access to Justice Commission attempted to remain consistent with the requirements to receive civil legal services, and that may be different than the standard to receive a public defender in the criminal context.</p> <p>Judge Bartlett also asked whether the fee waiver was intended to apply to small claims cases. Justice Boomgaarden responded that it was not intended to apply to small claims cases.</p> <p>Judge Rogers raised some concern about the definition of the language used in the rule change, specifically “fees” and “costs.” Judge Rogers explained a potential scenario where a litigant would require a process server or sheriff to serve a complaint at no charge based on the language of the rule. Judge Bluemel also expressed concern about whether he should require free service by sheriffs statewide and out of state, and the cost of service by publication. Justice Boomgaarden responded that the rule may need more work based on those comments. She expressed that the rule was intended to waive only filing fees not service fees, but if that is not clear, then the rule needs to be clarified.</p>

	<p>Judge Stipe expressed concern that this could potentially open the floodgates for litigation brought by inmates.</p> <p>Judge Wilking requested that the rule include some language that allows the judge to grant the request for the fee waiver even if there is some information missing from the request.</p> <p>Judge Prokos expressed a concern about vexatious litigants and how the fee waiver rule would be used by those litigants.</p> <p>Justice Gray asked whether the fee waiver is self-executing, or if there was a requirement that a judge grant the fee waiver. Justice Boomgaarden responded that the rule is intended to be self-executing to avoid different practices by different judges across the state.</p> <p>Based on the input received, Justice Boomgaarden will go back to the working group to address the concerns that were raised and bring the rule change back at a future date.</p>
<p>iPads Elisa Butler</p> <p>CARES Funding Request (Appendix D)</p>	<p>In 2020, the state received funding through the federal government in the form of COVID relief through the CARES Act. The Judicial Branch applied for some of that funding to enhance technology throughout the state and assist with social distancing. As part of that funding received by the Branch, the courts were given iPads to provide to litigants and ensure that they could join hearings while not being present in the courtroom. Many courts are not using the iPads because litigants simply have not needed them – generally, litigants use their personal phones, tablets, or computers to join hearings remotely.</p> <p>The Board requested that this item be added to the agenda to discuss different options for the iPads. Elisa explained that there are a few limitations to the iPads because they were purchased through CARES Act funding. If the iPads are not used for a COVID purpose, the Branch may be in a position to pay back the funds that were used to buy the iPads.</p> <p>Recently, the court added the KUDO application to the iPads to allow courts to utilize the iPads for remote interpretation. There have also been suggestions that court staff be able to use the iPads when working from home. Unfortunately, that is not a use which is in-line with the rationale for receiving CARES money to purchase the iPads.</p> <p>Judge Stipe suggested that the jails be permitted to use the iPads to allow the prisoners to join remote hearings and use KUDO when necessary. Elisa will look into the possibility and update the Board at a later date.</p>
<p>Judicial Poll Justice Lynne Boomgaarden</p>	<p>Justice Boomgaarden provided an update of the Judicial Performance Assessment. In 2021, the BJPA formed a judicial poll subcommittee based on some concerns expressed by judges throughout the state. Justice Boomgaarden led the project to update the judicial poll. The subcommittee of the BJPA has morphed into a joint bench/bar committee, and there is now no longer a need for the BJPA subcommittee to continue.</p> <p>The changes made to the poll include the change in timing that will now allow a</p>

	<p>Judge or Justice to respond to the poll if necessary. The structure and content of the survey has changed. Judge Prokos worked closely with a working group of the subcommittee and the State of Colorado to update the content. Attorneys will also only be eligible to respond to a survey if they have appeared in front of the Judge in the last two years.</p> <p>There will continue to be improvements in data. The bar is committed to making the judicial poll clearer and more helpful to the public, the Bar, and the judges.</p>
<p>Court Interpreter Policy Elisa Butler</p> <p>Sign Language Interpreter Policy (Appendix E)</p> <p>Spoken Language Interpreter Policy (Appendix F)</p> <p>The interpreter policies will be tabled for a future meeting. Elisa will provide the Board members with an updated Sign Language Interpreter Policy that they can discuss with their conferences. The new language will also be reviewed with the district court reporters.</p>	<p>Elisa Butler introduced the policies provided to the Board for review. During the December BJPA meeting, an updated Interpreter Policy was recommended and adopted by the BJPA. At that meeting, there was a request to create a sign language interpreter policy separate from the Court Interpreter Policy as the need for a sign language interpreter may implicate ADA issues. The newly create Sign Language Interpreter Policy mirrors the Court Interpreter Policy with a few small changes. In researching the issue, courts have approached this in different ways. Some states have embedded the sign language interpreter policy within the court interpreter policy and others have created a separate sign language interpreter policy. The latter approach was taken in this case.</p> <p>Judge Bluemel mentioned that he uses his court reporter to provide a real time transcript to those in his court who cannot hear the proceedings. He suggested that the sign language interpreter policy should provide for that circumstance. The Board agreed that the policy should explicitly provide for this accommodation. Judge Prokos suggested that a provision be added to the policy to allow the circuit court judges to request the assistance of district court reporter to provide a real-time transcript in their court when needed. Judge Wilking requested that the issue be reviewed by the court reporter association and the conferences to determine whether it would be appropriate to include language allowing the circuit courts to request the assistance of a district court reporter. Justice Boomgaarden suggested that language be added to allow the request to be made, and then the policy be circulated to the conferences and the court reporters to determine whether everyone is comfortable with that approach.</p> <p>Judge Rogers asked whether there is any time sensitivity to adopting the policy. Elisa responded there is not, but that if the Board does not adopt the Sign Language Interpreter Policy today, it should also hold off on adopting the changes to the Spoken Language Interpreter Policy to ensure there is coverage of the need for Sign Language Interpreters while the changes are being made.</p> <p>The Spoken Language Interpreter Policy was updated to take sign language interpreters out of the policy. There were also some changes to specify the requirements interpreters must complete to be listed on the Court's Interpreter Roster. Finally, a section was added to list the requirements for interpreters who wish to become KUDO certified to provide interpretation remotely through the KUDO application.</p> <p>Judge Stipe asked whether courts would still be able to utilize the language line. Elisa assured the Board that the language line would still be accessible. She also reminded the Board that if the language line is used for longer than a short hearing (about 15 minutes), it is more expensive to use the language line than it is to use a</p>

	<p>live interpreter. Victor Payne is very good at finding even obscure languages, so if the Judges have a bit of time before their hearings, Elisa suggested they reach out to Victor to see if it's possible to find a court interpreter before using the language line.</p> <p>The interpreter policies will be tabled for a future meeting.</p>
<p>JBI Task Force Judge Catherine Wilking Judge Wendy Bartlett Judge Nate Hibben</p> <p>JBI Update (Appendix G)</p>	<p>Judge Wilking presented the work of the Judicial Branch Innovation task force. It is a large undertaking. The task force is all on the same page that the governing structure of the Judicial Branch needs to be improved. It looks as though the BJPA is the correct structure, but it will need to be more robust.</p> <p>The Task force has partnered with the National Center for State Courts to assist in facilitation of the meetings, and the individuals working on the project have been fantastic. A survey was submitted to the Judges and Justices, and Judge Wilking was pleased to report that most Judges and Justices responded. Most also reported that they like their jobs. Judge Wilking indicated this is a message that needs to be shared.</p> <p>This is a good first step toward reinvigorating the Judicial Branch as a whole. Based on the feedback received from the survey, five areas have been identified where the Branch can move forward.</p> <p>Judge Wilking asked whether the BJPA would be comfortable with the task force sharing the cleaned-up survey results to the conferences. None of the BJPA members were opposed to sharing the summary results with the conferences.</p> <p>Justice Boomgaarden asked whether the BJPA members were comfortable with a possible presentation on the work of the JBI task force, and an article in the Wyoming Lawyer detailing that work.</p>
<p>Legislative Update Elisa Butler</p>	<p>Elisa provided an update on the Joint Judiciary and Joint Appropriations Committee meetings.</p> <p><u>Joint Judiciary Meeting</u></p> <p>The Committee received some Judicial Branch updates which included employee compensation raises, the new Judges in the 3rd, 7th, and 6th judicial districts, and eFiling. There was also a discussion around the district court clerks, and the structure associated with the clerks' offices that likely stemmed from the embezzlement occurring in Goshen County a few years ago. It is likely that this issue will come up again at the next committee meeting.</p> <p>The Committee also discussed treatment courts. Gunnar Malm, who is a county commissioner in Laramie County, requested that the Joint Judiciary Committee take this issue up as an interim topic and discuss whether the Department of Health should continue to administer the program, or whether it should be moved to the Judicial Branch. The Committee decided to take the issue up in the interim, and bill draft will be coming in the next meeting to shift treatment courts. A lot of groundwork still needs to be done.</p> <p>There was also a topic on Victims' Compensation during the Committee meeting.</p>

	<p>At one point, there was a comment made that the Judges are not assessing the surcharge appropriately. Elisa testified and let the Committee know that Judges are assessing the surcharge, and the issue is more likely collection on that surcharge. The Committee also requested a report, and the database administrators are working on that report now.</p> <p>The next meeting will take place September 12th and 13th. The Committee will attempt to schedule all topics for the Judiciary on Monday, September 12th to allow Judges to appear if they wish to do so. There will also be a meet and greet with Committee members after the meeting that day, taking place in the Thyra Thomson state building in Casper.</p> <p><u>Joint Appropriations Committee</u></p> <p>The Department of Administration and Information testified at the Committee meeting, and there was a short discussion on employee compensation. A larger presentation will be made at the September meeting. The next meeting will take place on September 12th.</p>
<p>Employee Compensation Justice Lynne Boomgaarden</p> <p>Budget bill language on employee compensation (Appendix H)</p> <p>An employee retention incentive of \$1,000 will be distributed to all employees who have been in continuous state service for one year or less. Employees who have been in continuous state service for more than one year will receive an additional incentive. The amount of that incentive will be determined by dividing the remainder of the unobligated funds in the 100 series of the district court budgets and distributing that amount equally to district court employees who have had continuous state service for more than one year. Once that amount is determined, it will be distributed to all Judicial Branch employees (excepting Justices, Judges, and Magistrates) who have been in continuous state service for more than one year.</p>	<p><u>Employee Raises</u></p> <p>Employee raises are the kind of decisions that we all agree should be made by a governing body, like the BJPA. The pay tables that the BJPA is hoping to rely upon are not yet finished. As a result, a meeting has been scheduled in July to discuss employee raises and how the funding provided by the Legislature will be allocated. Today is meant to simply share information with the Board and allow Board members to discuss the issue with their conferences.</p> <p>There has been some discussion that the Legislature intended the money to be distributed to employees as a set percentage across the board. That was not the intent of the Legislature as indicated by the language included in Appendix I. The goal of the Executive Branch is to bring all employees up to the minimum pay grade based on the 2020 pay tables, and then provide additional compensation based on employee performance.</p> <p>Judge Bluemel requested information on the range of compensation for employees. Judge Rogers asked for confirmation that court reporters are included as part of the compensation.</p> <p>Judge Bartlett indicated that the real decision of the BJPA is going to be: 1) whether there should be across the board raises; or 2) whether raises should be based on the pay tables. Justice Boomgaarden indicated that there is some variation to these two extremes.</p> <p><u>Retention Incentives for Employees</u></p> <p>Judge Bluemel moved to provide an employee retention incentive of \$1,000 for all employees who have served up to one year and provide an additional incentive for employees who have worked for more than one year in an amount that would use up the remainder of the district court unobligated funds, and apply that amount to all Judicial Branch employees (excepting Justices, Judges, and Magistrates). Judge Rogers seconded the motion. The motion passed with a vote</p>

	of 5 to 3.
Adjourn	Justice Boomgaarden adjourned the meeting 12:17 p.m.

Attachments are designated in blue text.

Decision items are designated in green text.

The BJPA newsletter is attached.

Appendix A

Wyoming Circuit Courts Fees and Costs Rule 1

Rule 1. Costs and Fees in Criminal Actions

- (a) Circuit courts shall collect costs in the sum of \$20.00 for every ~~criminal/traffic~~ misdemeanor case wherein the defendant is found guilty, enters a plea of guilty or no contest or is placed on probation as part of a deferral process ~~for which a conviction results~~, unless otherwise specifically excepted by statute or court rule, which costs shall be assessed as part of the sentence. In addition, for every ~~criminal/traffic~~ misdemeanor case wherein the defendant is found guilty or no contest or is placed on probation as part of a deferral process ~~for which a conviction results~~, unless otherwise specifically excepted by statute or court rule, a fee of \$50.00 shall be imposed. Of this amount, \$40.00 shall be deposited into the judicial systems automation account established by W.S. § 5-2-120, and \$10.00 shall be deposited into the indigent civil legal services account established by § 5-2-121.

