

BOARD OF JUDICIAL POLICY AND ADMINISTRATION

**TEAMS Meeting
September 19, 2022
9:00 A.M. – 11:55 a.m.**

MINUTES

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

Others in Attendance: Judge Bartlett, Judge Perry, Mandy Allen, David Slayton, Elisa Butler

Welcome

Chief Justice Fox Opened at 9:00 a.m. and provided an introduction of guests joining the Board today. Judge Perry needs no introduction, but there are members of the National Center for State Courts (NCSC) present that have been helping with the Judicial Branch Innovation (JBI) task force project.

David Slayton is the vice president of court consulting services for the NCSC. Mandy Allen is a court consultant with the NCSC.

Judicial Branch Innovation

JBI Members
David Slayton – NCSC

Chief Justice Fox began by providing an overview of how the JBI task force was formed. Chief Justice Fox explained that she has been a member of BJPA since she began on the Court. The meetings were not useful and did not really serve their purpose. About a year ago, there was a conversation with the BJPA to determine whether the BJPA should cease to operate or whether it should be revived and become a meaningful decision-making body. The consensus of the Board was to not kill the BJPA, but to bring it back to life to make it robust and meaningful. One of the first decisions was to form the task force – the JBI. Judge Perry has acted as Chair of that task force. JBI has met every month since April, and the NCSC has acted as a facilitator thanks to a State Justice Institute grant. The JBI task force has reached a point where it is now reporting back to the BJPA with recommendations.

Judge Perry indicated that the JBI task force is bringing to the BJPA the beginning of a massive project, which is an innovative vision for the Wyoming Judicial Branch for the next decade and beyond. Like any undertaking of this nature, the Branch must be courageous enough to clear the slate and leave old entrenchments behind. We must recognize the BJPA is the governing body of the Judiciary. This is not the end, this is not the beginning of the end, but it is the end of the beginning.

David Slayton noted the Wyoming Judiciary is unique in the number of administrative duties the Judges have taken on themselves. The NCSC does not see that anywhere else. The role of administration is to provide branchwide support to the judiciary, and it currently has insufficient resources to do so on the scale that would take administrative functions off the judges' plates, and help move the Judicial Branch into the future. Judges' responses to the task force survey confirmed Mr. Slayton's view that judges carry too large an administrative load, which should be shifted to court administrations, with adequate resources.

Judge Hibben indicated that the agenda shows discussion of updating the BJPA and adopting a modified form of that entity. From the Circuit Court Conference

	<p>perspective, the BJPA has been beneficial to the Branch and the circuit courts. While the Board is beneficial, it is necessary to update the structure of the BJPA and talk about administration of the Judicial Branch. The JBI created draft documents for the new Judicial Council. The circuit courts are supportive of new structure of the BJPA and the amended procedure.</p> <p>Judge Wilking indicated that the District Court Conference supports an enhanced role of BJPA/Judicial Council. People are supportive of the idea and understand the reasoning for having a more robust governing body of the Branch, but the Judges are entering into that with some trepidation of the interaction between court conferences and administration. The District Court Conference is in support of what is being recommended by the JBI.</p>
<p>Draft Order Dissolving the Judicial Council (Appendix B)</p> <p>The BJPA approved adoption of the order dissolving the current Judicial Council.</p>	<p>Chief Justice Fox led the Board through the recommendations from the JBI. First, beginning with Appendix B. Appendix B is the order dissolving the Judicial Council. The current Judicial Council is a useless appendage, and the JBI thought that the best name for the BJPA moving forward is the Judicial Council. It is necessary to get rid of the current Judicial Council to allow the BJPA to be renamed the Judicial Council. The order establishing the Judicial Council is to hold the Judicial Conference we have every year, but a council is not needed for that purpose. Justice Boomgaarden moved to dissolve the Judicial Council, and Judge Prokos seconded the motion. All were in favor with none opposed.</p>
<p>Draft Order Modification to Court's BJPA Order of May 24, 2000 (Appendix A)</p> <p>The BJPA approved adoption of the order modifying the BJPA with amendments.</p>	<p>Appendix A is the order of modification to the BJPA and appointing members, which will rename the BJPA to the Judicial Council. The order needs to include the date of the ratification order from the District Court Conference, and Chief Justice Fox indicated that the title of the order should indicate that the BJPA is being renamed to the Judicial Council. Justice Boomgaarden moved to adopt the order with the suggested changes, Judge Prokos seconded the motion. All were in favor with none opposed.</p>
<p>Draft Rules and Procedures Governing the Wyoming Judicial Council (Appendix C)</p> <p>The BJPA approved adoption of the Rules Governing the Wyoming Judicial Council with amendments.</p>	<p>Appendix C are the draft rules and procedure for the Judicial Council. In Rule 1, the Supreme Court's order should refer back to the order dated today. Rule 1 language should be changed to indicate the BJPA's order rather than the Supreme Court's order.</p> <p>Rule 2 should include the District Court Conference's September 2022 ratification that was in support of the April 2000 resolution.</p> <p>There was some discussion about Rule 4, and whether the BJPA should include three members from each conference, or whether that number should change. The BJPA was comfortable with three members each. Judge Hibben highlighted that the Judicial Council can appoint non-voting members to serve for specified terms to provide additional perspective.</p> <p>Rule 5, contains language indicating that initial appointments to the BJPA should be for staggered terms. Since the Board is past initial appointments, it would make sense to delete that language. Language was also added to clarify necessary elections to fill vacancies will take place in the spring.</p> <p>Rule 7 raised the question of what seniority is required to preside over meetings in the Chief Justice's absence – within the Judicial Branch or on the Judicial Council. The members decided that seniority should apply to the Judicial Council rather than within the Judicial Branch.</p> <p>The Board discussed Rule 8 extensively. The BJPA meets quarterly, which</p>

