

Board of Judicial Policy and Administration
Minutes
June 21, 2007

The Board of Judicial Policy and Administration met in Casper on June 21, 2007. In attendance were Chief Justice Barton Voigt, Justice Michael Golden, Justice Jim Burke, Judge Jeff Donnell, Judge John Perry, Judge Mike Huber, Judge Bob Skar and Judge Victoria Schofield. Holly Hansen, Joann Stockdale and Ronda Munger also attended. Judge John Brooks participated by phone. Throughout the course of the meeting the following individuals attended at some point by phone or in person: Justice Marilyn Kite, Judge Nick Deegan, and Judge Steven Cranfill and Karen Gottlieb.

Old Business

Committee Updates

Information Technology Committee (ITC) - Chief Justice Voigt reported to the Board that he had sent letters to the Judicial Technology Taskforce to let them know that the Board was dissolving the taskforce. He then convened an Information Technology Committee and that committee met in Casper on June 20th. The committee consists of Chief Justice Voigt, Judge Scott Skavdahl, Judge Rob Denhardt, Steven Dreher, James Bothamley and Holly Hansen. The focus of the ITC will be technology within the Judiciary. The first order of business is to concentrate support on the district courts. A list of what is out in each of the district judges' offices will be gathered. One of the Supreme Court IT positions will be dedicated to the district courts. The long range plan will be to move to one computer system for the entire state. The topic of video arraignments was discussed. One of the district judges requested money for video arraignments to be paid for out of the court automation account. That opened up discussion about the funds that are appropriated out of the court automation account for individual court projects. The Board requested the ITC review the old granting guidelines and create a new granting system to award the appropriated court automation account funds. This should include a discussion about whether or not the court automation account should fund video arraignments. The Board requested the ITC report back with draft guidelines. There was also discussion regarding who was entitled to the money in the court automation account. The account was set up to advance technological needs for those courts that are collecting the ten dollar automation fee. However, throughout the discussion it was clear that the Board believes, much like the restitution, public defender fees and garnishment money that is collected by the courts, that collection of the court automation fee does not necessarily "entitle" courts to get those fees returned to them in terms of equipment and services. The Board is the policy making body, with recommendations from the ITC, that will decide how those funds will be spent. It was also pointed out that although the court automation account is a special revenue account that does not revert back to the general fund, the Legislature still has to appropriate the expenditure of the funds out of the account.

Court Security Committee - Judge Jeff Donnell reported on the work of the Court Security Committee. The Committee is proposing draft legislation which creates the Wyoming Court Security Commission. The Commission would be made up of one supreme court justice, one district judge, one circuit judge, one county commissioner, one

county sheriff, and one representative from the Wyoming Peace Officer's Standards and Training Commission. The members from the Judicial Branch would be appointed by the Board and the other members would be appointed by the Governor. The proposed legislation outlines the duties of the Commission and provides that the supreme court would staff the commission and distribute any funds appropriated for court security. The Committee will seek sponsorship of the draft legislation at the next legislative session.

Retirement Committee - Justice Marilyn Kite reported to the Board regarding the judicial retirement bill that failed in the last legislative session. The bill from last session will have to be altered slightly, because each year there is additional unfunded liability that accrues. Justice Kite is waiting for the actual figures from Tom Mann. Although the retirement committee has not taken a formal vote on the issue, it is Justice Kite's belief that the 3.65% contribution language that the Judiciary Committee added to the bill will be taken out of the bill in the next session. She also believes that the retirement committee will propose a retirement age of 65, rather than the age of 60 which was proposed in the last bill. The actual amount of benefit is not that significant, and she believes the legislature got the impression that judges wanted out of the system too early and that the retirement age of 60 hurt the bill. The rest of the retirement proposal will remain the same. Once a new bill is drafted, Justice Kite will send it to Holly to be distributed to the judges for input. Justice Kite believes that the bill will be circulated in July.

