

Minutes
Board of Judicial Policy and Administration
September 11, 2002
Justice of the Peace Jury Room
Jackson, Wyoming

The September 11, 2002, meeting of the Board of Judicial Policy and Administration was held in the Justice of the Peace Jury Room, 180 South King Street, Jackson, Wyoming. Chief Justice William Hill, Justices Larry Lehman and Bart Voigt, Judges E. James Burke, Ed Grant, Rob Denhardt, Michael Huber, Wade Waldrip, and Scott Cole attended. Matt Fermelia, Holly Hansen, and Linda Burke also attended.

The meeting was called to order at 8:35 AM on September 11, 2002.

T. Approval of August 13, 2002 Conference Call Minutes

After a motion by Judge Grant and a second by Judge Waldrip, the August 13, 2002 minutes were unanimously approved.

U. Old Business

1. User Policy on Judicial Branch Network – Chief Justice Hill & Hansen

The Board considered a policy statement defining who could be a user on the judicial network housed in the Supreme Court. Justice Voigt suggested removing the word “expressed” from the third line of the draft policy. After further discussion of funding and privacy issues, Judge Grant moved and Justice Voigt seconded a motion to approve the policy as drafted, with the removal of the word “expressed” from the third line. The motion passed with a seven-to-two vote, with Judges Denhardt and Waldrip voting against the motion. The Board indicated its desire, however, to forward the policy to the Drug Court Sub-Committee established by the Board for the sub-committee’s consideration and recommendations.

2. Fee for Record Checks – Circuit and District Courts

Holly Hansen and Matt Fermelia reported on the work of the sub-committee appointed to study the fee for record checks. Holly Hansen reported that Gerrie Bishop, Laramie County District Court Clerk, polled a number of district clerks and found that the district clerks would be comfortable with a \$10.00 fee rather than the current \$5.00 fee. Kathy Cowen advised the sub-committee that the circuit court clerks would be agreeable to lowering their \$20.00 record check fee to \$10.00. Judge Waldrip moved and Judge Grant seconded a motion to approve the proposed modifications for fees for record checks for circuit and district courts that would make the fee \$10.00 in both courts. Motion carried unanimously.

3. Court Interpreters – Holly Hansen

Holly Hansen reported on her discussions with State Public Defender Ken Koski about the use of interpreters in the courtroom. She advised the Board that the responsibility for hiring and paying interpreters does not appear to be consistent in the circuit courts. The Board decided that they would like to hear from Ken Koski at the Board’s conference call in October and Holly Hansen agreed to meet with Koski before the call to clarify the issues.

4. Extension of Circuit Court Jurisdiction to Municipalities

After a brief discussion, Justice Lehman moved and Judge Denhardt seconded a motion to approve the Policy Statement for Extending Jurisdiction to Try

Misdemeanors Committed in Violation of City or Town Ordinances. Motion carried unanimously.

5. Dual Role of Justice of the Peace/Municipal Court Clerks in Hot Springs and Weston
The Board decided to send a letter to the Hot Springs Clerk thanking her for the information she provided.

V. Rule Changes – Matt Fermelia

1. Wyoming Court Rules – Replacement of “justice of the peace”

Matt Fermelia explained the process of eliminating “justice of the peace” from the rules and the need to replace county court references with circuit court references. Judge Grant pointed out the use of “justice” on Page 6, Rule 28(c)(2) and suggested changing the word to “judge” in that and similar instances throughout. The Board discussed a suggestion for a minor change to the State Bar Bylaws and Matt Fermelia volunteered to forward the proposed change to the Bar. Ultimately, the Board decided that Matt Fermelia would make the discussed changes and submit the proposed rule changes to the Permanent Rules Advisory Committee for their review and comments.

W. Personnel Matter

The Board considered a letter from Linda Beaver, Justice Lehman’s judicial assistant, regarding the interpretation of the Personnel Rules with respect to leave time for a person elected to serve a legislative term of office. After discussing the matter, the Board decided that it would advise Ms. Beaver that it would tentatively agree that her vacation time could be used to serve in the Legislature, subject to existing law and statutes. In addition, the Board would study the matter further and discuss again at its December meeting.

X. Committee Reports

1. Citizens’ Access to Courts Committee (CACC)

Justice Lehman advised the Board that the CACC would be meeting on Friday, September 13, 2002, and a major focus would be the placement of pro se forms online.

Judge Huber mentioned that Judge Brown expressed concern about litigants being represented by marginal attorneys and the resulting impact to those litigants’ access to judicial remedies.

2. Judicial Technology Task Force (JTTF)

Holly Hansen updated the Board on the activities of the JTTF and detailed the Public Access Panel presentation scheduled for Thursday morning, September 12, 2002. Hansen also mentioned the success of the June 27, 2002, technology meeting in Cheyenne and the continuing efforts to address public access and privacy issues as electronic access to records progressed.

Y. New Business

1. Supplemental Budget Overview – Joann Stockdale

Holly Hansen explained that Board members must deduct the meal allowance from their vouchers to adjust for the September 11, 2002 Board lunch and the September 12, 2002 Annual Banquet.

After a brief overview of the supplemental budget, Hansen reminded the Board that if district courts were interested in a supplemental budget request combined with the Board of Judicial Policy and Administration’s budget request within the Supreme Court’s budget for communications and travel, they must notify Joann Stockdale.

Judge Burke advised Hansen to combine the district court supplemental budget request with the Supreme Court supplemental request.

2. Fee Increase for Twelve (12) Person Juries – Judge Burke

Judge Burke suggested increasing the fee for a twelve-person jury from \$50.00 to \$150.00, citing the increased amount of paperwork, man-hours, and other costs as support for the change. Following a short discussion, Judge Burke moved and Justice Voigt seconded a motion to forward the suggestion for an increase in fees to the Permanent Rules Advisory Committee. Motion carried unanimously.