	<p>means that it cannot make decisions quickly when needed. As a result, a nimbler, smaller, group is necessary to make quicker decisions. The Executive Committee of the Judicial Council would meet weekly to make those kinds of decisions. Judge Hibben suggested a language change that would allow the member of the Executive Committee be selected by each of the conferences, and that the member of the Executive Committee need not be a voting member of the Judicial Council. The BJPA determined that it was important to have the member of the Executive Committee also be a voting member of the Judicial Council. The Circuit Court Conference will contemplate amending the rules of its conference to allow the Circuit Court Conference chair to be the Executive Committee member.</p> <p>Rule 9 was amended to explicitly state that sitting Circuit and District Court Judges and Justices are permitted to join the Judicial Council meetings. There has been a historical practice to provide the agenda and materials to the conference presidents prior to each BJPA meeting even if they are not members of the BJPA. The BJPA determined that this should not continue once the new rules are in effect since the Executive Committee will be doing much of the work of the conference presidents.</p> <p>Rule 11 is tricky in that the Executive Committee needs to be authorized to be nimble and make decisions when required. David Slayton suggested some alternate language that allows the Executive Committee to make those kinds of decisions – that language was added to Rule 8. Rule 8 was also changed to require reporting from the Executive Committee to the Judicial Council to be voted on by the full Judicial Council.</p> <p>Rule 13 includes specific tasks for the Judicial Council. There was some discussion about including an item geared toward Legislative changes. The BJPA determined that a provision should be added as permitted by the Code of Judicial Conduct.</p> <p>The BJPA then discussed the effective date of the Rules. The big question is how long it will take the conferences to select their Executive Committee members. Justice Boomgaarden suggested that the Order Establishing the Judicial Council should be signed at the same time the Rules go into effect. The members determined that some time was needed to ensure that the conferences could gather input and take appropriate action to select the Executive Committee, and determined November 1st would be the best date.</p> <p>Justice Gray moved to adopt Appendix C as amended, effective November 1, 2022, and Judge Bluemel seconded the motion. All voted in favor with none opposed.</p>
<p>Proposed Judicial Branch Strategic Plan (Appendix D)</p> <p>The BJPA approved adoption of the strategic plan with amendments.</p>	<p>The strategic plan is the big picture blueprint for the Judicial Branch, and the operational plan, which will come later, will define specific tasks to be completed within the strategic plan. Judge Bluemel moved to adopt Appendix D as amended, and Judge Stipe seconded the motion. All voted in favor with none opposed.</p>
<p>Judicial Branch Legislative Liaison Committee</p> <p>Chief Justice Fox</p>	<p>The Board should consider whether a legislative committee for the entire Branch is appropriate. There is a legislative liaison committee within the district court, which is great, and provides good continuity. Judge Christensen has historically been the primary circuit court judge to work with the legislature. But, it is important to work as a Branch. There should be a branch-wide legislative group that coordinates and potentially approves the work with the Legislature. It is critical that the Judicial Branch continues to work with the Legislature in some</p>

	<p>unified way. This may not be an issue that needs to be decided right now, but it should be considered. The discussion was generally supportive of the idea.</p> <p>A draft document for legislative talking points was distributed to the BJPA members. Chief Justice Fox discussed that it is very important for the Judges and Justices to have continuous conversations with their local legislators. The document circulated is a draft set of talking points to provide to Judges and Justices to use as a guide when speaking with legislators.</p> <p>There was some discussion about the legislative request from the court reporters to increase the per page rate. The BJPA members discussed the timing and who would be leading the charge on the legislation. The members decided that the court reporters would be in charge of moving this forward, and the BJPA/Judicial Council would not take a position.</p> <p>The legislative talking points will be distributed along with a list of new legislative members to the Judges and Justices statewide after the primary election, and the talking points list may be presented and discussed at the conference meetings in December.</p>
<p>Supplemental Budget Elisa Butler</p>	<p>Generally, the philosophy for the Judicial Branch and most state agencies is to refrain from asking for additional funding from the Legislature during a supplemental session, unless it is absolutely necessary. There is additional money available within the state, and as a result, many agencies are requesting funding during the supplemental that they would not normally request. The Judicial Branch is doing the same.</p> <p>The supplemental budget request includes the following:</p> <ul style="list-style-type: none"> - Funding for three positions: <ul style="list-style-type: none"> o Data-entry trainer; o Staff attorney; and o Audio/Visual technical support. - Funding for commissioners and magistrates to provide back-up support for Judges; - Funding for Judicial Nominating Commission travel; and - Funding for the housing allowance for employees in Teton County reflective of the increase provided by the annual analysis. <p>The Judicial Branch will also request additional American Rescue Plan Act (ARPA) funding for behavioral health positions to assist in the possible transition of treatment courts from the Department of Health to the Judicial Branch, and other behavioral health issues experienced by the Judicial Branch.</p>
<p>BJPA/Judicial Council Report Chief Justice Fox Elisa Butler</p> <p>Draft Report (Appendix E)</p> <p>The BJPA approved the report to be distributed to legislators with amendments.</p>	<p>The BJPA previously provided a report to the Joint Judiciary Committee (JJC) and the Joint Appropriations Committee (JAC) a number of years ago. The question for the BJPA members is whether the Board would like to begin that process again annually, and whether the draft report is in line with what the BJPA would like to provide. Justice Boomgaarden requested that the report include a section on Access to Justice 2.0. Justice Gray also suggested that a paragraph be included explaining the name change of the BJPA to the Judicial Council.</p> <p>There was also a discussion on who should receive the report. Should it be distributed to just JJC and JAC, or should it be distributed to all legislators? The BJPA determined that it should be provided to all legislators. Paper copies will be provided to the legislators, and to JJC and JAC at their next meeting. Email</p>

	<p>copies will be sent to all Justices and Judges. Justice Boomgaarden moved to distribute the report to legislators, with the changes discussed, and Judge Hibben seconded the motion. All voted in favor with none opposed.</p>
<p>ADA Elisa Butler</p> <p>ADA Memo (Appendix F)</p> <p>A draft ADA Policy will be presented at the December Judicial Council meeting for consideration.</p>	<p>The Judicial Branch has been dealing with increasing ADA issues over the last few years. The memo provided explains the ADA, and the responsibility of the courts to comply with the ADA. The issue for the BJPA to determine is whether a policy should be adopted for the Branch. In creating a policy, an administrative burden could be lifted from the Judges that would centralize the ADA process.</p> <p>Judge Hibben asked about the leverage the Judicial Branch has over the counties and the county buildings. Elisa explained that there is not much leverage, but having and complying with a statewide policy, could be a mitigating factor if a lawsuit is filed.</p> <p>Judge Stipe mentioned that often people who need accommodations do not request accommodations ahead of time, and the question is how do Judges deal with those kinds of issues.</p> <p>Both Judges Hibben and Stipe mentioned that the memo would be a great educational tool to send to counties to remind them of what is required under the ADA, and the counties' responsibilities.</p> <p>Judge Bluemel mentioned that additional training would also be needed for Judges who have to make decisions on the spot and are not able to coordinate that through administration.</p> <p>The BJPA was supportive of a policy to be considered at the next meeting.</p>
<p>Mental Health Committee Chief Justice Fox</p> <p>The discussion was tabled until the next meeting.</p>	<p>Discussion of mental health issues experienced by courts, recent discussions, and creation of Judicial Branch Mental Health Committee.</p>
<p>Repeal of BJPA Policies Elisa Butler</p> <p>BJPA Policy Statement for the Use of Computers, Electronic Mail, and Internet (Appendix G)</p> <p>BJPA Policy Statement on the Use of Social Media (Appendix H)</p> <p>The BJPA repealed the policies in Appendices G and H.</p>	<p>Appendices G and H are policies that were adopted by the BJPA some years ago. These policies have been incorporated in the employee handbook (the Guide), and they are no longer necessary as stand-alone policies. The BJPA members discussed whether the policies apply to Judges. The Board members determined that Judges are subject to the Code of Judicial Conduct and Ethics, and as a result, the policies do not need to apply to Judges. Judge Hibben moved to repeal the policies, and Judge Stipe seconded the motion. All voted in favor with none opposed.</p>
<p>Supervising Judge Judge Prokos Judge Hibben</p> <p>BJPA Policy Statement for Supervision</p>	<p>Judge Prokos recommends that the supervision of the Circuit Court Clerical staff in Sweetwater County be shifted to Judge Jones. Judge Stipe moved to approve the recommendation, and Judge Rogers seconded the motion. All voted in favor with none opposed.</p> <p>Judge Hibben and Judge Allan recommend that supervision of the Circuit Court</p>

