

Board of Judicial Policy and Administration  
Minutes  
September 17, 2008

The Board of Judicial Policy and Administration met in Cheyenne on September 17, 2008. In attendance were Chief Justice Barton Voigt, Justice Jim Burke, Judge Robert Castor, Judge Victoria Schofield, and Judge Wes Roberts. Justice Marilyn Kite, Judge John Perry, Judge John Brooks, and Judge Dennis Sanderson participated by phone. Holly Hansen and Ronda Munger also attended. Judge Edward Grant, Marci Linde, Leigh Anne Manlove, Leda Pojman participated in the meeting at different times.

**Old Business**

**Committee Updates**

**Court Technology Advisory Committee** - Chief Justice Voigt provided the Board with an update on the activities of CTAC. CTAC is working with the highway patrol on e-citations. The law enforcement officers are interested in getting equipment in their patrol cars that would allow them to scan a person's driver's license and the information would automatically populate an electronic citation, which could then be uploaded to the courts. This would dramatically reduce the amount and number of times that citation information is coded. The system would also reduce the amount of typographical errors that occur. There are about 800 patrol cars that the e-citation software would go into. CTAC is also pursuing funding for a state-wide case management system for the district courts. If we are ever going to have e-filing in the trial courts, it is necessary for the courts to all be on the same case management system. And finally, there will be a supplemental budget request for software used at the state bar. This information is critical to the work that is done at the Supreme Court regarding attorneys. It is important to have current information on the Wyoming attorneys throughout the state. The Board discussed several issues regarding paperless court files and how cases will be transferred from one court to another. The gist of the discussion was that those details will be addressed down the road. The CTAC committee will be working with Holly and the Judges to implement a strategic plan that will address all the phases of the projects.

**Court Security Commission** - Holly Hansen informed the Board that the Court Security Commission met in August. Presentations were made by the director of the Law Enforcement Academy and Tony Rose. The Security Commission decided to divide up into subcommittees to accomplish work on training, evaluations of court houses, and officer coverage issues. Joe Moore, the chair, is on the agenda for the Joint Judiciary Committee. The subcommittees are charged with doing work and then reporting back to the full commission. Chief Justice Voigt informed the Board that the Supreme Court had just recently hired Kevin White to be its security officers. Kevin will be acting as the contact point for the Supreme Court on security issues across the state.

**Committee to review the Code of Judicial Conduct** - Judge Castor reported to the Board regarding the revisions to the Code of Judicial Conduct. He reported the Committee is finishing up the last two sections of Cannon 3, so the only work that they have left is terminology. The Committee began with Cannon 1, then moved to Cannon 4,

and finally revised Cannon 2. Judge Castor told the Board that the Committee on the whole is pleased with the new Code. There are, however, some issues that are specific to Wyoming that needed addressed. The Committee is hoping to present a final product to the Board at the December meeting.

**Court Records Committee** - Chief Justice Voigt reported that the Court Records Committee was continuing its work on creating a policy to address issues of records requests for the Judiciary. The Supreme Court is getting weekly requests for voluminous records information across the state. Just recently, the Supreme Court was asked to provide a list of every case across the state that a certain attorney had been involved in. Hopefully the proposed policy will address these sorts of issues. There are three types of information contained in court records; there are case files, administrative records of the courts, and then there are personnel files. Chief Justice Voigt will be suggesting the policy include information regarding the statutes that limit or prohibit disclosure of the information.

### **Access to Justice Task Force**

Leigh Anne Manlove and Leda Pojman, members of the bar legal aid committee, made a presentation to the Board regarding the need for a more focused and concerted effort regarding access to justice issues in Wyoming. Prior to the meeting, Judge Day sent a written summary to the Board regarding access to justice initiatives and requested the Board to establish an Access to Justice Task force and support an initiative for the Judiciary to partner with the State Bar in creating an Access to Justice Commission. Ms. Manlove directed the Board to a white paper that was attached to Judge Day's summary. Page 25 contains a list of Best Practices in creating Access to Justice Commissions in other states. Number 3 on that list reads, "Judicial Leadership -- especially at the state Supreme Court level -- greatly increases the effectiveness of Access to Justice Initiatives." Ms. Manlove requested the Board study access to justice initiatives, take a look at best practices and not recreate the wheel, take what works and adapt it to what will work in Wyoming, and create a game plan that can be implemented within one year. Wyoming is one of three states that does not provide general fund dollars for civil legal aid services. There is some funding for civil legal aid in Wyoming, but there is not a direct appropriation for civil legal aid. Justice Burke shared some background information on Wyoming Legal Services (WLS), which is a non-profit corporation that receives federal funding to provide civil legal services to low-income or indigent people in Wyoming. Justice Burke moved and Judge Castor seconded a motion to create a task force and begin an access to justice initiative in Wyoming. Motion carried unanimously. Justice Burke will chair the access to justice task force.