Appendix B

Proposed Waiver of Court Fees in Civil Matters

Wyoming does not have a court rule or statute governing the waiver of court fees for indigent individuals in civil matters.

The Fee Waiver Working Group of the Wyoming Access to Justice Commission proposes adding a court rule governing fee waivers in civil matters. The members of the Fee Waiver Working Group include Chair Stuart Day, Judge Timothy Day (retired), Angie Dorsch, Walter Eggers, Janet Montgomery, Dona Playton, and Ashley Ries. The working group is a committee of the Wyoming Access to Justice Commission. The committee spent several years gathering feedback from legal aid providers, judges, and clerks regarding the issues surrounding fee waivers. What the committee learned is that there was a lack of uniformity in how requests for fee waivers by indigent individuals were being handled by courts across the State. After gathering this information, the committee drafted and recommends adoption of the proposed fee waiver rule. The proposed rule was reviewed and approved by the Wyoming Access to Justice Commission. The Permanent Rules Advisory Committee – Civil Division also considered and supports adoption of the proposed rule.

Why a fee waiver rule in Wyoming is needed:

Wyoming has no court rule, statute, or uniform procedure or standard for determining indigency or waiving court costs in civil actions. This raises constitutional issues of due process and access to the courts.

In 1971, the Supreme Court of the United States held that mandatory filing fees and costs as conditions precedent to entering the court system for the purpose of prosecuting a divorce action violates the due process clause of the Fourteenth Amendment, as applied to indigent persons. *Boddie et al. v. Connecticut et al.*, 401 U.S. 371 (1971). The Court reasoned that the right to dissolve a marriage is a fundamental right, and litigation of divorce actions is the only avenue available to exercise that right. Due to the State's monopoly on that remedy, requiring the payment of costs and fees, upon a bona fide demonstration of inability to pay, results in a deprivation of the opportunity to be heard.¹ Such deprivation violates the Due Process Clause.

Boddie references prior decisions which establish that a generally valid statute or rule may be held constitutionally invalid when applied in particular circumstances because it has interfered with an individual's exercise of a property right in that particular circumstance. *Id.* at 379. "Just as a generally valid notice procedure may fail to satisfy due process because of the circumstances of the defendant, so too a cost requirement, valid on its face, may offend due process because it operates to foreclose a particular party's opportunity to

¹ In *Boddie*, it was undisputed that the claimants were unable to pay the court filing fees and costs, as well as their good faith in seeking divorces. *Boddie*, 401 U.S. at 374.

be heard.” *Id.* In the *Boddie* decision, an otherwise valid statute requiring the payment of court fees was found invalid as it applied to indigent litigants.

The *Boddie* Court weighed the countervailing justification for the State’s action in requiring the fees against the claimants’ property interest. *Boddie* notes that the State’s interest in collecting the fees consists of: 1) preventing frivolous litigation; and 2) generating and allocating scarce resources for the administration of the court system. *Id.* at 381. Neither reason is found compelling, noting that “none of these considerations is sufficient to override the interest of these plaintiff-appellants in having access to the only avenue open for dissolving their allegedly untenable marriages.” *Id.*

While the *Boddie* decision was based on divorce actions, many states have extended indigent fee waivers to all civil matters since there are many civil issues where court action is the only remedy. Wyoming should adopt such a fee waiver in order to provide greater access to the legal system for indigent litigants, and to avoid the exposure of due process violations by way of an invalid fee and costs requirement as applied to indigent individuals.

- Although Wyoming has historically had relatively low civil court filing fees compared to other states, our fees have increased in the past 10 years.
- The fees make it difficult for low-income individuals to access the courts.
- Legal aid programs and pro bono attorneys routinely represent clients who receive only SSI benefits as a means of support. The maximum monthly SSI benefit in 2022 is \$841 for an individual or \$1,261 for a couple. It is nearly impossible for these individuals to pay the filing fee.
- Legal aid programs and pro bono attorneys have cases that are delayed while their low-income clients try to come up with the filing fees. Some cases are never filed because the clients do not have adequate funds to pay.
- Without a court rule to provide guidance, it is difficult to advise clients or pro se litigants regarding in what circumstances and which cases they can request a fee waiver.
- There is no uniform procedure for handling requests for fee waivers. This leads to similarly situated people having different results depending on the judge or the court they are before. Uniform criteria to assess indigency is needed for more predictability in fee waivers.

For these reasons, it is recommended that the proposed fee waiver rule be adopted and added as Rule 404 of the Uniform Rules for District Courts of the State of Wyoming, which will also apply to the Circuit Courts in accordance with the Uniform Rules for the Circuit Courts of Wyoming, Rule 1.02.

The addition of Rule 404 will necessitate a housekeeping amendment to the Rules for Fees and Costs for District Courts, Rule 5, to reference the new Rule 404. There is no comparable rule referencing Wyo. Stat. Ann. § 5-9-135 in the Uniform Rules for the Circuit Courts of Wyoming or the Rules for Fees and Costs for Circuit Courts.

Appendix C

Uniform Rules for District Courts of the State of Wyoming

Rule 404. Affidavit on indigency and waiver of court fees in civil matters.

(a) In lieu of paying or giving security for costs of court, a party who is unable to afford costs, and who requests those costs be waived, must file an affidavit of indigency and request to waive fees as herein described at the time the action is commenced. A “party who is unable to afford costs” is defined as a person who is indigent.

(b) An individual shall be determined to be “indigent” within the meaning of this rule if such person, on the basis of the information presented, establishes that:

(1) he or she is currently receiving a government entitlement based on indigency;

or

(2) his or her household income is at or below 125% of the federal poverty level as established annually by the United States Department of Health and Human Services; or

(3) his or her household income is above 125% of the federal poverty level and the applicant has recurring basic living expenses that render him or her without the financial ability to pay the filing fees and other fees for which a request for waiver is made; or

(4) other compelling circumstances exist that demonstrate an applicant’s inability to pay fees in the action.

(c) A “government entitlement based on indigency” shall include but not be limited to:

(1) Federal Temporary Assistance for Needy Families (TANF);

(2) Federal Supplemental Security Income (SSI);

(3) Supplemental Nutrition Assistance Program (SNAP).

(d) Upon the filing of the affidavit, the clerk of court shall docket the action, issue summons, provide such other customary services as are provided any party, and notify the judge that the affidavit of indigency has been filed.

(e) The affidavit of indigency shall contain complete information as to the party’s identity, nature and amount of government entitlement income, nature and amount of employment income, any other income (interest, dividends, etc.), spouse’s income if available to the party, property owned (excluding homestead), cash and checking accounts, dependants, debts, and monthly expenses. The affidavit shall also contain a sworn statement that the filer is unable to pay the court costs and shall verify the statements in the affidavit are true and correct and shall be sworn before a notary public or other officer authorized to administer oaths.

(f) If the court finds that the party is able to afford costs, the party shall pay the costs of the action within 90 days of the order rejecting the fee waiver, unless an extension is granted for good cause, and no final determination in the action will be made by the court until payment is made. If the party’s action results in a monetary award, excluding child support, and the court finds evidence that the monetary award is sufficient to reimburse costs, the party may be ordered to pay the costs of the action. If the court finds that

another party to the suit can pay the costs of the action, the other party may be ordered to pay the costs of the action.

(g) Nothing herein will prejudice any existing right to recover attorney's fees, expenses, or costs from any other party.

Rules for Fees and Costs for District Courts

Rule 5. Civil fees.

For all civil matters filed or commenced, the clerk of each court shall charge fees as set forth in Wyo. Stat. Ann. § 5-3-206, except as provided in Rule 404 of the Uniform Rules for District Courts.

Comment:

The purpose of the rule for waiver of court fees in civil matters is to provide a uniform procedure for requesting a fee waiver and determining indigency in order to ensure the constitutional due process rights of indigent individuals are not violated. In 1971, the Supreme Court of the United States held that mandatory filing fees and costs as conditions precedent to entering the court system for the purpose of prosecuting a divorce action violates the due process clause of the Fourteenth Amendment, as applied to indigent persons. *Boddie et al. v. Connecticut et al.*, 401 U.S. 371 (1971). While the *Boddie* decision was based on divorce actions, many states have extended indigent fee waivers to all civil matters since there are many civil issues where court action is the only remedy. This rule creates a procedure and criteria to assess indigency to promote uniformity and predictability in the handling of fee waivers.

Appendix D

Supreme Court of Wyoming Cheyenne, Wyoming 82002

MICHAEL K. DAVIS
CHIEF JUSTICE



2301 CAPITOL AVENUE
CHEYENNE, WY 82002
(307) 777-7421

September 24, 2020

Attorney General Bridget Hill
Kendrick Building
2320 Capitol Avenue
Cheyenne, WY 82002

Re: COVID-19 Funding Requests

Dear Attorney General Hill:

The Wyoming Judicial Branch appreciates the time and effort you and your office continue to devote to ensuring the COVID-19 funding requests comply with the requirements of the laws. To that end, below please find the information pertaining to a second round of funding requests for the Wyoming Judicial Branch. Attached you will also find a table detailing each request and responses to those questions that can be answered with a simple one-word answer. If there is anything further that you need, please do not hesitate to reach out to me at your convenience.

Distribution Request: Building Security Equipment - \$30,200

Funds allocated to the Wyoming Judicial Branch for this request will be utilized to purchase security equipment for the Wyoming Supreme Court building, allowing for efficient passage of patrons through security checkpoints without close physical contact to Supreme Court staff or other patrons.

When we reopen our building to the public and restart screening of visitors, a properly functioning magnetometer and X-Ray machine with updated technology will significantly reduce the amount of human contact between court patrons and security, as well as the property carried into the building. Updated technology and functioning equipment are critical to the safety and security of visitors as well as Supreme Court staff. This equipment will greatly reduce any need to pat search or hand wand someone coming through security, greatly minimizing personal contact. More efficient equipment shortens the security process and leads to less congregation of patrons as they enter the building.

In the security industry, the recommendation for upgrading equipment ranges between 5 and 8 years depending on usage. The X-Ray machine and magnetometer currently in use at the Supreme Court were purchased in October of 2008. Not only are both machines outdated, the magnetometer malfunctions on a regular basis.

The funds will be used to purchase a magnetometer and an X-ray machine.

This equipment is necessary to respond to the COVID-19 health emergency to ensure social distancing between patrons and court security personnel.

**Distribution Request:
Courtroom Audio and Video Standards - \$4,200,000**

Funds allocated to the Wyoming Judicial Branch for this request will be utilized to purchase technology equipment that will allow courts to continue their necessary and essential functions while maintaining and promoting healthy social distancing.

The Wyoming judiciary is grateful for the CARES Act funds that have already been transferred to the Judicial Branch. Those funds are enabling the Branch to continue to conduct court business while maintaining necessary health precautions, with technology upgrades in approximately 60% of our courtrooms. This proposal expands on the previously approved court technology proposal and provides for necessary upgrades in the remaining courts.

The funds will be used for:

1. Additional video screens, microphones, headsets and other technology to allow people inside and outside of courtrooms to view and present evidence while social distancing. This will give attorneys and defendants the opportunity to present their case both in and outside of the courtroom.
2. Additional video screens in multiple locations allowing for social distancing while maintaining transparency for the public.

This equipment is necessary to respond to the COVID-19 health emergency to continue to maintain healthy social distancing measures and to minimize the number of people who frequent courthouses throughout the State.

**Distribution Request:
County Courthouse Infrastructure - \$2,000,000**

Funds allocated to the Wyoming Judicial Branch for this request will be utilized to improve underlying infrastructure to support the technology required for proper social distancing in counties that do not have adequate funds to support the needed upgrades.

The underlying infrastructure for courtroom technology should be the responsibility of the county. This includes items such as electric outlets for power and network cabling floor track. These funds will allow the installation of courtroom technology to move forward in those locations where county funds may be too limited to provide for improvements to infrastructure.

The funds will be used for power and network cabling floor track and other necessary costs counties may incur to support the additional technology being installed in courtrooms.

This proposal will allow the Judicial Branch to comply with public health precautions while providing necessary and essential functions of the Judicial Branch to the citizens of Wyoming by adapting courtrooms to promote health social distancing.

**Distribution Request:
Public-Use iPads - \$75,000**

Funds allocated to the Wyoming Judicial Branch for this request will be utilized to purchase public-use iPads for self-represented litigants who do not have access to adequate technology to participate in court hearings through video conferencing. Courts can provide equipment for use by these people in locations outside the courtroom, thereby maintaining adequate social distancing.