<p>of Circuit Court Clerical Staff (Appendix I)</p> <p>Recommendation from Judge Prokos re administrative Judge (Appendix J)</p> <p>Recommendation re administrative Judge in Platte and Niobrara Counties (Appendix K)</p> <p>The BJPA voted to approve Judge Jones as the supervising Judge in Sweetwater County.</p> <p>The BJPA voted to approve Judge Allan as the supervising Judge in Platte and Niobrara Counties.</p>	<p>Clerical staff in Platte and Niobrara Counties be shifted to Judge Allan. Judge Prokos moved to approve the recommendation, and Justice Gray seconded the motion. All voted in favor with none opposed.</p>
<p>Adjourn</p>	<p>Chief Justice Fox adjourned the meeting at 11:55 a.m.</p>

Attachments are designated in blue text.

Decision items are designated in red text.

The BJPA [newsletter](#) is attached.

Appendix A

IN THE SUPREME COURT, STATE OF WYOMING

April Term, A.D. 2022

In the Matter of the Modification)
of the Board of Judicial Policy and)
Administration and)
Establishment of)
the Wyoming Judicial Council)

**ORDER OF MODIFICATION TO COURT’S ORDER OF MAY 24, 2000,
ESTABLISHING BOARD OF JUDICIAL POLICY AND
ADMINISTRATION AND APPOINTING MEMBERS THEREOF
AND RENAMING IT THE WYOMING JUDICIAL COUNCIL**

THIS MATTER came before the ~~Court~~ Board of Judicial Policy and Administration (BJPA) upon the recommendation of the Judicial Branch Innovation task force upon the recommendation of the Board of Judicial Policy and Administration (BJPA) to change the name of the BJPA and to modify its structure, and having considered the recommendation hereby modifies the Order of May 24, 2000. The ~~BJPA~~Court finds:

On May 24, 2000, the Supreme Court ordered the establishment of the Board of Judicial Policy and Administration to promote communication, cooperation, and efficient management of all levels of the Wyoming courts for the Wyoming Judicial System; and

By its Order Establishing Board of Judicial Policy and Administration and Appointing Members Thereof, the Supreme Court ordered that superintending authority vested in the Supreme Court be delegated to the Board of Judicial Policy and Administration; and

By their ratification dated September 8, 2022, the District Court Judges’ Conference confirmed the April 24, 2000, delegation of their administrative authority, except for the submission of budgets, to the Board of Judicial Policy and Administration; and

The Supreme Court ordered the appointment of membership to the Board of Judicial Policy and Administration; and

The Supreme Court adopted the Rules and Procedures Governing the Board of Judicial Policy and Administration on March 23, 2011; and

IT IS HEREBY ORDERED THAT the Board of Judicial Policy and Administration shall now be known as Wyoming Judicial Council;

IT IS FURTHER ORDERED THAT the members of the Board of Judicial Policy and Administration as of the date of this order and any previous actions taken by the Board of Judicial Policy and Administration are continued and shall be considered members and actions of the Wyoming Judicial Council until superseded;

IT IS FURTHER ORDERED THAT the superintending authority vested in the Supreme Court and previously delegated to the Board of Judicial Policy and Administration is hereby delegated to the Wyoming Judicial Council; and

IT IS FURTHER ORDERED THAT the District Court Judges' delegation of their administrative authority, except for the submission of budgets, to the Board of Judicial Policy and Administration is hereby delegated to the Wyoming Judicial Council; and

IT IS FURTHER ORDERED THAT the Rules and Procedures Governing the Wyoming Judicial Council as attached hereto are hereby adopted.

DATED this 1st day of November, 2022

**BY THE BOARD OF JUDICIAL POLICY
AND ADMINISTRATION:**

Kate M. Fox, Chief Justice
Chair, Board of Judicial Policy and Administration

IN THE SUPREME COURT, STATE OF WYOMING

April Term, A.D. 2022

IN THE SUPREME COURT
STATE OF WYOMING
FILED

IN THE MATTER OF THE DISSOLUTION)
OF THE JUDICIAL)
COUNCIL OF THE STATE OF WYOMING)

SEP 19 2022


SHAWNA GOETZ, CLERK

ORDER DISSOLVING THE JUDICIAL COUNCIL

THIS MATTER came before the Court upon the recommendation of the Board of Judicial Policy and Administration (BJPA). The Supreme Court entered an Order Memorializing the History and Development of the Judicial Council and the Reestablishment of the Judicial Council of the State of Wyoming on June 7, 2004. The Council's purpose was to provide education and training to Judicial Officers including Supreme Court Justices, District Court Judges, Circuit Court Judges, Justices of the Peace, and Municipal Court Judges. The Court, after consultation with the Board of Judicial Policy and Administration, having determined that the Judicial Council is not necessary for that purpose;

IT IS HEREBY ORDERED THAT the Judicial Council of the State of Wyoming is dissolved.

DATED this 19th day of September, 2022.

FOR THE COURT:



KATE M. FOX
Chief Justice

Appendix C

Rules and Procedures Governing the Wyoming Judicial Council

Rule 1. Supreme Court.

In accordance with the Board of Judicial Policy and Administration's Order of ~~September 19, 2022~~ November 1, 2022, the superintending authority vested in the Wyoming Supreme Court by Article 5, Section 2 of the Wyoming Constitution is delegated to the Wyoming Judicial Council.

Rule 2. District Courts.

In accordance with the resolution of the District Courts unanimously approved on April 24, 2000, and ratified on September 8, 2022 by the Ratification of the District Judges' Conference April 24, 2000 Resolution Regarding the Board of Judicial Policy and Administration, the Wyoming District Courts delegate their administrative authority as established by Article 5, Section 1 of the Wyoming Constitution and W.S. 5-3-102(b) and 9-2-1002(c), except for the submission of budgets, to the Wyoming Judicial Council.