## **New Business**

### **Intensive Case Plan Supervision program**

Judge Edward Grant and Marci Linde appeared before the Board to discuss a program that is being piloted in the First Judicial District, Laramie County. Judge Grant explained how the Intensive Case Plan Supervision program works. Several years ago Roger McDaniel approached Judge Grant about attempting a new program in the area of abuse and neglect cases. The program provides for an Intensive Case Plan Supervision (ICPS) Officer, or non-judicial officer, who provides ongoing supervision in the toughest of

juvenile cases. The program is funded through the Health Department under the rubric of substance abuse treatment. The ICPS Officer meets directly with the parents, attorneys, case workers, and juvenile on a weekly basis to determine if the case plan is being carried out. If one of the parties is not complying with the case plan then the ICPS Officer reports directly to the court. Judge Grant hired Ms. Linde, but she is technically an at-will contract employee of the Department of Health. The employment contract is set up through the department of health so that there is liability insurance. Judge Grant is very happy with the program and believes that it works. The Board took no action on this issue.

### **Court Reporter Technology Issues**

Chief Justice Voigt informed the Board that he has been asked to approve a computer purchase for a court reporter. In the past, it has been the practice of the District Court to not provide any hardware or software for court reporters. Since the court reporters use that equipment to sell transcripts as sort of a side business, it was decided that court reporters should be responsible for the purchase of the equipment. The District Court Rules for Court Reporters states, "All Official Court Reporters shall provide the equipment necessary to report and create transcripts of District Court proceedings. This equipment may include, but need not be limited to, stenographic writing machines, computers for transcription, and printers." With the introduction of real-time reporting, those business practices have been reexamined. The Board discussed the issue at length and decided that the district judges need to address this issue at the district judges' conference. Judge Perry moved and Judge Castor seconded a motion to decline the request to purchase court reporter computer equipment and ask the requesting party to take it to the district judges' conference. Motion carried unanimously.

### **5-3-102 (b) (Judicial Technology Task Force)**

Chief Justice Voigt reminded the Board that the Judicial Technology Task Force (JTTF) no longer exists, and that it was replaced by the Court Technology Advisory Committee (CTAC). Wyoming Statute 5-3-102 (b) refers to the JTTF and the Chief requested the Board ask the Legislature to amend the statute to reflect the new name. Justice Kite moved and Judge Castor seconded a motion to request the Legislature change 5-3-102 (b) to name the Court Technology Advisory Committee. Motion carried unanimously.

### **Process to Add Judicial Resources**

The Joint Judiciary Interim Committee asked Chief Justice Voigt and Holly Hansen to appear before them to discuss the process the Judicial Nominating Commission uses in deciding whether or not a judicial vacancy should be filled or whether there should be a request for additional judicial resources across the state. The Interim Committee was satisfied with the process used by the Nominating Commission, but during the discussion the issue regarding the location of circuit judges came up. The nominating commission is charged with filling a judicial vacancy within 60 days of the resignation or vacancy of a sitting judge. There is an additional statute that requires a magistrate be placed in any town or county that does not have a full time sitting circuit judge. The difficulty arises when the sitting circuit judge does not reside in the town with the largest case load. The state is then charged with paying magistrates to fill the void in the towns that do not have a full-time sitting judge. This situation came to light in the replacement of the circuit judge in the Fifth Judicial District. The Nominating Commission decided to announce the vacancy in Worland instead of Thermopolis because Worland is where the greatest

judicial need exists. Wyoming Statute 5-9-103 states, "The legislature shall from time to time authorize the number and location of circuit court judges." The Joint Judiciary has agreed to draft a bill for the upcoming session that gives the Supreme Court the ability to decide the location of circuit judges. The Board also discussed whether or not a circuit judge can voluntarily move within their district. The Board decided to explore this topic at a later date.

**W.S. 41-07-402 Irrigation District Budgets**

Judge Dennis Sanderson appeared by telephone during the Board meeting. Judge Sanderson requested the Board discuss the requirement in W.S. 41-07-402 that District Judges review irrigation district budgets and "fix and determine the amount to be raised by assessments for the current year and cause such adjudication to be entered of record in said court and a certified copy thereof to be delivered to the commissioners". Judge Sanderson is concerned that if there is a problem that arises concerning the expenditures of the irrigation district budget, the remedy is to bring the action before the district judge who may well have initially approved the budget at issue. The Board discussed the problem at length. Chief Justice Voigt raised the separation of powers issue, referencing a judicial branch employee reviewing the budget of an executive branch agency. Justice Kite moved and Judge Brooks seconded a motion to have Justice Kite work with Judge Sanderson in contacting the State Engineer's Office to determine whether the statute should be amended to remove the district judges from the role of approving irrigation district budgets. Motion carried unanimously.

Board adjourned 1:45 p.m.

Schedule of Future Meetings

December 4, 2008	Casper
March 25, 2009	Cheyenne
June 10, 2009	Casper
September 2, 2009	Cheyenne
December 2, 2009	Casper

Approved by email 2-11-09