Funds will be used to purchase 150 Apple iPads for distribution to all courthouses throughout the state.

This request is necessary to respond to the COVID-19 health emergency to allow the Judicial Branch to comply with public health precautions while providing necessary and essential functions of the Judicial Branch to the citizens of Wyoming.

**Distribution Request:
Virtual Queuing - \$105,000**

Funds allocated to the Wyoming Judicial Branch for this request will be utilized to purchase virtual queuing software and licenses to promote social distancing in courthouses across the state.

Courts have faced the challenge of maintaining social distancing while parties, witnesses, jurors, media, and the public gather in hallways to wait for their case proceedings to begin. With a virtual queuing solution, courts and participants can follow social distancing guidelines. Participants would be called, texted or alerted when it is time for them to enter the courthouse and participate in their court proceeding.

Funds will be used to purchase Qtrac VR licensing and setup.

This request is necessary to respond to the COVID-19 health emergency to allow the Judicial Branch to comply with public health precautions while providing necessary and essential functions of the Judicial Branch to the citizens of Wyoming by maintaining healthy social distancing among court staff and participants.

**Distribution Request:
Electronic Signature Software - \$200,000**

Funds allocated to the Wyoming Judicial Branch for this request will be utilized to purchase electronic signature software and licenses to allow courts to process documents in a remote environment.

The pandemic has required remote work throughout the Judicial Branch and staff need the ability to securely sign documents electronically. Judges are striving to work in a paperless environment as much as possible to avoid the potential infection or transmission risks inherent in file and paper sharing. They are also required at times to sign orders and warrants remotely. Human Resources is required to collect signatures on sensitive employee documentation electronically.

Funds will be used to purchase DocuSign e-Signature software and one year of licensing.

This request is necessary to respond to the COVID-19 health emergency to allow the Judicial Branch to comply with public health precautions while fulfilling its responsibilities for case management and in the general operations of the Branch.

**Distribution Request:
Thycotic Privilege Manager - \$35,000**

Funds allocated to the Wyoming Judicial Branch for this request will be utilized for protection of computer hardware used remotely by employees who must work from home during the pandemic.

Thycotic Privilege Manager provides a mechanism to control local administrator rights on state-issued computers. Most users are local administrators of their computers to allow them permission to run specific applications needed to do their jobs. This can present a security issue when employees working remotely download and install third-party applications that pose a threat to the computer, especially if the application is malicious. Privilege Manager allows Supreme Court information technology staff to issue local administrator rights only for safe applications and prevents those permissions for everything else.

These funds would be used to purchase 100 server licenses, 450 workstation licenses and a one-year support agreement.

This request is necessary to respond to the COVID-19 health emergency to allow the Judicial Branch to comply with public health precautions while providing necessary and essential functions of the Judicial Branch to the citizens of Wyoming for employees working remotely.

Sincerely,


Michael K. Davis
Chief Justice

MKD:sm
Attachment

	Security Equipment	Courtroom A&V	Infrastructure	Public-Use iPads	Virtual Queuing	Electronic Signature	Thycoitic Privilege Manager
Amount of funding requested:	\$30,200	\$4,200,000	\$2,000,000	\$75,000	\$105,000	\$200,000	\$35,000
Has this request been preliminary approved by Governor?	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Are funds going to supplement an existing program?	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Was this expenditure accounted for in the most recently approved state budget?	No	No	No	No	No	No	No
Will the cost be incurred between March 1, 2020 and December 30, 2020?	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Will the funds be fully expended by December 30, 2020?	Yes	Yes*	Yes	Yes	Yes	Yes	Yes
What are the reporting requirements related to the use of the funds?	None	None	None	None	None	None	None
Description of other eligible loans, grants or aid for which the Judicial Branch is eligible.	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Description of other loans, grants or aid for which the Judicial Branch has applied.	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Description of other loans, grants or aid which the Judicial Branch has received.	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Will the funds be used to purchase real property?	No	No	No	No	No	No	No
Will the funds be used for capital construction?	No	No	No	No	No	No	No
Will the funds be used to replace lost revenue of the Judicial Branch?	No	No	No	No	No	No	No

* Within the Court Technology distribution request, the Judicial Branch has requested funds related to video screens and sound systems in courtrooms throughout the State. Due to the high demand of audio/video capability during this unprecedented time, full installation of all systems may be delayed beyond December 30, 2020 deadline. However, the Judicial Branch and the vendor will make every effort to ensure completion of these installations by the end of 2020. These systems are vital to conducting court business in the current pandemic environment.

Appendix E

SUPREME COURT OF WYOMING

Sign Language Interpreter Policy

This Policy governs sign language interpretation in the courts and offers guidelines for access to the courts by persons with Limited English Proficiency. For spoke language interpretation please refer to the Spoken Language Interpreter Policy.

I. DEFINITIONS

- A. **Court Proceeding** – Any hearing, trial, or other appearance before the circuit court, district court, chancery court, and the Wyoming Supreme Court in an action, appeal, or other proceeding conducted by a Judicial Officer.
- B. **Deaf Persons** – A person who has hearing loss so severe there is little or no functional hearing.
- C. **Hard of Hearing Persons** – A person who has hearing loss where there may be enough residual hearing that an auditory device, such as a hearing aid or FM system, provides adequate assistance to process speech.
- D. **Judicial Officer** – A justice, judge, commissioner, or magistrate authorized to preside over a Court Proceeding.
- E. **Mute Persons** - A person who is unable to speak.
- F. **Sign Language Interpreter** – A Sign Language Interpreter who is an independent contractor pursuant to contract or is an independent contractor as defined by IRS Revenue ruling 87-41. A Sign Language Interpreter may be Professionally Certified, Registered, or Qualified as defined below.
- G. **Professionally Certified Sign Language Interpreter** – A Sign Language Interpreter who has achieved certification as defined in Section II(B). Professionally Certified Sign Language Interpreters are listed on Wyoming’s Interpreter Roster, maintained by the Wyoming Supreme Court and posted on the Wyoming Judicial Branch website.
- H. **Qualified Sign Language Interpreter** – A Sign Language Interpreter who is not Professionally Certified or Registered, as defined herein, but has been qualified by the local court. Qualified Interpreters are not listed on the Interpreter Roster maintained by the Wyoming Supreme Court.
- I. **Registered Sign Language Interpreter** – A Sign Language Interpreter who has not achieved certification as defined in Section II(B), but

has met minimum professional competency standards, as defined in Section II(C). Registered Interpreters are listed on the Interpreter Roster maintained by the Wyoming Supreme Court and posted on the Wyoming Judicial Branch website.

II. WYOMING INTERPRETER ROSTER

- A.** There shall be an Interpreter Roster maintained by the Wyoming Supreme Court and posted on the Wyoming Judicial Branch website. Professionally Certified and Registered Sign Language Interpreters shall be included in the Interpreter Roster.
- B.** To receive the designation of a Professionally Certified Sign Language Interpreter in the State of Wyoming the interpreter shall:
 - 1.** Attend the Wyoming Interpreter two (2) day orientation, ethics, and skill building workshop with a minimum attendance of eighty percent (80%) of the entire workshop, and one hundred percent (100%) of the Wyoming specific component;
 - 2.** Complete and return the Wyoming Interpreter Service Provider Interest Form;
 - 3.** Pass the Wyoming Interpreter written exam with a score of eighty percent (80%) or higher. A score lower than eighty percent (80%) will require the Sign Language Interpreter to complete the Wyoming Interpreter two (2) day orientation again;
 - 4.** Prove that he or she holds at least one of the following sign language interpreter credentials from the Registry of Interpreters for the Deaf (RID): SC:L, NIC, NIC-A, NIC-M, CI, CT, NAD V, and/or CDI, or a similar credential which the Court Interpreter Program Manager deems appropriate for interpreting in the Wyoming Courts; and
 - 5.** Take the Wyoming interpreter oath.
- C.** To receive the designation of a Registered Sign Language Interpreter in the State of Wyoming the interpreter shall:
 - 1.** Attend the Wyoming Interpreter two (2) day orientation, ethics, and skill building workshop with a minimum attendance of eighty percent (80%) of the entire workshop, and one hundred percent (100%) of the Wyoming specific component;

2. Complete and return the Wyoming Interpreter Service Provider Interest Form;
3. Pass the Wyoming Interpreter written exam with a score of eighty percent (80%) or higher. A score lower than eighty percent (80%) will require the Sign Language Interpreter to complete the Wyoming Interpreter two (2) day orientation again;
4. Prove that he or she holds at least one of the following sign language interpreter credentials from the Registry of Interpreters for the Deaf (RID): NAD III, NAD IV, or a similar credential which the Court Interpreter Program Manager deems appropriate for interpreting in the Wyoming Courts; and
5. Take the Wyoming interpreter oath.

III. APPOINTMENT OF SIGN LANGUAGE INTERPRETERS

- A. The court shall appoint and pay for sign language interpretation for Deaf and Mute individuals, and shall either appoint and pay for sign language interpretation or provide auditory devices for Hard of Hearing individuals in Court Proceedings relating to the following case types, subject to Section III(D):
 1. Felony and Misdemeanors
 2. Forcible Entry or Detainer
 3. Juvenile Delinquency and CHINS
 4. Protection Orders
 5. Abuse and Neglect
 6. Paternity and Support when covered under Title IV-D of the Social Security Act
 7. Relinquishment and Termination of Parental Rights
 8. Mental Health- Title 25
- B. Pursuant to Wyoming Statute § 5-1-109, in all civil and criminal cases where a Deaf or Mute person is a party to the case, or in a grand jury proceeding

where the Deaf or Mute person is a witness, upon petition, the presiding judge shall appoint a sign language interpreter. Excluding the case types enumerated in Section III(A), which are paid by the court, the cost for the interpretation services under this subsection may be assessed as court cost.

- C. The court may appoint and pay for a Sign Language Interpreter for any Deaf, Mute, or Hard of Hearing party to a Court Proceeding.
- D. For those cases listed in Sections III(A) through III(C), the court may pay for sign language interpretation services in the following circumstances:
 - 1. During Court Proceedings when an individual related to a case, a victim, witness, parent, legal guardian, or minor charged as a juvenile is a deaf or mute person, as determined by the court.
 - 2. To facilitate communication outside of the Judicial Officer's presence to allow a Court Proceeding to continue as scheduled, including pretrial conferences between defendants and prosecuting attorneys to relay a plea offer immediately prior to a court appearance.
 - 3. During contempt proceedings when loss of liberty is a possible consequence.
 - 4. During mental health evaluations performed for the purpose of aiding the court in determining competency.
- E. The court shall not arrange, provide, or pay for sign language interpretation to facilitate communication with attorneys, prosecutors, or other parties related to a case involving Deaf or Mute individuals for the purpose of gathering background information, investigation, trial preparation, client representation, or any other purpose that falls outside of the immediate Court Proceedings, except as delineated in Section III(D). Prosecutors and attorneys are expected to provide and pay for sign language interpretation that they deem necessary for case preparation and general communication with parties outside of Court Proceedings.
- F. For cases other than those listed in Sections III(A) through III(D) above, the parties may provide and arrange for their own sign language interpretation services. Failure by the parties to provide and arrange for sign language interpretation services in these cases will not require a continuance of the case.

IV. QUALIFICATIONS OF LANGUAGE INTERPRETERS

- A. All Sign Language Interpreters provided by the courts shall sign an oath to abide by the Code of Professional Responsibility for Interpreters.
- B. To ensure that Court Proceedings are interpreted as accurately as possible, courts are strongly encouraged to appoint a Sign Language Interpreter according to the following preference list: (1) Professionally Certified Sign Language Interpreters; (2) Registered Sign Language Interpreters; and (3) Qualified Sign Language Interpreters.
- C. When a Sign Language Interpreter is not listed on the Interpreter Roster maintained by the Wyoming Supreme Court or not a Professionally Certified or Registered Sign Language Interpreter on the roster of another jurisdiction, the court shall conduct a *voir dire* inquiry of the interpreter to determine the Sign Language Interpreter's credentials prior to initiating a Court Proceeding. The *voir dire* inquiry applies to family members and friends used as Sign Language Interpreters. The court shall make the following findings in open court on the record:
 - 1. A summary of the unsuccessful efforts made to obtain a Professionally Certified or Registered Sign Language Interpreter; and
 - 2. That the proposed Sign Language Interpreter appears to have adequate language skills, knowledge of interpreting techniques, and familiarity with interpreting in a court setting; and
 - 3. That the proposed Sign Language Interpreter has read, understands, and will abide by the Interpreter's Code of Ethics, attached as Appendix B to this Policy.