Rule 3. Wyoming Judicial Council.

Pursuant to the Wyoming Constitution, the Order of the Wyoming Supreme Court and the resolution of the Wyoming District Courts, the Wyoming Judicial Council will exercise general superintending control over the Judicial Branch for administrative, policy making, and planning purposes.

Rule 4. Membership.

The Wyoming Judicial Council is composed of the following members:

- (a) the Chief Justice of the Wyoming Supreme Court and; two justices of the Wyoming Supreme Court;
- (b) three district court judges; and
- (c) three circuit court judges.

All members enjoy voting rights. The Wyoming Judicial Council may appoint non-voting members to serve for specified terms to increase perspective of others in the judicial branch, including, but not limited to, judges, clerks of court, chief circuit clerks, court personnel, and Staff of the State Court Administrator.

Rule 5. Terms of Members and Vacancies.

The Chief Justice of the Wyoming Supreme Court shall serve on the Wyoming Judicial Council during tenure in that office. The other members of the Wyoming Judicial Council shall be elected by their respective judicial conferences. ~~Initial appointments shall be for~~ initial staggered terms of ~~one to~~ three years. ~~Thereafter, all appointments shall be for terms of three~~

~~years~~, with the exception of the Chief Justice of the Wyoming Supreme Court. Members may serve successive terms. Elections to fill vacancies shall be held in ~~May the spring of each year~~. Vacancies may be declared by the Wyoming Judicial Council because of the death, retirement, resignation, or nonattendance of a member at three meetings during a calendar year. If necessary, a member may attend in person, by telephone, or by virtual means.

Rule 6. Responsibilities of Presiding Officer.

The Chief Justice is the presiding officer of the Wyoming Judicial Council. It is the responsibility of the presiding officer to preside at meetings and to serve as the chief spokesperson for the Wyoming Judicial Council.

Rule 7. Organization.

The presiding officer shall preside at any meeting. In the presiding officer's absence, the Executive Committee member with the most seniority on the Judicial Council shall act as the presiding officer. The presiding officer may appoint standing committees, and advisory committees at any time to assist the Wyoming Judicial Council in carrying out its responsibilities. Standing and advisory committees shall have a designated chairperson as determined by the presiding officer. Existing Supreme Court committees may be designated as standing or advisory committees by order of the Chief Justice.

Rule 8. Executive Committee.

There shall be an ~~E~~xecutive ~~C~~ommittee consisting of the Chief Justice of the Wyoming Supreme Court, one district court member of the Judicial Council, and one circuit court member of the Judicial Council. The district court and the circuit court member of the ~~E~~xecutive ~~C~~ommittee shall be designated by the other members of the Judicial Council from that judicial conference. The Executive Committee shall have the authority to act between Judicial Council meetings. All actions of the Executive Committee shall be reported at the next Judicial Council meeting to be voted on by the Judicial Council.

Rule 9. Meetings.

The Wyoming Judicial Council shall act only at a meeting, unless agreed upon unanimously by the Wyoming Judicial Council, in which case action may be taken or a vote by email or other means may be taken. The Wyoming Judicial Council shall meet at least quarterly as determined by the presiding officer. Standing or advisory committee meetings may be called at the discretion of the committee chairperson. The Wyoming Public Meetings Act, W.S. 16-4-401, et seq., by its terms, does not apply to the judiciary. Meetings of the Wyoming Judicial Council are open to all sitting Circuit and District Court Judges and Supreme Court Justices but are not public unless, in its discretion, the Judicial Council determines a particular meeting or agenda item should be open to the public.

Rule 10. Reporter for the Wyoming Judicial Council and Minutes.

The State Court Administrator shall be the executive secretary and a non-voting member for the Wyoming Judicial Council. It shall be the duty of the executive secretary to prepare and keep the minutes of all meetings. In the absence of the executive secretary, the executive secretary shall choose another member of court administration to record the minutes. The executive secretary shall record the names of the members present, all actions taken, and any other matters that the Wyoming Judicial Council may deem appropriate. Copies of the minutes shall be distributed as deemed appropriate by the Wyoming Judicial Council and shall be filed in the office of the Clerk of the Supreme Court.

Rule 11. Actions and Voting.

Six members of the Wyoming Judicial Council shall constitute a quorum. Once a quorum has been established, that quorum shall carry throughout the duration of the meeting. Approval of a majority of those voting shall constitute an action. The presiding officer is a voting member of the Wyoming Judicial Council. A tie vote means that the matter voted on has failed adoption. A member may vote on specific issues by written proxy delivered to the presiding officer. A motion to reconsider can only be made by a member who voted on the prevailing side of an issue.

Rule 12. Staff.

Under the direction of the Chief Justice of the Wyoming Supreme Court, the State Court Administrator's Office shall provide staff for support for the Wyoming Judicial Council and any committees established by the Judicial Council.

Rule 13. Authorized Actions of the Wyoming Judicial Council.

The Wyoming Judicial Council shall be the administrative policy-making body of the Wyoming Judicial Branch. All administrative policies shall be binding on all judicial branch judges and employees. County employees and elected officials serving the Wyoming Judicial Branch, pursuant to law, shall also adhere to administrative policies which are relevant to them, and are adopted by the Wyoming Judicial Council. The administrative policy-making authority of the Wyoming Judicial Council shall continuously study the organization, rules, procedures, work accomplished, results, and uniformity of the state courts and methods for their improvement including, but is not limited to the following:

- a. Development and implementation of the mission statement and strategic plan of the Wyoming Judicial Branch;
- b. Determination of budget priorities;
- ~~b.~~c. Develop and support legislative initiatives as permitted by the Code of Judicial Conduct;
- ~~d.~~e. Human Resources functions;
- ~~d.~~e. Technology and infrastructure for the effective operation of the Judicial Branch;
- ~~e.~~f. Education and organizational development for judicial officers and staff;
- ~~f.~~g. Programs including jury, guardian ad litem, interpreter, specialty courts; and

~~§.h.~~ Core services, court performance measures and accountability.

Adopted this _____ 1st day of _____, November, 2022.

BY THE ~~COURT~~ WYOMING JUDICIAL COUNCIL:

Kate M. Fox, Chief Justice
Chair, Wyoming Judicial Council-Supreme Court

DRAFT

Appendix D

Wyoming Judicial Branch

STRATEGIC PLAN

CY2023-2024 WYOMING JUDICIAL BRANCH STRATEGIC PLAN

Mission Statement: As an independent branch of government, we provide access to justice through the timely, fair and impartial resolution of legal disputes.