3. Protection Orders – Dona Playton

Holly Hansen and Dona Playton described the changes suggested by various circuit judges to the proposed Protection Order documents presented to the Board for its review. Dona Playton explained that after the comments had been received from the judges, she worked with Sharon Montagnino to ensure that the pleadings complied with statutes. After a detailed discussion of possible changes to the Protection Order documents, Dona Playton and Holly Hansen agreed to make further revisions to the documents and resubmit the package at the Board's October conference call, with the goal of approving the entire amended package of documents. Dona Playton added that the next project would be to address Stalking Form issues.

4. Letter from Joyce Boyer Regarding Jury Management

Holly Hansen explained that Joyce Boyer contacted her regarding the possibility of the Wyoming Clerks of District Court Association continuing the work of the Jury Reform Commission. As part of that effort, Joyce Boyer wanted to query the Board about possible financial aid to send Wyoming representatives to a Jury Management seminar sponsored by The National Center for State Courts. After the Board discussed priorities for training and best use of limited funds, Holly Hansen volunteered to gather information about bringing jury management training to Wyoming.

Z. Other Matters

1. Legislative Breakfast

Supreme Court Courtroom

2. Legislative Authorization of BJPA

After discussing the idea of seeking legislative authorization for the Board of Judicial Policy and Administration, the Board decided to table the matter for the present time.

3. Ideas from Board Members concerning Future Board Agenda Items

Holly Hansen pointed out that the Drug Court Sub-Committee and the Compensation Sub-Committee would be presenting future reports. Matt Fermelia added that the statutory review for justice of the peace references would appear again at a future meeting.

Judge Burke suggested working with judges, attorneys, the law school, and the State Bar in regaining and improving respect for the judiciary and legal profession as a whole. Ideas included recognizing and enforcing the Codes of Conduct, training jurors, law school students, attorneys, and judges, and involving the Bench-Bar Relations Committee. Judge Burke emphasized the "two way street" relationship between attorneys and judges and the importance of opening dialogue between attorneys and judges about professional procedures and expectations. Areas of concern mentioned were: punctuality, preparedness, appropriateness of dress, civility, and professional procedures. Holly Hansen suggested the creation of brochures directed to courts, attorneys, jurors, witnesses, and others identifying

specific behaviors and procedures. Judge Burke agreed to chair a sub-committee for Standards of Conduct and Decorum and Justice Hill, Justice Voigt, Judge Grant, and Judge Waldrip were appointed to serve with Judge Burke. Sub-Committee members agreed to discuss these matters at their divisional meetings.

4. Time of Day for future conference calls

The Board decided to schedule future conference calls for the noon hour. In addition, the Board rescheduled the October 8, 2002 conference call to October 15, 2002 at noon.

5. Rules and Regulations of Board of Judicial Policy and Administration, Rule 4, Membership

Based on the transition of the justice of the peace courts into the circuit court system in January of 2003, the Board discussed changing the membership of the Board by deleting the justice of the peace representative and becoming a nine- person body. Board members agreed that the circuit judges could speak for and represent the magistrates. Accordingly, Judge Grant moved and Judge Denhardt and Justice Voigt seconded a motion to delete the justice of the peace representative effective January of 2003. Motion carried unanimously.

Schedule of Future Meetings

The Board discussed future Board meetings coinciding with the State Bar Meeting. Judge Grant moved and Justice Voigt seconded a motion to discontinue future Board meetings in conjunction with the State Bar Meeting. Motion carried unanimously.

The Board further discussed the scheduling of the Judicial Conference in relationship to the State Bar Meeting. Justice Voigt moved and Judge Grant seconded the motion to schedule the Judicial Conference a day in advance of the State Bar Meeting in the same location. Motion carried unanimously.

Finally, the Board briefly discussed holding the October 2003 meeting at the Vee Bar Ranch and changing the March 19 and 20, 2003 meeting in Torrington to Casper. Board Members also mentioned planning future meetings for one day, rather than two days.

October 15, 2002 Conference Call, Noon
November 12, 2002 Conference Call, Noon
December 5 and 6, 2002 in Douglas
January 14, 2003, 7:00 am – Legislative Breakfast, Supreme Court Courtroom
February 11, 2003 Conference Call, Noon
March 19 and 20, 2003 in Torrington
April 8, 2003 Conference Call, Noon
May 13, 2003 Conference Call, Noon
June 19 and 20, 2003 in Saratoga
July 8, 2003 Conference Call, Noon
August 12, 2003 Conference Call, Noon
September 9, 2003 Conference Call, Noon
October 1 & 2, 2003 at Vee Bar Ranch
November 11, 2003 Conference Call, Noon
December 4 & 5, 2003 at Law Enforcement Academy

The Board adjourned its meeting at 3:35 pm.

BJPA Action Plan
Resulting from September 11, 2002 Meeting

- Sub-committee - Standards of Conduct and Decorum
Judge Burke (Chair), Justice Hill, Justice Voigt, Judge Grant, and Judge Waldrip
- Forward Policy on Users of the Supreme Court Network and File Server to Drug Court Sub-Committee
- Ask Ken Koski to attend October conference call to discuss court interpreter issue
- Send letter to Hot Springs Clerk thanking her for the information she provided
- Send letter to Linda Beaver concerning use of leave time
- Holly Hansen to call Judge Castor about salaried part-time magistrate
- Forward to Permanent Rules Advisory Committee:
Proposed Rule Changes (Justice of the Peace)
Proposed Rule Change [W.R.C.P., Rule 38(b)(2)]
- Holly Hansen to gather info on Jury Management training in Wyoming