V. ASSIGNMENT OF MORE THAN ONE LANGUAGE INTERPRETER

- A. Absent exigent circumstances, the court should arrange, provide, and pay for two (2) or more Sign Language Interpreters during Court Proceedings scheduled to last one (1) hour or more to prevent interpreter fatigue and the concomitant loss of accuracy in interpretation.
- B. When two (2) Sign Language Interpreters are used, one will be the proceedings interpreter and the other a support interpreter. The proceedings interpreter provides sign language interpretation services for all Deaf and Hard of Hearing parties and witnesses, while the support interpreter is available to assist with research, vocabulary, equipment or other issues. The proceedings interpreter and the support interpreter shall alternate roles every thirty (30) minutes.

- C. If two (2) Sign Language Interpreters are not reasonably available as set forth in Section V(A), the Sign Language Interpreter should be given no less than a ten (10) minute break for every thirty (30) minutes of interpreting.
- D. The following guidelines and limitations apply to the utilization of more than one Sign Language Interpreter:
 - 1. Sign Language Interpreters are bound by an oath of confidentiality and impartiality, and serve as officers of the court; therefore, the use of one Sign Language Interpreter by more than one individual in a case is permitted.
 - 2. The court is not obligated to appoint a different Sign Language Interpreter when a Sign Language Interpreter has previously provided interpreter services during a Court Proceeding for another individual in a case.
 - 3. Any individual may provide and arrange for interpretation services to facilitate attorney-client communication if interpretation services exceeding those provided by the court are desired.

VI. USE OF COURT PERSONNEL AS INTERPRETERS

- A. A court employee may not interpret Court Proceedings except as follows:
 - 1. Prior to using a court employee as a Sign Language Interpreter, the court shall make findings in open court on the record summarizing the unsuccessful efforts made to obtain a Sign Language Interpreter who is not a court employee.
 - 2. The court employee will not be paid wages or benefits in addition to the employee's regular compensation as a court employee. The court employee will not receive any interpreter service fees established in this Policy.

VII. INVESTIGATION OF COMPLAINTS AND IMPOSITION OF SANCTIONS

A Sign Language Interpreter should be one whose record of conduct justifies the trust of the courts, witnesses, jurors, attorneys, parties, and the public.

Sign Language Interpreters are not entitled to interpret on behalf of the courts or in Court Proceedings. Instead, the provision of interpretation services by Sign Language Interpreters rests within the discretion of each Judicial Officer.

Similarly, Professionally Certified and Registered Sign Language Interpreters are not entitled to have their names included on the Interpreter Roster. The Interpreter Roster is maintained at the discretion of the Wyoming Supreme Court. The Wyoming Supreme Court authorizes the State Court Administrator to investigate complaints and impose sanctions against Sign Language Interpreters to protect the integrity of Court Proceedings and the safety of the public.

- A.** Sanctions may be imposed when:
1. The Sign Language Interpreter is unable to adequately interpret the Court Proceedings;
 2. The Sign Language Interpreter knowingly makes a false interpretation;
 3. The Sign Language Interpreter knowingly discloses confidential or privileged information obtained while serving as a Sign Language Interpreter;
 4. The Sign Language Interpreter knowingly fails to disclose a conflict of interest;
 5. The Sign Language Interpreter fails to appear as scheduled without good cause; or
 6. If a sanction is determined appropriate in the interest of justice.
- B.** A complaint against a Sign Language Interpreter must be in writing, signed by the complainant, and delivered via mail or email to the Court Interpreter Program Manager at:

Wyoming Supreme Court
c/o Court Interpreter Program Manager
2301 Capitol Ave.
Cheyenne, WY 82002

interpreters@courts.state.wy.us

The complaint shall state the date, time, place, and nature of the alleged improper conduct. The complaint shall include the names, titles, and telephone numbers of possible witnesses. If the complainant is unable to communicate in written English, the complainant may submit the complaint in his/her primary language.

The Court Interpreter Program Manager may take immediate action, upon receipt and review of the complaint, if deemed necessary to protect the integrity of the courts, including immediately suspending the Professionally Certified or Registered Sign Language Interpreter from the Interpreter Roster for the pendency of the investigation and consideration of the complaint. In any case where the Court Interpreter Program Manager deems it necessary to suspend the Professionally Certified or Registered Sign Language Interpreter from the Interpreter Roster, notice shall be sent by certified mail to the Sign Language Interpreter.

- C. Upon receipt by the Court Interpreter Program Manager of a written complaint against a Sign Language Interpreter or to further the interest of justice, the Court Interpreter Program Manager shall conduct an investigation into the alleged improper conduct of the Sign Language Interpreter. The Court Interpreter Program Manager shall seek and receive such information and documentation as is necessary for the investigation. The rules of evidence do not apply to this evaluation and consideration of complaint, and the Sign Language Interpreter is not entitled to representation by counsel. The Court Interpreter Program Manager shall provide a written report of the investigation results along with a recommendation on any action to be taken to the State Court Administrator within sixty (60) days of the complaint or start of the investigation.

The report and recommendation shall be provided to the Sign Language Interpreter by certified mail at the same time it is provided to the State Court Administrator. The Sign Language Interpreter shall have fifteen (15) days from receipt to respond to the report and recommendation of the Court Interpreter Program Manager.

- D. Upon receipt of the report and recommendations of the Court Interpreter Program Manager and the Sign Language Interpreter's response, if any, the State Court Administrator may take any of the following actions in order to protect the integrity of the Court Proceedings and the safety of the public:
1. Dismiss the complaint;
 2. Issue a written reprimand against the Sign Language Interpreter;
 3. Specify corrective action with which the Sign Language Interpreter must fully comply in order to remain on the Interpreter Roster, including, but not limited to, the completion of educational courses and/or retaking one or more parts of the of the interpreter orientation, written exam, or oral proficiency interview;

4. Suspend the Sign Language Interpreter from the Interpreter Roster for a specified period of time, or until corrective action is completed; or
 5. Remove the Sign Language Interpreter from the Interpreter Roster.
- E. Written notice of any actions taken by the State Court Administrator will be sent via certified mail to the Sign Language Interpreter and the complainant. Written notice will also be provided to Judicial Officers and court staff if sanctions are imposed against the Sign Language Interpreter.

VIII. REMOTE INTERPRETING

- A. Remote interpretation may be utilized to facilitate access to the courts by Deaf and Hard of Hearing Persons as may be determined by the court.
- B. Courts at their discretion may utilize KUDO, a remote interpreting platform.
- C. The Interpreter Roster maintained by the Wyoming Supreme Court will designate Sign Language Interpreters who have obtained KUDO certification.
- D. To receive the KUDO certified designation on the Interpreter Roster, a Sign Language Interpreter must:
 1. Set up a KUDO profile/account;
 2. Complete a self-guided course provided by KUDO, The Interpreter Journey;
 3. Attend a one (1) hour live KUDO webinar provided by KUDO and provide the Wyoming Administrative Office of the Courts with a certificate of completion; and
 4. Attend a thirty (30) minute webinar provided by the Wyoming Administrative Office of the Courts.

IX. RECORDING OF PROCEEDING

The court may order that the testimony of the person for whom interpretation services are provided, and that the interpretation be recorded for use in verifying the official transcript of the Court Proceeding. If an interpretation error is believed to have occurred based on a review of the recording, a party may file a motion requesting that the court direct that the

official transcript be amended, and the court may grant further relief as it deems appropriate.

VIII. ACCESS TO SERVICES

Based on current Policy, court interpreting services are only provided in the cases detailed under Sections III(A) through III(D). Current Policy reflects a commitment to consistency and fairness in the provision of interpreting services for deaf and hard of hearing persons statewide, a recognition of the serious nature and possible consequences of Court Proceedings for individuals who come in contact with the courts, and the need to allocate limited financial resources most effectively.

IX. FACILITATING THE USE OF LANGUAGE INTERPRETERS

To facilitate the use of the most qualified Sign Language Interpreter available, the Wyoming Supreme Court or its designated agent(s) shall administer the training and testing of Sign Language Interpreters and post the Interpreter Roster on the Wyoming Judicial Branch website of active status interpreters who are Professionally Certified or Registered Sign Language Interpreters as defined in this Policy.

X. APPENDIX A

Policies regarding payment of interpreters are contained in Appendix A of this Policy. Appendix A may be amended from time to time as necessary. Amendments to Appendix A may be made without requiring the reissuance of this Policy.

APPENDIX A

I. PAYMENT OF SIGN LANGUAGE INTERPRETERS AND OTHER DEAF AND HARD OF HEARING RELATED SERVICES

A. Compensation Rate for Sign Language Interpreters. The recommended compensation rate for Sign Language Interpreters working as independent contractors is:

- (1) Professionally Certified: \$55/hr.
- (2) Registered: \$40/hr.
- (3) Qualified: \$25/hr.

Based on the Sign Language Interpreter's certification status and the sign language availability in the judicial district, the court may appoint a Sign Language Interpreter at an hourly rate in excess of those established in this Appendix A.

B. Minimum Time Compensation. Unless otherwise agreed to, Sign Language Interpreters shall be paid a thirty (30) minute minimum. Sign Language Interpreters shall be paid by the hour in thirty (30) minute increments. Time shall be determined by using the next highest thirty (30) minute increment (i.e., 2 hours 4 minutes equals 2 hours 30 minutes). This time shall include any pre assignment prep time (i.e., remote interpretation) in which the court has requested the Sign Language Interpreter to attend.

C. Payment for Travel Time. At the discretion of the judge, a Sign Language Interpreter may be paid the State of Wyoming's allowable mileage reimbursement rates or half the hourly Sign Language Interpreter rate for travel time. In extraordinary circumstances, the Sign Language Interpreter may be paid the full hourly Sign Language Interpreter rate for travel when round trip travel exceeds one hundred fifty (150) miles.

D. Overnight Travel. In the case of trials or hearings exceeding one day duration, Sign Language Interpreters may be compensated for food and lodging at the standard rate established by the Wyoming Supreme Court when round trip travel of one hundred twenty (120) miles or greater is required to secure the best qualified Sign Language Interpreter. To receive reimbursement for food or lodging expenses, the Sign Language Interpreter must receive authorization from the court for the expenses in advance of the actual expenditure. Reimbursement of allowed food and lodging expenses will be made only if itemized receipts are provided and expenses are within the allowable ranges as defined by the State of Wyoming fiscal procedures.

- E. Cancellation Policy.** A Sign Language Interpreter whose assignment is cancelled within seventy-two (72) hours of the assignment start time shall be paid for the scheduled time up to a maximum of sixteen (16) hours as determined by the presiding judge in the cancelled matter. If the assignment is cancelled with more than seventy-two (72) hours' notice, the scheduling court is under no obligation to pay a cancellation fee.

APPENDIX B

<h3>Interpreter's Code of Ethics</h3>
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Canon 1: Accuracy and Completeness

Interpreters shall render a complete and accurate interpretation or sight translation, without altering, omitting, or adding anything to what is stated or written, and without explanation.

Canon 2: Representation of Qualifications

Interpreters shall accurately and completely represent their certifications, training, and pertinent experience.

Canon 3: Impartiality and Avoidance of Conflict of Interest

Interpreters shall be impartial, unbiased and shall refrain from conduct that may give an appearance of bias. Interpreters shall disclose any real or perceived conflict of interest.

Canon 4: Professional Demeanor

Interpreters shall conduct themselves in a manner consistent with the dignity of the court and shall be as unobtrusive as possible.

Canon 5: Confidentiality

Interpreters shall keep confidential all matters interpreted and all conversations overheard between counsel and client. Interpreters should not discuss a case pending before the court.

Canon 6: Restriction of Public Comment

Interpreters shall not publicly discuss, report, or offer an opinion concerning a matter in which they are or have been engaged, even when that information is not privileged or required by law to be confidential.

Canon 7: Scope of Practice

Interpreters shall limit themselves to interpreting and translating, and shall not give legal advice, express personal opinions to individuals for whom they are interpreting, or engage in any other activities which may be construed to constitute a service other than interpreting or translating while serving as an interpreter.

Canon 8: Assessing and Reporting Impediments to Performance

Interpreters shall assess at all times their ability to deliver their services. When interpreters have any reservation about their ability to satisfy an assignment competently, they shall immediately convey that reservation to the appropriate judicial authority.

Canon 9: Duty to Report Ethical Violations

Interpreters shall report to the proper authority any effort to impede their compliance with any law, any provision of this code, or any other official policy governing court interpreting and legal translating.

Canon 10: Professional Development

Interpreters shall continually improve their skills and knowledge, and advance the profession through activities such as professional training and education, and interaction with colleagues and specialists in related fields.