E-Filing Committee - Chief Justice Bart Voigt, Chair of the e-filing committee, reported that since the last meeting of the Board, and at the request of the Board, the e-filing committee was disbanded. Thank you letters went out to the members who served on the committee. The e-filing project is progressing nicely at the supreme court. The goal is to have the e-filing system for criminal cases up and running by the end of the year. The plan is to allow the e-filings in criminal cases to operate about a year to work out any bugs, and then there will be discussion of adding the civil cases.

GAL Committee - Holly Hansen reported to the Board regarding the GAL program. In Casper on June 4-6, 2007, a GAL conference was held and was very well attended. Judge Donnell, Judge Skavdahl, Dan Wilde and Owen Peterson sat on a panel and addressed questions regarding the program. There were several questions raised by participants and district judges that will need to be addressed in the future (i.e. travel costs, number of active cases, etc.).

Weighted Workload Study

Dr. Karen Gottlieb made a presentation to the Board and requested decisions regarding some of the attributes of the judge year that are calculated into the weighted workload study. She gave them a brief overview regarding how the judge year affects the workload study. During a one hour presentation, the Board agreed upon several components of the judge year. Dr. Gottlieb will complete her work on the database (contains all of the time sheets that the judges have filled out for the three months of the time study), she will plug in the other details such as judge year, filings, case weights, drug court time, etc., and then she will provide a draft model to the Board around the second week of August. The draft will then be circulated to rest of the Judiciary for comment. The final weighted workload study will be discussed at the Judicial Council meeting in Jackson.

Contract with WPAP (Wyoming Professional Assistance Program)

Several months ago, Mike Messenger made a presentation to the Board regarding the WPAP. The WPAP was established by statute in 1997 to provide resources and support to include the identification, referral and ongoing monitoring of impaired Wyoming health professionals. The statute was then amended to include attorneys and other licensed professionals. The Wyoming State Bar contracts with the WPAP to provide assistance and services to its members. It was initially thought that the Judiciary would need a separate contract with the WPAP, but Holly Hansen reported to the Board that she had recently had a conversation with George Vandell, the executive director, and it has now been determined that the Wyoming Judges are members of the state bar and therefore a separate contract for judges will not be needed.

Budget Update

Joann Stockdale gave the Board an update on the current biennial budgets. Joann reported that we are halfway through the current biennium, and she is currently working on the next biennium. All of the paperwork has gone out to the individual courts, and she expects to receive that information back in the next month. Joann reminded the Board that the part-time magistrates' fees were increased to \$75, and so there will be a request for an increase in those fees. Joann requested the Board provide her with a policy decision regarding a standard amount that she should request for each of the circuit courts. The Board had a lengthy discussion and declined to provide a standard amount to Joann. If, when the documentation from the courts come in, she experiences unreasonable requests, then she is to report back to the Board at its September meeting.

New Business

Discussion of Legislative Process & Strategies

Judges Perry, Deegan and Cranfill led a discussion with the Board regarding best legislative practices and procedures. The Board discussed the events of the last legislative session and debated the best process for judicial bills in the future. The Board decided to revitalize the Legislative Committee and include on that committee Judges Perry, Cranfill, and Deegan. Justice Jim Burke will Chair the committee and there will be other judges who will be asked to join. The Board discussed how it would be best to get talking points out to all of the judges, in advance, so that the Judiciary speaks with one voice. Holly Hansen told the Board that she had been informed by a legislator that the Management Council has instructed the interim committees to cut back on the numbers of bills that the committees sponsor. This means that the judicial bills will most likely have to be carried by individual legislators. The Board agreed to utilize its standing committees to draft the bills, but then when the bill is being moved through the legislative process the committee members should consult the Board's legislative committee for input. The Board's legislative committee will be responsible for managing a judicial salary bill in the next legislative session.

Rules and Procedures Governing the BJPA

Holly Hansen made a presentation which explained some administrative changes that need to be made to the Rules and Procedures Governing the Board. The changes do not

substantively change the rules, but do reflect that the Board is comprised of nine judges, instead of ten. Judge Donnell moved and Judge Perry seconded a motion to approve the proposed changes to the Rules and Procedures Governing the Board of Judicial Policy and Administration. Motion carried unanimously.