Vision Statement: The Wyoming Judiciary is a cohesive and collaborative court system, characterized by excellence, that provides justice for the individual and society through the rule of law.

The Wyoming Judicial Branch is committed to excellence in:

- Delivering just and efficient resolution of people’s disputes;
- Promoting public confidence in the law and providing access to justice;
- Faithfully discharging our duties as judges through adherence to the law;
- Ensuring fairness and impartiality by providing quality service that continuously improves, that meets or exceeds the public expectations, and that ensures that all are treated with courtesy, dignity and respect;
- Fostering an expectation of excellence in the work of the Judiciary through recruitment, training and retention of all judicial officers and employees;
- Acting as a cooperative and collaborative system that speaks with a single voice and shares a common purpose; and
- Ensuring the highest professional conduct, integrity and competence of the bench and bar.

1. Access to Justice

- a. Advance the just and efficient resolution of people’s disputes.

2. Effective operation of the Judicial Branch

- a. Promote a quality workplace for judicial officers and employees.
- b. Enhance consistent technological infrastructure and associated education to ensure our increased reliance on technology is supported while maintaining strong cyber security standards.
- c. Meet the needs of our courts by providing excellent branchwide administrative support.

3. Public Trust and Accountability

- a. Promote public confidence in the law by ensuring fairness and impartiality by providing quality service that continuously improves, that meets or exceeds public expectations, and that ensures that all are treated with dignity and respect.

4. Adequate, Stable and Predictable Funding for a Fully Functioning Branch

- a.** Promote excellent budgeting principles and practices by application of data-driven information for forecasting, planning and follow-up each fiscal year.
- b.** Establish internal criteria, policy and procedure to ensure data quality and integrity.
- c.** Establish and maintain relationships with legislative committees to promote understanding of the financial needs of the Judicial Branch.



November 2022

DRAFT

**Wyoming
Judicial
Council**

Wyoming Judicial Council Members

Supreme Court

Chief Justice Kate Fox

Justice Lynne

Boomgaarden

Justice Kari Jo Gray

District Court

Judge Catherine E.

Wilking

Judge Catherine R.

Rogers

Judge Joseph B. Bluemel

Circuit Court

Judge John Prokos

Judge Nathaniel

Hibben

Judge Susan Stipe

Elisa Butler, Executive Secretary

Message from Chief Justice Kate Fox –Judicial Council Chairwoman

The Board of Judicial Policy and Administration has been the governing body of the Wyoming Judicial Branch for more than 20 years. The BJPA successfully guided the Judicial Branch as it has emerged from Covid19 stronger than ever. The Branch demonstrated its resiliency by using technology and ingenuity to adapt to health precaution, and it experienced the benefits of working together as a Branch. At its September meetings, the BJPA members voted to change its name to the Wyoming Judicial Council. The new name more clearly expresses the entity's role, and the change represents a shift in the Judicial Branch's approach to its governance, as expressed in its vision statement:

The Wyoming Judiciary is a cohesive and collaborative court system, characterized by excellence, that provides justice for the individual and society through the rule of law.

The Wyoming Judicial Branch is committed to excellence in:

- Delivering just and efficient resolution of people's disputes;
- Promoting public confidence in the law and providing access to justice;
- Faithfully discharging our duties through adherence to the law;
- Ensuring fairness and impartiality by providing quality service that continuously improves, that meets or exceeds the public expectations, and that ensures that all are treated with courtesy, dignity and respect;

- Fostering an expectation of excellence in the work of the Judiciary through recruitment, training and retention of all judicial officers and employees;
- Acting as a cooperative and collaborative system that speaks with a single voice and shares a common purpose; and
- Ensuring the highest professional conduct, integrity and competence of the bench and bar.

With renewed confidence and an infusion of new judges, the Wyoming Judicial Council now looks forward to bigger steps to adapt the constantly changing demands upon courts and court staff.

Innovation

The Judicial Branch Innovation (JBI) is leading a branch-wide, post-pandemic examination on how to improve Wyoming's court system. Under the leadership of Retired District Court Judge John Perry, and with the assistance of the National Center for State Courts, JBI members Chief Justice Kate Fox and Justice Lynne Boomgaarden, District Court Judges Catherine Wilking and Jason Conder, and Circuit Court Judges Wendy Bartlett and Nate Hibben, are meeting monthly to identify and prioritize challenges facing the delivery of justice in Wyoming.

JBI's ultimate charge is to recommend short- and long-term solutions to the demands of a changing post-pandemic world for the Board's consideration. Challenges the JBI task force has identified to date involve staff and training; the mental well-being of litigants, judges and judicial personnel; technology use; docket management; timely decision-making; and sufficient resources for self-represented litigants. It is also no secret that the Judicial Branch – Wyoming's third, co-equal branch of government – is underfunded. The courts need sufficient resources to efficiently and effectively fulfill their constitutional duty to deliver equal justice to all.

Though nearly all Wyoming judges report that they like their jobs, we know we can do better – better for judges, judicial staff, lawyers, and the litigants we collectively serve.

New Judges

Over the past year and a half, the Wyoming Judicial Branch has welcomed 14 new judges, with more on the way. These vacancies were created for a number of reasons: several judges retired, some transitioned from one jurisdiction to another, two were the result of new district judge positions created by the legislature (and a third one next year), and several resulted from judges choosing different career paths.

Wyoming uses a Merit Selection System for seating a new judge, which is governed by Article 5, section 4 of the Wyoming Constitution. Applicants provide a thorough expression of interest to the Judicial Nominating Commission, which then reviews the submissions and select applicants to interview. The Judicial Nominating Commission then interviews the selected applicants within the district where the vacancy has occurred and sends the three most qualified names to the Governor. The Governor then has 30 days to hold separate interviews with the three candidates and announce the appointment. Typically, the Governor waits close to the 30 days to announce the decision, to allow citizens to provide comment on the candidates.

Once appointed, each judge or justice must stand for retention throughout their judgeship. All members of the Judiciary must initially stand for retention at the next general election after serving for one full year. Thereafter, Supreme Court justices stand for retention every eight years, District Court judges stand for retention every six years, and Circuit Court judges stand for retention every four years.

Finally, Wyoming Supreme Court justices and District Court judges are required to retire at age 70. (Circuit Courts were created by statute and do not have a

mandatory retirement age.) HJ001, passed by the legislature in 2022, will raise the mandatory retirement age to 75, if the voters agree to the constitutional amendment in the November election. Although some judges may not stay past the age of 70, others may continue to meaningfully contribute to the law in our State for several additional years before retiring, saving the state money in the process.

System Modernization

Case Management System

The Supreme Court began the process of updating the Judiciary's case management system in 2016. The long and tedious process of tailoring the off-the-shelf product is getting close to being complete. The circuit courts have been fully rolled out on the new system since 2020 and district courts are expected to be complete by late 2023 or early 2024. The newly formed Chancery Court was created with this new case management system as well.