Appendix F

SUPREME COURT OF WYOMING Spoken Language Interpreter Policy

This Policy governs spoken language ~~interpreters-interpretation in~~ by the courts and offers guidelines for access to the courts by persons with Limited English Proficiency. For sign language interpretation please refer to the Sign Language Interpreter Policy.

I. DEFINITIONS

- A. **Court Proceeding** – Any hearing, trial, or other appearance before the circuit court, district court, chancery court, and the Wyoming Supreme Court in an action, appeal, or other proceeding conducted by a Judicial Officer.
- B. **Judicial Officer** – A justice, judge, commissioner, or magistrate authorized to preside over a Court Proceeding.
- C. **Language Interpreter** – A Language Interpreter who is an independent contractor pursuant to contract or is an independent contractor as defined by IRS Revenue ruling 87-41. A Language interpreter may be Professionally Certified, Registered, or Qualified as defined below.
- D. **Limited English Proficient (“LEP”) Person** – An individual who does not speak English as their primary language and who has limited ability to speak or understand the spoken English Language.
- E. **Professionally Certified Interpreter** – A Language Interpreter who has achieved certification by a recognized interpreter certification program and who is on a roster of interpreters, if any, maintained by another jurisdiction. Professionally Certified Interpreters are listed on Wyoming’s Interpreter Roster, maintained by the Wyoming Supreme Court and posted on the Wyoming Judicial Branch website. Professionally Certified Interpreters must attend Wyoming’s interpreter orientation program.
- F. **Qualified Interpreter** – A Language Interpreter who is not Professionally Certified or Registered, as defined herein, but has been qualified by the local court. Qualified Interpreters are not listed on the Interpreter Roster maintained by the Wyoming Supreme Court.
- G. **Registered Interpreter** – A Language Interpreter who has not achieved

certification but has met minimum professional competency standards, as outlined below. Registered Interpreters are listed on the Interpreter Roster maintained by the Wyoming Supreme Court and posted on the Wyoming Judicial Branch website.

To receive the designation of a Registered Interpreter in the State of Wyoming the interpreter shall:

1. Attend the Wyoming Interpreter two (2) day orientation, ethics, and skill building workshop with a minimum attendance of eighty percent (80%) of the entire workshop, and one hundred percent (100%) of the Wyoming specific component;
2. Complete and return the Wyoming Interpreter Service Provider Interest Form;
3. Pass the Wyoming Interpreter written exam with a score of eighty percent (80%) or higher. A score lower than eighty percent (80%) will require the Sign Language Interpreter to complete the Wyoming Interpreter two (2) day orientation again;
4. Pass Oral Proficiency Interview (OPI) with a score of Advanced- Mid or better. If a score of Advanced- Mid or better is not obtained an interpreter may retake the (OPI) after a ninety (90) day waiting period. A score of Advanced- Mid or higher must be obtained within one (1) year of attending the Wyoming Interpreter two (2) day orientation; and
5. Take the Wyoming interpreter oath.

II. APPOINTMENT OF LANGUAGE INTERPRETERS

- A. The court shall appoint and pay for language interpretation in Court Proceedings relating to the following case types, subject to Section II(C):
 1. Felony and Misdemeanors
 2. Forcible Entry or Detainer
 3. Juvenile Delinquency and CHINS
 4. Protection Orders
 5. Abuse and Neglect
 6. Paternity and Support when covered under Title IV-D of the Social

Security Act

7. Relinquishment and Termination of Parental Rights
 8. Mental Health- Title 25
- B.** The court may appoint and pay for an interpreter for any LEP party to a Court Proceeding.
- C.** For those cases listed in Sections II(A) and II(B), the court may pay for language interpretation services in the following circumstances:
1. During Court Proceedings when an individual related to a case, a victim, witness, parent, legal guardian, or minor charged as a juvenile is a LEP person, as determined by the court.
 2. To facilitate communication outside of the Judicial Officer's presence to allow a Court Proceeding to continue as scheduled, including pretrial conferences between defendants and prosecuting attorneys to relay a plea offer immediately prior to a court appearance.
 3. During contempt proceedings when loss of liberty is a possible consequence.
 4. During mental health evaluations performed for the purpose of aiding the court in determining competency.
- D.** The court shall not arrange, provide, or pay for language interpretation to facilitate communication with attorneys, prosecutors, or other parties related to a case involving LEP individuals for the purpose of gathering background information, investigation, trial preparation, client representation, or any other purpose that falls outside of the immediate Court Proceedings, except as delineated in Section II(C). Prosecutors and attorneys are expected to provide and pay for language interpretation that they deem necessary for case preparation and general communication with parties outside of Court Proceedings.
- E.** For cases other than those listed in Sections II(A) through II(C) above, the parties may provide and arrange for their own interpretation services. Failure by the parties to provide and arrange for language interpretation services in these cases will not require a continuance of the case.

III. QUALIFICATIONS OF LANGUAGE INTERPRETERS

- A.** All Language Interpreters provided by the courts shall sign an oath to abide

by the Code of Professional Responsibility for Interpreters.

- B. To ensure that Court Proceedings are interpreted as accurately as possible, courts are strongly encouraged to appoint a Language Interpreter according to the following preference list: (1) Professionally Certified Interpreters; (2) Registered Interpreters; and (3) Qualified Interpreters.
- C. When an interpreter is not listed on the Interpreter Roster maintained by the Wyoming Supreme Court or not a Professionally Certified or Registered Interpreter on the roster of another jurisdiction, the court shall conduct a *voir dire* inquiry of the interpreter to determine the interpreter's credentials prior to initiating a Court Proceeding. The *voir dire* inquiry applies to family members and friends used as interpreters. The court shall make the following findings in open court on the record:
 - 1. A summary of the unsuccessful efforts made to obtain a Professionally Certified or Registered Interpreter; and
 - 2. That the proposed interpreter appears to have adequate language skills, knowledge of interpreting techniques, and familiarity with interpreting in a court setting; and
 - 3. That the proposed interpreter has read, understands, and will abide by the Interpreter's Code of Ethics, attached as Appendix B to this Policy.

IV. ASSIGNMENT OF MORE THAN ONE LANGUAGE INTERPRETER

- A. Absent exigent circumstances, the court should arrange, provide and pay for two (2) or more Language Interpreters during the following proceedings to prevent interpreter fatigue and the concomitant loss of accuracy in interpretation:
 - 1. Court Proceedings scheduled to last three (3) hours or more; or
 - 2. Court Proceedings in which multiple languages other than English are involved.
- B. When two (2) Language Interpreters are used, one will be the proceedings interpreter and the other a support interpreter. The proceedings interpreter provides language interpretation services for all LEP parties and witnesses, while the support interpreter is available to assist with research, vocabulary, equipment or other issues. The proceedings interpreter and the support interpreter shall alternate roles every thirty (30) minutes.

- C. If two (2) Language Interpreters are not reasonably available as set forth in Section IV(A), the Language Interpreter should be given no less than a ten (10) minute break for every fifty (50) minutes of interpreting.
- D. The following guidelines and limitations apply to the utilization of more than one interpreter:
 - 1. Language Interpreters are bound by an oath of confidentiality and impartiality, and serve as officers of the court; therefore, the use of one Language Interpreter by more than one individual in a case is permitted.
 - 2. The court is not obligated to appoint a different Language Interpreter when a Language Interpreter has previously provided interpreter services during a Court Proceeding for another individual in a case.
 - 3. Any individual may provide and arrange for interpretation services to facilitate attorney-client communication if interpretation services exceeding those provided by the court are desired.

V. USE OF COURT PERSONNEL AS INTERPRETERS

- A. A court employee may not interpret Court Proceedings except as follows:
 - 1. Prior to using a court employee as an interpreter, the court shall make findings in open court on the record summarizing the unsuccessful efforts made to obtain a Language Interpreter who is not a court employee.
 - 2. The court employee will not be paid wages or benefits in addition to the employee's regular compensation as a court employee. The court employee will not receive any interpreter service fees established in this Policy.

VI. INVESTIGATION OF COMPLAINTS AND IMPOSITION OF SANCTIONS

An interpreter should be one whose record of conduct justifies the trust of the courts, witnesses, jurors, attorneys, parties, and the public.

Language Interpreters are not entitled to interpret on behalf of the courts or in Court Proceedings. Instead, the provision of interpretation services by Language Interpreters rests within the discretion of each Judicial Officer.

Similarly, Professionally Certified and Registered Interpreters are not entitled to have their names included on the Interpreter Roster. The Interpreter Roster is maintained at the discretion of the Wyoming Supreme Court. The Wyoming Supreme Court authorizes the State Court Administrator to investigate complaints and impose sanctions against Language Interpreters to protect the integrity of Court Proceedings and the safety of the public.

- A.** Sanctions may be imposed when:
- 1.** The Language Interpreter is unable to adequately interpret the Court Proceedings;
 - 2.** The Language Interpreter knowingly makes a false interpretation;
 - 3.** The Language Interpreter knowingly discloses confidential or privileged information obtained while serving as a Language Interpreter;
 - 4.** The Language Interpreter knowingly fails to disclose a conflict of interest;
 - 5.** The Language Interpreter fails to appear as scheduled without good cause; or
 - 6.** If a sanction is determined appropriate in the interest of justice.
- B.** A complaint against a Language Interpreter must be in writing, signed by the complainant, and delivered via mail or email to the Court Interpreter Program Manager at:

Wyoming Supreme Court
c/o Court Interpreter Program Manager
2301 Capitol Ave.
Cheyenne, WY 82002

interpreters@courts.state.wy.us

The complaint shall state the date, time, place, and nature of the alleged improper conduct. The complaint shall include the names, titles, and telephone numbers of possible witnesses. If the complainant is unable to communicate in written English, the complainant may submit the complaint in his/her primary language.

The Court Interpreter Program Manager may take immediate action, upon

receipt and review of the complaint, if deemed necessary to protect the integrity of the courts, including immediately suspending the Professionally Certified or Registered Interpreter from the Interpreter Roster for the pendency of the investigation and consideration of the complaint. In any case where the Court Interpreter Program Manager deems it necessary to suspend the Professionally Certified or Registered Interpreter from the Interpreter Roster, notice shall be sent by certified mail to the Language Interpreter.

- C. Upon receipt by the Court Interpreter Program Manager of a written complaint against a Language Interpreter or to further the interest of justice, the Court Interpreter Program Manager shall conduct an investigation into the alleged improper conduct of the Language Interpreter. The Court Interpreter Program Manager shall seek and receive such information and documentation as is necessary for the investigation. The rules of evidence do not apply to this evaluation and consideration of complaint, and the Language Interpreter is not entitled to representation by counsel. The Court Interpreter Program Manager shall provide a written report of the investigation results along with a recommendation on any action to be taken to the State Court Administrator within sixty (60) days of the complaint or start of the investigation.

The report and recommendation shall be provided to the Language Interpreter by certified mail at the same time it is provided to the State Court Administrator. The Language Interpreter shall have fifteen (15) days from receipt to respond to the report and recommendation of the Court Interpreter Program Manager.

- D. Upon receipt of the report and recommendations of the Court Interpreter Program Manager and the Language Interpreter's response, if any, the State Court Administrator may take any of the following actions in order to protect the integrity of the Court Proceedings and the safety of the public:
1. Dismiss the complaint;
 2. Issue a written reprimand against the Language Interpreter;
 3. Specify corrective action with which the Language Interpreter must fully comply in order to remain on the Interpreter Roster, including, but not limited to, the completion of educational courses and/or retaking one or more parts of the of the interpreter orientation, written exam, or oral proficiency interview;
 4. Suspend the Language Interpreter from the Interpreter Roster for a

specified period of time, or until corrective action is completed; or

5. Remove the Language Interpreter from the Interpreter Roster.
- E. Written notice of any actions taken by the State Court Administrator will be sent via certified mail to the Language Interpreter and the complainant. Written notice will also be provided to Judicial Officers and court staff if sanctions are imposed against the Language Interpreter.

VII. REMOTE INTERPRETING

- A. Remote interpretation may be utilized to facilitate access to the courts by LEP persons as may be determined by the court.
- B. Courts at their discretion may utilize KUDO, a remote interpreting platform.
- C. The Interpreter Roster maintained by the Wyoming Supreme Court will designate Language Interpreters who have obtained KUDO certification.
- D. To receive the KUDO certified designation on the Interpreter Roster, an interpreter must:
 1. Set up a KUDO profile/account;
 2. Complete a self-guided course provided by KUDO, The Interpreter Journey;
 3. Attend a one (1) hour live KUDO webinar provided by KUDO and provide the Wyoming Administrative Office of the Courts with a certificate of completion; and
 4. Attend a thirty (30) minute webinar provided by the Wyoming Administrative Office of the Courts.