Policy Statement, Supervision of Circuit Court Clerical Staff

Holly Hansen requested the Board make a change to the policy regarding the appointment of administrative judges in those circuit courts where there is not a resident circuit judge or in the alternative where there are multiple circuit judges. As the policy stands, every year the Board is required to appoint the administrative judges during the December Board meeting. To date, since the inception of the policy, the same judges have been appointed every year. Holly requested the Board revise the policy so that if the administrative judge is going to remain the same, then the Board does not have to take action. Holly distributed proposed language to accomplish this policy change. Judge Skar moved and Judge Schofield seconded a motion to approve the proposed changes. Motion carried unanimously.

Code of Judicial Conduct

Chief Justice Voigt reported to the Board that he received a phone call from Carol Collins, Executive Director to the Commission on Judicial Conduct and Ethics. Ms. Collins requested the Supreme Court meet with the Commission. Chief Justice Voigt reported that the Court will meet with the Commission on September 21, 2007. Judge Huber reported that the Commission met with the circuit judges during their April meeting in Saratoga. The main discussion between the Commission and the circuit judges involved the issue of confidentiality of filed grievances, more specifically those grievances that the Commission takes no action on and the judge is never notified or aware of the problem. The judges requested that when the Commission provides the Governor with a list of filed grievances against a judge that the Commission also notify the judge so that he/she can speak to the grievances during an interview with the Governor.

Batterer reeducation Standards

Judge Schofield sits as a member of the Dove Council and was asked to make a presentation to the Board in that capacity. The Dove Council would like the Board to adopt some Batterer reeducation Standards. The Board discussed the issue and declined to adopt the standards. The Board does not believe it is in a position to adopt any sort of treatment standards.

Rule 103 Uniform Rules for District Courts

Rule 103 of the Uniform Rules for District Courts requires out of state attorneys to provide the clerk of district court with a Wyoming business address, even though service of documents may be made to either the Wyoming address or the out of state business address. Chief Justice Voigt brought this issue to the Board at the request of Supreme Court Clerk Judy Pacheco, who believes it may be a problem to require a Wyoming address from an out of state attorney who is admitted to the Wyoming bar and a member in good standing. Judge Perry moved and Judge Donnell seconded a motion to refer this question to the District Judges conference for input. Ronda Munger requested the district

court clerks be polled through the Clerk's Advisory Council. Motion carried unanimously.

Auditing Recommendations

Joann Stockdale spoke to the Board on behalf of Don Merriam, Internal Auditor for the Supreme Court. Don drafted a memo to the Board raising two issues: 1) whether or not surety bond coverage for judges and magistrates is necessary, since they are state employees and are covered under the state's blanket insurance coverage; and 2) requesting a policy be created addressing the procedure and appropriate timing for removing old appearance bonds and what to do with them. With regard to issue #1, the Board agreed that the surety bonds for judges serve no real purpose and should be discontinued. The Board will request the Legislature make a statutory change to remove them. With regard to issue #2, Judge Skar moved and Judge Huber seconded a motion to create a policy that requires the forfeiture of the appearance bonds to unclaimed property after a reasonable attempt has been made to find the proper owner. Motion carried unanimously. One of the staff from Holly's office will draft a proposed policy for the Board's approval.

Mediation Pamphlet

Holly Hansen reported to the Board that she had received a phone call and a letter from an attorney requesting that the Board develop a mediation pamphlet to be available for public consumption. Holly relayed a very long story wherein a Wyoming citizen agreed to mediate a court matter and did not completely understand the ramifications of that process, much to her detriment. The Board agreed to ask the Clerk's Advisory Council to work with members of the state bar in developing a mediation pamphlet.

Board adjourned 2:40 p.m.

Schedule of Future Meetings

September 27, 2007 Cheyenne

December 6, 2007 Casper

Approved by email on July 27, 2007