Efiling

Efiling has been available in chancery court since its opening in December 2021. The first district court went live on the system in late August. Albany County District Court is the pilot court for eFiling, and attorneys practicing in that court have the opportunity to eFile.

The implementation of eFiling in the district courts will be staggered, meaning that not all courts will have eFiling available at the same time. If all goes according to plan, attorneys will be able to eFile in four district courts by the end of 2022 with all courts live on the system by the end of 2024.

KUDO

KUDO is a multilingual collaboration platform that allows court interpreters to provide remote court interpretation in both the simultaneous and consecutive modes of interpretation on Microsoft Teams. Put another way, KUDO enables court interpreters located anywhere to interpret into another language in real-

time on Microsoft Teams as if they were present in the courtroom. This product was purchased with American Recovery Plan funds appropriated by the legislature.

Access to Justice

The Access to Justice Commission is an advisory body to the Supreme Court to address statutory obligations under the 2010 Wyoming Civil Legal Services Act (Wyo. Stat. Ann. § 5-2-121, et. seq. The Commission also provides oversight and support to Equal Justice Wyoming – the state funded civil legal services program. Through its new initiative, Access to Justice 2.0, the Commission is working with multiple stakeholders to identify and implement alternative and creative ways to help the increasing number of Wyoming citizens and small businesses who appear in court without an attorney.

Equal Justice Wyoming works with Wyoming legal aid providers and community organizations specifically to help people with limited income find help with legal issues. Equal Justice Wyoming programs include:

Pro Bono Programs and Initiatives

The Wyoming Free Legal Answers, in partnership with the American Bar Association, offers free legal advice. The website screens applicants for eligibility and allows eligible individuals to submit civil legal questions via a secure portal. Attorneys licensed to practice law in Wyoming can register as volunteers to answer questions. In fiscal year 2022, this program addressed 326 legal questions.

The Volunteer Reference Attorney Program places attorneys in courthouses and libraries to provide legal information, explain court procedures, and assist litigants in completing pro se forms. During fiscal year 2022, volunteer attorneys assisted 295 individuals.

In partnership with the Wyoming State Bar, Equal Justice Wyoming manages the statewide Volunteer Lawyers Program. Assistance provided by attorneys range

from advice to full representation of clients. The pro bono program processed 102 cases in fiscal year 2022.

Online Legal Information and Resources

Equal Justice Wyoming continually updates website content to provide information, resources, videos, online classrooms, and pro se forms that address the most common civil legal issues faced by low-income individuals. In fiscal year 2022, the website saw 62,209 site visits by 40,603 unique users.

LiveChat is like a remote self-help center that guides individuals to appropriate information and trusted resources. The majority of LiveChat volunteers are law students. Those volunteers assisted 405 visitors in fiscal year 2022.

Statewide Civil Legal Services Support through Grants

Equal Justice Wyoming's mission to provide a statewide delivery system for civil legal aid is largely carried out through grants to nonprofit legal service organizations. In fiscal year 2022, grants in the amount of \$1,536,738 were provided. Of note, \$407,202 of Victims of Crime Act (VOCA) funds increased civil legal services to victims of crime, and \$278,521 in Emergency Rental Assistance (ERAP) funds provided legal services to support housing stability.

Employee Compensation

Through a grant from the State Justice Institute, the Board is working with the National Center for State Courts to analyze employee compensation and compare rates of equivalent positions throughout the State, and sister states. The results of this study will allow the Board to create a compensation plan for the Judicial Branch, similar to that currently used by the Executive Branch.

Appendix F

Memorandum

To: Elisa Butler
From: Victor Payne, Staff Attorney
Date: September 9, 2022
Re: ADA Policy

This memo addresses an issue that seems to be arising with increasing frequency: compliance with the American with Disabilities Act (ADA). The U.S. Supreme Court has ruled the ADA applies to state judiciaries. The U.S. Department of Justice (USDOJ) regularly enforces the ADA against state court systems, and almost all states court systems have ADA policies. Yet, the Wyoming Judicial Branch lacks an ADA policy providing courts with guidance and giving individuals with disabilities a mechanism for requesting reasonable accommodations under the ADA.

To better comply with the ADA, minimize litigation risks, and provide guidance to judges and court staff, the Wyoming Judicial Branch should develop an ADA Public Access Policy. This memo explains why a policy is necessary.

I. Title II of the ADA applies to state court systems.

Enacted in 1990, the ADA is a civil rights law prohibiting discrimination against individuals with disabilities. It is divided into five titles (sections).¹ The relevant title here is Title II, Public Services: State and Local Government.

Title II, enforced by USDOJ, prohibits discrimination against qualified individuals with disabilities in all programs, activities, and services of public entities.² Title II defines “public entities” in part as “any state or local government.”³ As a branch of state government, the Wyoming Judicial Branch is included in this broad definition of “public entities.” Accordingly, the Branch must provide disabled individuals with access to all services, programs, and activities offered to those without disabilities.⁴ This may require the Branch to make reasonable modifications to its regular policies, practices, and procedures.⁵ Examples of reasonable modifications include providing means for effective communication with people who have hearing, vision, and speech disabilities and removing architectural barriers to courtroom access by holding proceedings in alternative (more accessible) locations.⁶

Title II’s applicability to state judiciaries is demonstrated by (1) U.S. Supreme Court opinions; (2) USDOJ’s consistent and longstanding Title II enforcement against state court systems; (3) prior ADA litigation against the Wyoming Judicial Branch; and (4) the implementation of ADA policies by nearly every other sister state judicial branch.

¹ The five titles of the ADA are: (1) Title I Employment, (2) Title II Public Services: State and Local Government, (3) Title III Public Accommodations and Services Operated by Private Entities, (4) Title IV Telecommunications, and (5) Title V Miscellaneous Provisions. 42 U.S.C. § 12101- 12213.

² 42 U.S.C. §§ 12132- 12133, and 28 C.F.R. §§ 35.170- 35.178.

³ 42 U.S.C. § 12131(1)(A).

⁴ 42 U.S.C. § 12131(1)(A); and 28 C.F.R. § 35.149.

⁵ 28 C.F.R. § 35.13(b)(7)(i).

⁶ See 28 C.F.R. §§ 35.105, 35.108, 35.130, and 35.150.

a. The United State Supreme Court has applied Title II to government entities.