VIII. RECORDING OF PROCEEDING

The court may order that the testimony of the person for whom interpretation services are provided and the interpretation be recorded for use in verifying the official transcript of the Court Proceeding. If an interpretation error is believed to have occurred based on a review of the recording, a party may file a motion requesting that the court direct that the official transcript be amended and the court may grant further relief as it deems appropriate.

VIII. ACCESS TO SERVICES

Based on current Policy, court interpreting services are only provided in the cases detailed under Sections II(A) through II(C). Current Policy reflects a commitment to consistency
Spoken Language Interpreters Policy 05/26/22

and fairness in the provision of interpreting services for LEP persons statewide, a recognition of the serious nature and possible consequences of Court Proceedings for individuals who come in contact with the courts, and the need to allocate limited financial resources most effectively.

IX. FACILITATING THE USE OF LANGUAGE INTERPRETERS

To facilitate the use of the most qualified Language Interpreter available, the Wyoming Supreme Court or its designated agent(s) shall administer the training and testing of Language Interpreters and post the Interpreter Roster on the [Wyoming Judicial Branch](#) website of activestatus interpreters who are Professionally Certified or Registered Interpreters as defined in this Policy.

X. APPENDIX A

Policies regarding payment of interpreters are contained in Appendix A of this Policy. Appendix A may be amended from time to time as necessary. Amendments to Appendix A may be made without requiring the reissuance of this Policy.

APPENDIX A

I. PAYMENT OF LANGUAGE INTERPRETERS AND OTHER LEP RELATED SERVICES

A. Compensation Rate for Language Interpreters. The recommended compensation rate for Language Interpreters working as independent contractors is:

- (1) Professionally Certified: \$55/hr.
- (2) Registered: \$40/hr.
- (3) Qualified: \$25/hr.

Based on the Language Interpreter's certification status and the language availability in the judicial district, the court may appoint a Language Interpreter at an hourly rate in excess of those established in this Appendix A.

B. Minimum Time Compensation. Unless otherwise agreed to, Language Interpreters shall be paid a thirty (30) minute minimum. Language Interpreters shall be paid by the hour in thirty (30) minute increments. Time shall be determined by using the next highest thirty (30) minute increment (i.e., 2 hours 4 minutes equals 2 hours 30 minutes). This time shall include any pre assignment prep time (i.e., remote interpretation) in which the court has requested the Language Interpreter to attend.

B.C. Payment for Travel Time. At the discretion of the judge, a Language Interpreter may be paid the State of Wyoming's allowable mileage reimbursement rates or half the hourly Language Interpreter rate for travel time. In extraordinary circumstances, the Language Interpreter may be paid the full hourly Language Interpreter rate for travel when round trip travel exceeds one hundred fifty (150) miles.

C.D. Overnight Travel. In the case of trials or hearings exceeding one day duration, Language Interpreters may be compensated for food and lodging at the standard rate established by the Wyoming Supreme Court when round trip travel of one hundred twenty (120) miles or greater is required to secure the best qualified Language Interpreter. To receive reimbursement for food or lodging expenses, the Language Interpreter must receive authorization from the court for the expenses in advance of the actual expenditure. Reimbursement of allowed food and lodging expenses will be made only if itemized receipts are provided and expenses are within the allowable ranges as defined by the State of Wyoming fiscal procedures.

D.E. Cancellation Policy. A Language Interpreter whose assignment is cancelled within seventy-two (72) hours of the assignment start time shall be paid for the scheduled time up to a maximum of sixteen (16) hours as determined by the presiding judge in the cancelled matter. If the assignment is cancelled with more than seventy-two (72) hours' notice, the scheduling court is under no obligation to pay a cancellation fee.

APPENDIX B

Interpreter's Code of Ethics

Canon 1: Accuracy and Completeness

Interpreters shall render a complete and accurate interpretation or sight translation, without altering, omitting, or adding anything to what is stated or written, and without explanation.

Canon 2: Representation of Qualifications

Interpreters shall accurately and completely represent their certifications, training, and pertinent experience.

Canon 3: Impartiality and Avoidance of Conflict of Interest

Interpreters shall be impartial, unbiased and shall refrain from conduct that may give an appearance of bias. Interpreters shall disclose any real or perceived conflict of interest.

Canon 4: Professional Demeanor

Interpreters shall conduct themselves in a manner consistent with the dignity of the court and shall be as unobtrusive as possible.

Canon 5: Confidentiality

Interpreters shall keep confidential all matters interpreted and all conversations overheard between counsel and client. Interpreters should not discuss a case pending before the court.

Canon 6: Restriction of Public Comment

Interpreters shall not publicly discuss, report, or offer an opinion concerning a matter in which they are or have been engaged, even when that information is not privileged or required by law to be confidential.

Canon 7: Scope of Practice

Interpreters shall limit themselves to interpreting and translating, and shall not give legal advice, express personal opinions to individuals for whom they are interpreting, or engage in any other activities which may be construed to constitute a service other than interpreting or translating while serving as an interpreter.

Canon 8: Assessing and Reporting Impediments to Performance

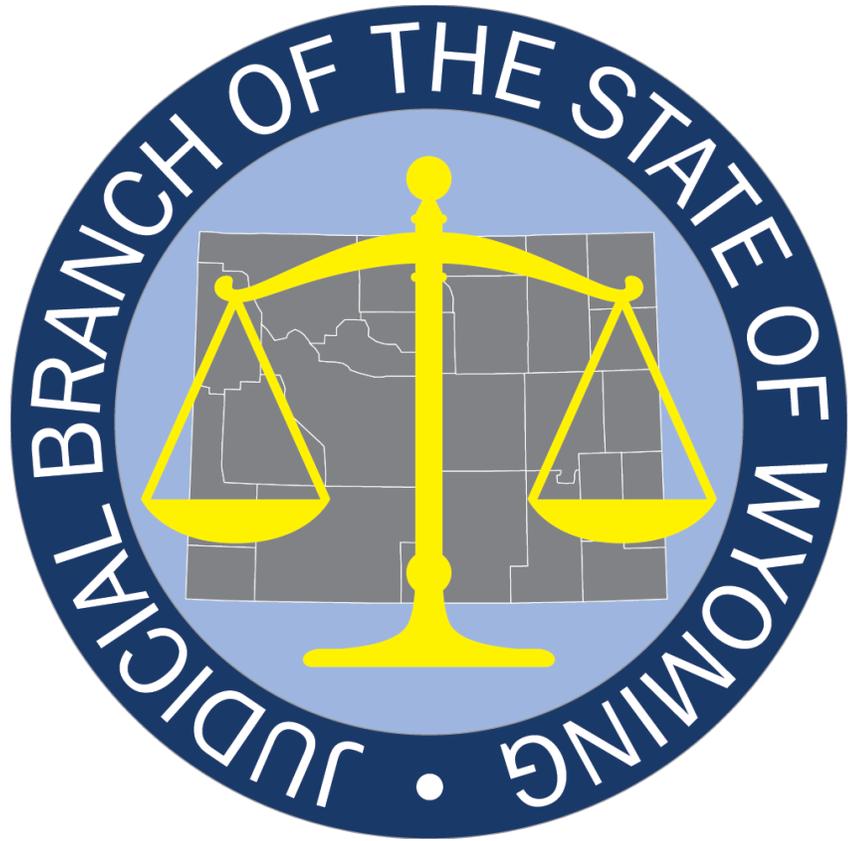
Interpreters shall assess at all times their ability to deliver their services. When interpreters have any reservation about their ability to satisfy an assignment competently, they shall immediately convey that reservation to the appropriate judicial authority.

Canon 9: Duty to Report Ethical Violations

Interpreters shall report to the proper authority any effort to impede their compliance with any law, any provision of this code, or any other official policy governing court interpreting and legal translating.

Canon 10: Professional Development

Interpreters shall continually improve their skills and knowledge, and advance the profession through activities such as professional training and education, and interaction with colleagues and specialists in related fields.



Judicial Branch Innovation Task Force Update

JUNE 13, 2022

The Judicial Branch Innovation Task Force was established to discuss and review potential areas for organizational reform.

Task Force Charge:

- Fully consider the issues
- Understand the possibilities for reform
- Evaluate which options should be recommended
- Provide information to the BJPA



JUDICIAL BRANCH INNOVATION

*“Designing
our future,
honoring our
past”*

JUDICIAL BRANCH INNOVATION
(JBI) TASK FORCE MOTTO

Satisfaction Survey

A judicial satisfaction survey was conducted to assess the current state of the Wyoming Judiciary and provide essential data to assist the JBI.

Recruitment and Retention

Governance Structure

Service Delivery

Technology

Court Practices

Key Survey Findings:

Recruitment,
Retention,
Employee
Satisfaction

Common Response Themes

- 96% of respondents like their job
- 81% of respondents identified fair and adequate compensation of court staff is the highest priority
- 60% of respondents felt that mental well-being of employees and judicial officers is a priority

Key Survey Findings:

Governance Structure

Common Response Themes

- The highest priority of respondents was the agreement on priorities between the court conferences
- Less than half of the respondents stated that structure needed improvement

Key Survey Findings:

Service Delivery

Common Response Themes

- 74% of respondents believe that public trust in the judicial system is high priority
- 57% of respondents believe the quality of Wyoming attorneys is a high priority
- 47% of respondents believe addressing mental health issues of court users is a high priority

Key Survey Findings:

Technology

Common Response Themes

- 50-60% of respondents felt that technology related items are a high priority, however, the majority indicated that this is area is not in need of improvement
- 32% stated the case management system needs improvement

Key Survey Findings:

Court Practices

Common Response Themes

- On average, the majority of judges and justices indicated they are satisfied with their job
- A majority agreed that timely and expeditious handling of all cases is a priority

What are two or three changes the Judicial Branch could begin working on immediately to improve or strengthen court operations and practices?

Increased pay for judges and staff, and recruitment and retention of both

Implementation of eFiling in all courts

Increased resources for self-represented litigants

More training for judges and staff

Proactive docket management

Consistency and uniformity between the way the courts operate

More access to magistrates and commissioners

Identified Focus Areas for Consideration

Governance
Structure and
Vision and Mission
Statements

Administrative
Support Needs

Increased Funding

Service Delivery

Employee and
Judicial Wellbeing

Discussion and Next Steps

Does the BJPA support the identified areas
for consideration and focus?

Questions?

THANK YOU!

Appendix H

ORIGINAL SENATE
FILE NO. SF0001

ENGROSSED

ENROLLED ACT NO. 12, SENATE

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2022 BUDGET SESSION

(i) For each year the certificate is valid, the district provides each teacher employed by the district and holding certification by the national board for professional teaching standards a lump sum payment of four thousand dollars (\$4,000.00), except that for school year 2022-2023 and school year 2023-2024 a lump sum payment of two thousand dollars (\$2,000.00) for each school year shall be made, which payment is in addition to the teacher's annual salary as determined by the board, and which is paid to each certified teacher between December 1 and December 31 of the school year for which application is made;

(b) Nothing in this section shall be interpreted to prohibit a school district from expending any other funds for purposes of a lump sum payment in the amount of two thousand dollars (\$2,000.00) for each school year to each teacher employed by the district and holding certification by the national board for professional teaching standards.

[EMPLOYEE COMPENSATION]

Section 319.

(a) There is appropriated sixty-four million eight hundred thousand dollars (\$64,800,000.00) from the general fund to the state auditor for salary adjustments of generally funded employees whose salary is not prescribed by law for the fiscal period commencing July 1, 2022 and ending June 30, 2024 as specified in this section. From this appropriation, the state auditor shall distribute the following amounts:

(i) Thirty-seven million six hundred ninety thousand four hundred sixty-two dollars (\$37,690,462.00) for distribution among the executive branch agencies, including statewide elected officials, pursuant to subsection (b) of this section for employees of the executive branch, the commission on judicial conduct and ethics and the community college commission but not including any agency or entity specified in paragraph (ii) or (iii) of this subsection, the Wyoming business council and Wyoming energy authority;

(ii) Sixteen million two hundred seventy-one thousand four hundred fifty dollars (\$16,271,450.00) to the University of Wyoming pursuant to subsection (b) of this section for employees of the University of Wyoming, the University of Wyoming medical education program, school of energy resources and the enhanced oil recovery commission;

ENROLLED ACT NO. 12, SENATE

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2022 BUDGET SESSION

(iii) Eight million six hundred sixteen thousand eight hundred thirty-three dollars (\$8,616,833.00) to the community college commission to be allocated among the community colleges in proportion to the state funded payroll of each college relative to the total state funded payroll as submitted by the colleges to the state budget department and further distributed within each college pursuant to subsection (b) of this section among the community colleges for employees of the community colleges and Wyoming public television;

(iv) Two million two hundred twenty-one thousand two hundred fifty-five dollars (\$2,221,255.00) to the supreme court to be further distributed pursuant to subsection (b) of this section among the employees of the supreme court, district courts and circuit courts and related subdivisions.