In *Tennessee v. Lane*, the U.S. Supreme Court left little doubt that Title II applies to state courts. There, the Court concluded Congress validly abrogated state courts' sovereign immunity for Title II violations impacting the fundamental right of access to the courts.⁷ This abrogation means plaintiffs, who experience a denial of access to, and the services of, state court systems by virtue of their disabilities, can proceed against the state in federal court for injunctive and monetary relief.⁸

The facts of *Tennessee v. Lane* are instructive. One plaintiff, a wheelchair user charged with two misdemeanors, allegedly crawled up two flights of stairs to make a required court appearance.⁹ The other plaintiff, a court reporter who also used a wheelchair, alleged many of Tennessee's courthouses and courtrooms had barriers making it difficult for her to practice her profession.¹⁰ Together, the plaintiffs brought a Title II claim against Tennessee's Judicial Branch and the twenty-five counties who owned the buildings housing the courtrooms.¹¹ In response, the counties and Tennessee invoked sovereign immunity. The Sixth Circuit rejected the sovereign immunity defense.¹² The counties settled. But Tennessee appealed.

On appeal, the Supreme Court never directly addressed county ownership of the courthouses at issue in the case. But it reasoned courts housed in non-ADA compliant county facilities could make reasonable accommodations by relocating court programs and services to alternative, accessible sites as needed.¹³ Accordingly, the opinion demonstrates, Title II's applicability to state judiciaries, and that county ownership of courthouses is no defense.

b. The USDOJ has long enforced Title II against state court systems.

Federal Regulations authorize USDOJ to investigate an ADA complaint and determine compliance with Title II and USDOJ's implementing regulations.¹⁴ USDOJ can issue findings, and, where appropriate, negotiate and secure voluntary compliance agreements.¹⁵ If USDOJ fails to secure a settlement agreement, the U.S. Attorney General may bring a civil action to enforce Title II. In such an enforcement action, the U.S. Attorney General can seek monetary and equitable relief.¹⁶ The USDOJ regularly investigates state court systems and has reached settlements with individual courts, administrative offices of the courts, and court clerks' offices for Title II violations.¹⁷ USDOJ has long taken the position that Title II applies to state judicial branches because they are "public entities" as defined by the ADA and USDOJ regulations.¹⁸

⁷ *Tennessee v. Lane*, 541 U.S. 509, 533-34 (2004).

⁸ *Id.*; see also *United States v. Georgia*, 546 U.S. 151, 159 (2006).

⁹ *Id.* at 513-14.

¹⁰ *Id.*

¹¹ *Id.*; see also Petition for Writ of Certiorari at *ii, *Tennessee v. Lane*, 541 U.S. 509 (2004) (No. 02-1667), 2003 WL 22428027, at *ii.

¹² *Lane v. Tennessee*, 315 F.3d 680, 683 (6th Cir. 2003).

¹³ *Tennessee v. Lane*, 541 U.S. 509, 532 (2004).

¹⁴ 28 C.F.R. §§ 35.170- 35.178

¹⁵ *Id.*

¹⁶ 42 U.S.C. §12133, and 29 U.S.C. § 794a.

¹⁷ See Appendix A.

¹⁸ Title II prohibits discrimination by "public entities" against qualified individuals with disabilities on the basis of disability in the services, programs, and activities, including all judicial proceedings, court services, and access to the official court record. *Id.*

USDOJ settlements with state court systems range in types of violations. Violations include failing to provide and pay for sign language interpreters or provide auxiliary aids for individuals, excluding disabled individuals from jury service and treatment court participation, and failing to give blind individuals court records in accessible format.¹⁹

In these settlement agreements state judicial branches have agreed to:

1. Develop a written policy including procedures for submission and handling of ADA complaints and for requesting court documents in an accessible format;
2. Publicly post how individuals with disabilities can obtain reasonable modifications to court polices, practices, and procedures and provided members of the public a copy of the written policy when requested;
3. Appoint an ADA coordinator for each court;
4. Publish the name, office address, and telephone number of the designated ADA coordinators;
5. Install signs which includes the international symbol of aces for hearing loss in prominent locations throughout the courthouse;
6. Conduct ADA training for all employees who engage the public; and
7. Furnish auxiliary aids and services including a sign language interpreter at the courts own expense when necessary to afford an individual with a disability an equal opportunity to participate in and enjoy the benefits of a service, program, or activity conducted by the court.²⁰

Some of these Title II settlements have involved monetary components. By way of example, a court paid a complainant \$55,000, an administrative office of the court paid a complainant \$14,000, and a clerk of court paid a complainant \$10,000.²¹

Since the ADA's inception, the USDOJ has enforced Title II against state courts. USDOJ's consistent and longstanding enforcement suggests federal investigation and even litigation against the Wyoming Judicial Branch is a real risk and distinct possibility.

c. The Wyoming Judicial Branch has been subject to ADA litigation before.

The Wyoming Judicial Branch has faced ADA litigation in the past. In 2003, Debra Shepard sued the Wyoming Judicial Branch and Sublette County Commissioners in state district court for failing to provide wheelchair access to a second-floor courtroom. *Debra Shepard v. Brd. of Cnty. Comm'n* (Carbon Cnty. 2003). The court held both the Wyoming Judicial Branch and Sublette County equally liable for Title II violations.²²

Like *Tennessee v. Lane*, this case demonstrates the Wyoming Judicial Branch's responsibility to ensure its programs, activities, and services are available to those with disabilities. This includes, in part, wheelchair accessibility and handicap restrooms. If the county-owned courthouse does not provide handicap accessible facilities, then the Branch must determine a reasonable modification to

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² *Debra Shepard v. Brd. of Cnty. Comm'n*, No. 6485 (Carbon Cnty. Feb. 2, 2005) (Decision Letter); see also *Debra Shepard v. Brd. of Cnty. Comm'n*, No. 6485 (Carbon Cnty. Dec. 3, 2004) (Decision Letter) (citing *Tennessee v. Lane*, 541 U.S. 509 (2004)).

allow access. As discussed in *Tennessee v. Lane*, an example of a reasonable modification may be holding court in another area or building if needed.²³

d. Because Title II applies to state court systems, and the USDOJ actively pursues enforcement, almost all state judicial branches have enacted ADA policies.

The legal division conducted a survey of all state judicial branches to determine how many have ADA policies.²⁴ The survey found that all but five states have ADA policies. The five states without policies are Arkansas, Mississippi, North Dakota, South Dakota, and Texas. Three of these five states, (North Dakota, South Dakota, and Mississippi) confirmed they do not currently have an ADA public access policy, but North Dakota is currently developing a policy, and Mississippi is exploring the possibility of a task force to evaluate ADA public access within the state. The other two states (Arkansas and Texas) have not returned a phone call to confirm whether a policy exists in those states.