(b) Funds appropriated under subsection (a) of this section shall be distributed to employees of entities specified in paragraphs (a)(i) through (iv) of this section to provide for salary and employer paid benefit increases consistent with employee performance and occupational market analysis as determined by the specified recipient entities.

(c) For state executive and judicial branch employees whose compensation is paid from nongeneral fund sources, to the extent funds are available, there is appropriated from those accounts and funds amounts necessary to provide payment of comparable salary increases and employer paid benefits as that which is distributed to employees of entities specified in paragraphs (a)(i) through (iv) of this section and subject to the same distribution methodology that is applied by the entities specified in paragraphs (a)(i) through (iv) of this section, respectively. For state executive and judicial branch employees whose compensation is partially funded by general funds, general funds shall be expended for compensation increases in the same proportion as the employee's budgeted salary is paid by state general funds.

(d) Notwithstanding any other provision of law, the appropriation under this section shall not be transferred or expended for any purpose other than as specified in this section. Any unexpended, unobligated funds remaining from the appropriation under this section shall revert as provided by law on June 30, 2024.

Board of Judicial Policy and Administration

June 13, 2022

NEWSLETTER

BJPA Members: Chief Justice Kate Fox (Chair), Justice Lynne Boomgaarden, Justice Kari Gray, Judge Catherine Wilking, Judge Catherine Rogers, Judge Joseph Bluemel, Judge Wes Roberts, Judge John Prokos, Judge Susan Stipe

Newsletter Items	
Equal Justice Wyoming	<p>Equal Justice Wyoming and the Equal Justice Wyoming Foundation held their first joint grantmaking cycle this year. The two boards met on May 12, 2022 to review grant applications and make awards. The boards of EJW and EJWF jointly awarded grants totaling \$1,135,000 for FY 2023, down from \$1,504,581 in FY 2022. The total amount of funding includes grants from state funds, foundation and IOLTA funds, as well as federal dollars which have been earmarked by the state for civil legal aid from the Victims of Crime Act and the Emergency Rental Assistance Program. The decrease in grant awards was due to the significant decline in CLS revenue going to EJW over the past several years and a \$170,000 decrease in Victims of Crime Act funding.</p> <p>Since the May 12th meeting, EJWF has received a notice of award of a \$154,750 ARPA grant to supplement the current grant funding. The EJW and EJWF boards will be distributing these additional funds to grantees to make up for some of the cuts that were made. Current grantees include Cheyenne Regional Medical Center Medical-Legal Partnership, Legal Aid of Wyoming, University of Wyoming College of Law – Civil Legal Services Clinic and Family & Child Legal Advocacy Clinic, Wyoming Coalition Against Domestic Violence & Sexual Assault, Wyoming Children’s Law Center, and the Teton County Access to Justice Center.</p> <p>EJW now has seven Volunteer Reference Attorney sites up and running with in-person assistance. In addition to Casper, Cheyenne, Green River, Laramie, Rawlins, and Sheridan, EJW launched a new VRA at the Campbell County Public Library in Gillette in April 2022.</p>
Budget	<p>As the BFY21 biennium winds down, courts are looking at available funds and making necessary, higher-cost purchases. Claire will be reaching out to all courts requesting details so funds can be encumbered from BFY21 to pay for those</p>

	purchases prior to the end of June.
Chancery Court	The Chancery Court reached its six-month birthday in June. During these opening months, parties have filed seven cases. Two of these cases are moving towards trial dates set in August and September of this year. Chancery Court continues to serve as a testing ground for electronic filing. Lessons learned from implementing electronic filing in Chancery Court will prove helpful when electronic filing is rolled out to district courts statewide.
eFiling	WSC staff received many comments on the draft eFiling Rules. The eFiling Committee reviewed those comments, and made changes as deemed necessary. The Rules will be presented to the Court for consideration and adoption.
Judicial Branch Applications	<p>District Court FullCourt Enterprise</p> <p>Four (4) district courts have successfully transitioned to the new Case Management System, FullCourt Enterprise, (FCE). Albany County District Court was the Pilot court for FCE in July 2021. Laramie County District Court followed as the second Pilot court in October 2021. Fremont County District Court, the third and final Pilot court went live on FCE in February 2022. This allowed WSC staff to roll-out a medium, large, and small-sized court (respectively) and learn about the key differences with District Courts as they pertain to the case management system.</p> <p>The Applications Division worked with the Information Technology and Fiscal Divisions, and the vendor to improve both the migration process and the training offered with lessons learned from the Pilot courts. The migration for the first court in the full rollout scheduled, Natrona County District Court was completed in April 2022. There are an additional eight (8) courts scheduled to transition to FCE throughout the remainder of 2022:</p> <ul style="list-style-type: none"> • Sublette and Teton County District Courts – June 2022 (Training has already occurred) • Lincoln, Sweetwater, and Uinta County District Courts – August 2022 (Training of Clerks and Chambers in July 2022) • Campbell, Crook, and Weston County District Courts – October/November 2022 (Training of Clerks and Chambers in September 2022) <p>The 2023 rollout schedule for the remaining eleven (11) courts is being revised, and will take into consideration the eFiling project.</p> <p>Training and Support</p> <p>The Application Division is working with many partners to improve</p>

	<p>communication and use of Branch Applications. Partners include Driver’s Services, Wyoming Highway Patrol, various other Law Enforcement agencies, DFS, other State agencies and the application vendors. Work between the Applications and Fiscal Divisions is underway to prepare for July 1 statute changes.</p> <p>New Hires</p> <p>The Applications Division is pleased to announce two (2) new hires. Callie Strode joins the Branch as an Application Project Support Specialist, and Amanda Colwell as an Application Project Team Lead.</p>
<p>Judicial Branch Technology</p>	<p>Information Technology</p> <p>The Information Technology Division has provisioned the network for Chancery Court, implemented the new password policy, and completed the annual Microsoft licensing True-Up. Work has begun to migrate the Judicial Branch from Office 365 to Microsoft 365, and to the anti-virus platform. Additionally, the Division is rolling out Multi-Factor Authentication (MFA) for Active Directory and Office 365 (O365) apps for improved security. The project to implement the external email warning is on hold.</p> <p>Courtroom Technology</p> <p>In preparation for the completion of courthouse remodels in Carbon and Platte Counties, and the new courthouse in Converse County, Statements of Work to relocate courtroom technology equipment have been executed with Absolute! Audio Visual Inc.</p>
<p>New Judges</p>	<p>Judge Lynda Bush will be sworn in as the Circuit Court Judge in the Sixth Judicial District in Crook and Weston Counties, and Judge-Select Collier will be sworn in as the Circuit Court Judge in the Seventh Judicial District in Natrona County. The selection process is underway for the District Court vacancies in the Seventh Judicial District, the Second Judicial District, the Fourth Judicial District, and the Eighth Judicial District.</p>
<p>Judicial Education</p>	<p>Judicial Orientation for Judge Lynda Bush and Judge-Select Nichole Collier will take place on June 9, 2022.</p> <p>The process for submitting CJE credit electronically has been updated on the Wyoming Judicial Branch website. The link now takes you to a Microsoft Form where you can request CJE credit. When you prepare the online form, it will have you sign into your Microsoft account. By doing this, it associates your email address with the CJE request. This serves as your verification of attendance. This new process will streamline the approval of CJE credit and tracking. You can find the link on the Judicial Education page</p>

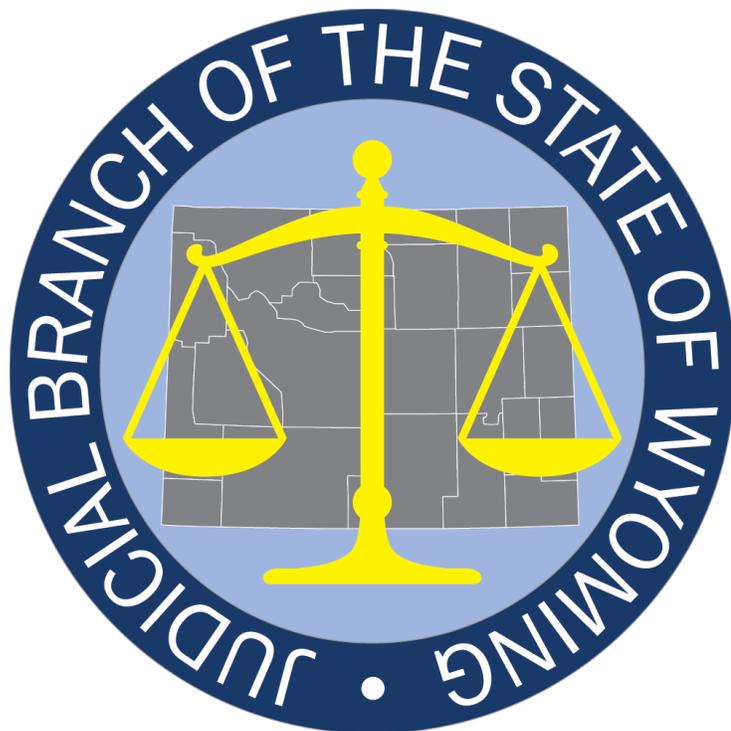
	https://www.courts.state.wy.us/court-administration/judicial-education/ .
COOP Template	Attached is a Continuity of Operations Plan (COOP) template for the courts to use if they wish to adopt a local plan.

COURT NAME

Continuity of Operations (COOP) Plan

Court Name

[Insert Effective Date]



PART A: READINESS AND PREPAREDNESS

PURPOSE

Table 2-1: Purpose of the Court's COOP Plan

This COOP plan establishes policies and procedures to ensure the execution of essential functions for the court in the event that a disaster or emergency threatens or incapacitates operations. Specifically, this plan is designed to:

- Ensure that the court is prepared to respond to both natural and manmade disasters and emergencies, recover from them, and mitigate against their impacts.
- Ensure that the court is prepared to quickly transition from normal operations and maintain its essential functions in an environment where resources and facilities are threatened, diminished, or incapacitated.

APPLICABILITY AND SCOPE

Table 2-2: Applicability and Scope

This plan applies to the **court name**. It covers all individuals who work or conduct business in the facility. The plan takes an "all hazards" approach. That is, it applies to all emergencies, natural or manmade, that affect the essential operations of the court.

DISTRIBUTION AND MAINTENANCE OF PLAN

Table 2-3A: Revision Control

Date	Summary of changes	By Whom

Table 2-3B: Plan Maintenance

Where will physical copies of the COOP be located?	
Where will virtual copies of the COOP be located?	T:Drive
Intended audience for this plan.	Court Personnel
Person responsible for maintaining the overall COOP.	
How often will this plan be maintained?	Annually

CRISIS MANAGEMENT TEAM (CMT)

The CMT will consist of those in an overarching executive body which governs and directs activities related to crisis response for the court. The Local Court Unified Command Team help provide quick emergency action at the court, and helps direct incident response. The COOP Coordinator will serve as the emergency management lead for the court and help guide implementation of the COOP, serve as the liaison to

external emergency management agencies, and help direct the court’s overall emergency management activities.

Table 2-4: Crisis Management Team (CMT)

CMT	Members of the Team
COOP Coordinator	
Backup COOP Coordinator	
Local Court Unified Command Team	

COURT EMERGENCY OPERATIONS CENTER (EOC) AND MEETING LOCATIONS

Table 2-5: Meeting Locations

Physical Meeting Options		
Courthouse	Inside Meeting Area	Outside Meeting Area
Local Court Unified Command Team		
Virtual Meeting Options		
Virtual Modality	Protocols to Access	Any Restrictions
Microsoft Teams	The COOP Coordinator or designee will email the Local Court Unified Command Team with Teams meeting. Phone call instructions also to be included.	Can accommodate up to Two Hundred Fifty (250) users. All users must have either cell phone or internet connection.

COURT ESSENTIAL FUNCTIONS

Table 2-6 contains a listing of the court’s most time-critical and essential functions that cannot be left undone for 30 days without risking failure of mission, failure meeting of statutory/mandatory obligations, or loss of trust, respect, and funding. Each table represents a court essential function. Table 2-7 contains a Business Impact Analysis (BIA) and can be included as an attachment to the COOP plan.

Table 2-6: Essential Functions (EFs) - Business Impact Analysis Worksheet
(Complete separate Table for each court department and include as Attachment to COOP Plan)

<u>Department:</u> (Insert Department)			
Critical Activity/Essential Function (EF)	Priority	Impact if EF is not completed	Return Time Objective

Table 2-7: Essential Functions (EFs) - Business Process Analysis

Essential Function	Recovery Time Objective	Department/Person Responsible	Key Staff	
	Resources Needed			
	Work Location & Space Requirements			
	Supporting Activities			
	Internal Dependencies/Essential Records			
	External Dependencies/Essential Records			
	Manual Workarounds			
	Can an Emergency Order provide relief?	<input type="checkbox"/> Yes <input type="checkbox"/> No Notes:		
	Can EF be done via telework?	<input type="checkbox"/> Yes <input type="checkbox"/> No Notes:		
	Resources Needed			
	Work Location & Space Requirements			
	Supporting Activities			
Internal Dependencies/Essential Records				
External Dependencies/Essential Records				
Manual Workaround				
Can an Emergency Order provide relief?	<input type="checkbox"/> Yes <input type="checkbox"/> No Notes:			
Can EF be done via telework?	<input type="checkbox"/> Yes <input type="checkbox"/> No Notes:			
	Resources Needed			
	Work Location & Space Requirements			
	Internal Dependencies/Essential Records			
	External Dependencies/Essential Records			
	Manual Workaround			

	Can an Emergency Order provide relief?	<input type="checkbox"/> Yes <input type="checkbox"/> No Notes:
	Can EF be done via telework?	<input type="checkbox"/> Yes <input type="checkbox"/> No Notes:

TECHNOLOGY CONSIDERATIONS – ESSENTIAL RECORDS, COURT APPLICATIONS, NETWORK

Table 2-8A: Technology Priorities

IT Application/Vital Record	Return Time Objective (RTO)*	Recovery Point Objective (RPO)**	Unit Responsible/Point of Contact	Notes
FCE	24 Hours	15 Minutes	IT	
WyUser (for districts that have not upgraded)	24 Hours	15 Minutes	IT	
Clearview Jury	24 Hours	15 Minutes	IT	
DataWarehouse	24 Hours	2 hours	IT	
E-Citations (for circuit only)	24 hours	15 Minutes	IT	

*RTO indicates the maximum amount of time an application will be down.
**RPO is the time of maximum data loss.

Table 2-8B: Telework Logistics

Item to Consider	Explanation, Response, or Protocol
How many telework (VPN) licenses does the court maintain?	Four-Hundred (400). The courts VPN is only accessible via WJB managed workstations.
What IT cybersecurity protocols need to be in place to implement emergency telework?	No additional IT cybersecurity protocols need to be implemented. The courts VPN is only accessible via WJB managed workstations.
What will be the plan to surge telework options (e.g., purchase new laptops, reuse existing computers)?	N/A. All WJB staff have been issued laptops.
What changes need to be made to the court network or infrastructure to support expanded telework?	None. All critical applications and services are hosted in the cloud. Additionally, the WJB implemented a High Availability VPN solution for access.
How will telework capabilities be tested prior to an emergency	
How will telework equipment be deployed to judges/staff?	N/A. All WJB staff have been issued laptops.
How is bandwidth addressed for critical applications to be used offsite?	N/A. All critical applications are hosted off-site in the Azure Cloud.
Are there any court applications, software, or programs that can't be accessed offsite?	No, as all are accessible via the VPN.

ORDERS OF SUCCESSION AND DELEGATIONS OF AUTHORITY

Table 2-9: Orders of Succession and Delegations of Authority			
Key Position	Successor	Delegated Authority	Activation/Termination of Delegated Authority(s)
			<u>Activated:</u> <u>Terminated:</u>
			<u>Activated:</u> <u>Terminated:</u>
			<u>Activated:</u> <u>Terminated:</u>

TELEWORK AND CRITICAL STAFF ACCESSIBILITY

In the event the **court name** is non-operational, there will be a need to ensure the continuation of the court's essential functions via telework. If a situation arises, and evaluated by the CMT on a case-by-case basis, **county name** County Emergency Management will be contacted for access to an alternate facility. The **county name** County Emergency Manager can be contacted at **phone number** during regular business hours, and after hours at **phone number**.

Critical staff will need to be accessible for the continuation of the court's essential functions. Critical staff is encouraged to take their court issued laptop home every night, and required to take their work cell phone (if one has been issued) home every night in the event to the building is non-accessible the next working day. Critical staff is identified as:

EMERGENCY COMMUNICATIONS

Communication is a critical element to ensure a court can successfully continue its essential functions. The following table identifies the available communication modalities, situational awareness, and stakeholder communications.

Table 2-10A: Communication Modalities			
Communication System	Where is system located?	Who has access?	Unit responsible?
Voice Lines			
Email	Cloud	IT	IT
Cell Phones (First Responder Plan)	Verizon	ETS	ETS
GovDelivery	Cloud	IT	IT
Teams	Cloud	IT	IT
Building PA systems			

Table 2-10B: Communication Strategies

Situational Awareness			
How will the court maintain a Common Operating Picture (COP), so management and judicial leadership understand the situation and what the operational plan is?	COOP Coordinator will schedule regular (daily or weekly depending on incident) situation status briefings with the CMT. In addition, the court maintains a cloud-based SharePoint site (Court WebEOC) where managers across all court departments will post a daily or weekly update (depending on incident) update.		
How will the court provide updates to judges/staff who may not be onsite or have access to their court email?			
How will the court communicate operational status to the local/county emergency operations center?	The COOP Coordinator will assign an employee to call dispatch center and request to have county name County Emergency Manager call back, or relay message to manager (phone numbers).		
Does the court have a seat at the local/county EOC?			
Stakeholder Communications			
Stakeholder	Primary Communicator	Frequency of Communications	Communication Modality
Staff			
Judges			
Justice Partner/Building Tenants			
Jurors			
Litigants/Witnesses/Parties			
Media			
Public			
Local/County Emergency Operations			
Sheriff's Office			
Local Bar/Legal Service Associations			
State AOC			
Last Resort Plan			
In the event that all primary forms of communication are not operable, how will communication and coordination occur?	If telecom is down, the plan will be to have the CMT meet at location at time on the morning following the initial incident.		

HUMAN RESOURCES CONSIDERATIONS

Table 2-11A: Workforce Contact Lists

Item to Consider	Guidance Available
Who is responsible for collecting contact information?	Locally: State AOC: CFO, HR Manager, HR Specialist
Where are rosters with all staff/judge contact information maintained?	Locally: State AOC: Contact information is available in HRM and BizMerlin and can be accessed with an internet connection. Division heads and Justices have wallet cards with contact information for division heads. Division heads have contact information for staff in their phones. Physical lists of all employees and their contact information will be updated each August and printed for the Chief Justice and division

	heads to keep at their homes. The physical list will include magistrates, retired justices/judges and Cheyenne circuit and district court employees.
How often is contact information Audited?	Locally: State AOC: Once a year
Procedure for handling staff/judge injuries, death, notification of next of kin, or other designated contacts.	Notification of death will be handled by local emergency personnel. Notification of injuries will be done by the employee's supervisor or someone within the chain of command above the supervisor.

Table 2-11B: Employee Welfare and Staffing Strategies

Item to Consider	Guidance Available
Employee Welfare	
What services are available to help employee welfare during a crisis?	<p>CIGNA Employee Assistance Program (EAP) :</p> <p>Employees can receive three no-cost face-to-face or call sessions with a licensed mental health professional through Cigna's Employee Assistance Program network. Just login to myCigna and click on Coverage and Employee Assistance Program and Visit an EAP Counselor to get your EAP code and find an in-network counselor. On myCigna you also have access to work-life resource tools, such as Happify and iPrevail. Call 1-800-685-1060 or Cigna Behavioral Health at 800-274-7603 for assistance.</p> <p>Local Services for Victim Advocate and Red Cross:</p> <p>The city/town name Police Department or the county name County Sheriff's Office are able to provide contact information for the Local Victim Advocate to assist in referral services to local health agencies, as well as the Red Cross.</p>
How will disaster fatigue be addressed?	Supervisors will be in regular contact with their staff and will specifically address this issue. If supervisors are not available, the State AOC HR Manager will be in contact with staff.
Staffing Strategies	
Procedure for hiring additional staff on an interim basis (e.g., temp agencies, retirees, etc.)	If instances arise where temporary employees are appropriate, the COOP Coordinator shall contact the CFO or HR Manager. The CFO or HR Manager will contact local temp agencies to arrange for help.
Procedure for on how to obtain additional judges if there is a shortage of judicial officers available.	Due to the technology in our courts, other judges throughout the state can handle many issues remotely. Contact information for magistrates and retired judges shall be included in the staff list maintained with the court name .

Table 2-11C: HR Policies and Guidance

Personnel Areas	Specific Personnel Issue	Guidance Available
Work schedules and compensation	Payment of nonessential staff	Payment of nonessential staff will be dependent on the estimated length of the disaster. If management estimates the length will be relatively short, non-essential staff will continue to be paid in amounts equal to the monthly salary in the month preceding the disaster. If management

		estimates the length may be long-term, a Reduction In Force may be necessary. The definition of 'relatively short' and 'long term' will be determined at the time of the disaster.
	Role of nonessential staff	Management will assess the need to use nonessential staff for work other than their normal duties at the time of the disaster. Nonessential staff will be expected to provide assistance as directed, if physically capable.
	Overtime for essential functions staff	Overtime will be authorized for non-exempt employees as needed after the disaster. Management will consider the approval of comp time for exempt employees who work an excessive number of hours after a disaster. Excessive will be defined at the time of the disaster.
	Payroll administration when normal processes unavailable	SAO will be asked to pay everyone the same amount as the previous month and we will reconcile as soon as possible. HR staff will first discuss if there was anything unusual in the prior month. Judiciary employees are paid by direct deposit.
Flexible work hours	Modification of work hours	Supervisors will work with their staff to modify hours as needed.
Leave	Emergency leave	Emergency leave will be addressed upon assessment of disaster and needs identified at that time.
Obtaining additional staff	Emergency staffing	Previous employees or court employees from areas unaffected by the disaster may be contacted if appropriate. Employees will help other departments as much as possible. If instances arise where temporary employees are appropriate, the COOP Coordinator shall contact the CFO or HR Manager. The CFO and HR Manager will contact local temp agencies to arrange for help.
Logistical support	Emergency housing	N/A
Discipline	Employee Discipline	Employee discipline will be handled on a case-by-case basis by the supervisor. Issues of a more serious nature will include the HR Manager and State Court Administrator as necessary or when requested.
Education and training	Preparedness Training	The court name will revisit the emergency plan once a year in August.
Telework	Telecommuting	This will be allowed in the same manner as during the COVID-19 pandemic.

RESOURCE MANAGEMENT

Table 2-12: Resource Management Strategy

Item to Consider	Explanation, Response, or Protocol
How will emergency purchases be made? Who will take the lead in procuring and managing supplies in an emergency?	
Which positions have access to court credit cards that can be used in an emergency?	
What is the protocol for requesting resources from the local/county emergency operations center?	Within county name County, contact county name County Emergency Manager (phone numbers).
Has the court building been designated with priority utility service and for priority restoration after a disaster? What are the emergency contacts for each utility?	Fire and other emergencies: 911
What is the protocol to ensure the building generators (if applicable) are maintained and refueled during an emergency?	
How long does each building generator run, and what will it power?	
What mutual aid agreements are in place within county name County to provide aid in an emergency? What resources can be provided or shared?	The Wyoming Office of Homeland Security is the State partner, and provides resources and assistance in the event of an emergency or disaster. All County Emergency Managers work through the Wyoming All Hazards Association (WAHA) as well.
Where are building emergency supplies stored and maintained? (e.g., food, water, first aid, flashlights, dust masks, USB chargers, laptop power banks, etc.)? Include any hazard-specific emergency supplies.	

DEVOLUTION

The devolution plan will be executed if a catastrophic event renders the leadership and essential functions staff incapacitated and the Court and alternate facilities nonfunctional. During devolution, authority and responsibility for essential functions is transferred pursuant to the *Order of Appointment upon Incapacity of Sitting Wyoming Supreme Court Justices*, General Order 22-01.

PART B: ACTIVATING COOP IN A DISASTER

COOP ACTIVATION

Not every emergency requires activation of the COOP. Some emergencies may require a short-term evacuation of the court facility followed by the resumption of normal operations. COOP response should be flexible and scalable based on the emergency incident. The COOP shall be activated at the discretion of the.

PART C: RECONSTITUTION AND COST RECOVERY

RECONSTITUTION

Reconstitution includes procedures to terminate alternate operations and resume normal operations. Reconstitution shall be determined at the discretion of the Chief Justice once the disaster no longer poses a threat. Reconstitution is not a single point in time event but rather a planning process that involves consideration of how to restore operations within the buildings.