II. Like nearly every other state, the Wyoming Judicial Branch should develop an ADA Public Access Policy.

To reduce litigation exposure, comply with Title II, and demonstrate the Wyoming Judicial Branch's commitment to equal access for those in our community with disabilities, the BJPA should develop an ADA Public Access Policy. Without a policy, no mechanism exists for individuals to request modifications and appeal denials of requested modifications. The absence of a policy also leaves the Branch open to investigation and litigation and leaves individual courts to navigate the ADA on their own.

²³ *Tennessee v. Lane*, 541 U.S. 509, 532 (2004).

²⁴ See Appendix B.

Appendix A

USDOJ settlements with judicial branch entities

Stlmt. Agmt., USUSDOJ and The Massachusetts Trial Court. (March 16, 2022), available at <https://www.justice.gov/usao-ma/press-release/file/1486736/download> (last visited Aug. 23, 2022);

Stlmt. Agmt., USUSDOJ and Entities of the Commonwealth of Virginia. (March 1, 2019), available at https://www.ada.gov/entities_commonwealth_va_sa.html (last visited Aug. 23, 2022);

Stlmt. Agmt., USUSDOJ and The Orange County Clerk of Courts. (Jul. 17, 2014), available at <https://www.ada.gov/occ.htm> (last visited Aug. 23, 2022);

Stlmt. Agmt., USUSDOJ and Gulfport Municipal Court. (n.d.), available at <https://www.justice.gov/crt/settlement-agreement-between-united-states-america-and-gulfport-municipal-court-gulfport> (last visited Aug. 23, 2022);

Stlmt. Agmt., USUSDOJ and Shelby Co., TN Court of General Sessions. (n.d.), available at <https://www.justice.gov/crt/settlement-agreement-between-united-states-america-and-shelby-county-tennessee-court-general> (last visited Aug. 23, 2022);

Stlmt. Agmt., USUSDOJ and The Judiciary of the State of Hawaii. (n.d.), available at <https://www.justice.gov/crt/settlement-agreement-between-united-states-america-and-judiciary-state-hawaii> (last visited Aug. 23, 2022);

Stlmt. Agmt., USUSDOJ and Philadelphia Court of Common Pleas. (1995), available at <https://www.justice.gov/crt/settlement-agreement-under-americans-disabilities-act-1990-between-united-states-america-and-11> (last visited Aug. 23, 2022);

Stlmt. Agmt., USUSDOJ and 63rd District Court probation Department, Kent County, MI. (n.d.), available at <https://www.justice.gov/crt/department-justice-complaint-number-204-38-67> (last visited Aug. 23, 2022);

Stlmt. Agmt., USUSDOJ and Mason Municipal Court, Warren County, OH. (1998), available at <https://www.justice.gov/crt/settlement-agreement-between-united-states-america-and-mason-municipal-court-warren-county-ohio> (last visited Aug. 23, 2022);

Stlmt. Agmt., USUSDOJ and The Windsor County Superior Court of Vermont. (n.d.), available at <https://www.justice.gov/crt/settlement-agreement-between-united-states-america-and-windsor-county-superior-court-vermont> (last visited Aug. 23, 2022);

Stlmt. Agmt., USUSDOJ and The Judiciary of the Sixth Judicial Circuit of Florida. (Nov. 1, 1993), available at <https://www.justice.gov/crt/foia/file/668391/download> (last visited Aug. 23, 2022);

Stlmt. Agmt., USUSDOJ and The Florida State Courts System. (Jun. 20, 1996), available at https://www.justice.gov/crt/foia/readingroom/frequent_requests/ada_settlements/fl/fl11.txt (last visited Aug. 23, 2022);

Stlmt. Agmt., USUSDOJ and The Disciplinary Board of the Supreme Court of Pennsylvania Office of Disciplinary Counsel. (Sept. 30, 1996), available at <https://www.justice.gov/crt/foia/file/668721/download> (last visited Aug. 23, 2022);

Stlmt. Agmt., USUSDOJ and Hancock County, Mississippi. (1996), available at <https://www.ada.gov/hancocks.htm> (last visited Aug. 23, 2022);

Stlmt. Agmt., USUSDOJ and The Utah Administrative Office of the Courts. (Jan. 11, 1995), available at https://www.justice.gov/crt/foia/readingroom/frequent_requests/ada_settlements/ut/ut3.txt (last visited Aug. 23, 2022); and

Stlmt. Agmt., USUSDOJ and The Administrative Office of the Nineteenth Judicial Circuit Lake County, IL. (Jul. 8, 1999), available at <https://www.justice.gov/crt/settlement-agreement-between-united-states-america-and-administrative-office-nineteenth-judicial> (last visited Aug. 23, 2022).

USDOJ settlements with judicial branch entities involving monetary terms

Stlmt. Agmt., USUSDOJ and Entities of the Commonwealth of Virginia. (March 1, 2019), available at https://www.ada.gov/entities_commonwealth_va_sa.html (last visited Aug. 23, 2022);

Stlmt. Agmt., USUSDOJ and The Orange County Clerk of Courts. (Jul. 17, 2014), available at <https://www.ada.gov/occ.htm> (last visited Aug. 23, 2022); and

Stlmt. Agmt., USUSDOJ and The Judiciary of the Sixth Judicial Circuit of Florida. (Nov. 1, 1993), available at <https://www.justice.gov/crt/foia/file/668391/download> (last visited Aug. 23, 2022).

Appendix B

State	Website
Alabama	Address in Courts section of statute- https://eforms.alacourt.gov/media/mbgcz2z0/request-for-accommodations.pdf
Alaska	https://courts.alaska.gov/ada/index.htm
Arizona	https://www.azcourts.gov/adminservices/Arizona-State-Courts-Building/ADA-Accessibility
Arkansas	no response to inquiry
California	https://www.courts.ca.gov/14362.htm
Colorado	https://www.courts.state.co.us/Administration/HR/ADA/info.cfm
Connecticut	https://jud.ct.gov/ADA/
Delaware	https://courts.delaware.gov/aoc/ada.aspx
Florida	https://www.flcourts.org/Administration-Funding/Court-Administration-About-Us/ADA-Information
Georgia	https://georgiacourts.gov/wp-content/uploads/2019/09/ADA-Judicial-Handbook-2017_Oct-Update.pdf
Hawaii	https://www.courts.state.hi.us/services/ada/ada_accommodations
Idaho	https://isc.idaho.gov/main/ADA
Illinois	https://www.illinoiscourts.gov/courts/supreme-court/access-for-people-with-disabilities/
Indiana	https://www.in.gov/courts/policies/ada/
Iowa	https://www.iowacourts.gov/for-the-public/ada
Kansas	https://www.kscourts.org/Footer/ADA-Compliance
Kentucky	https://kycourts.gov/AOC/Careers/Pages/Court%20ADA.aspx
Louisiana	https://www.lasc.org/Employment_?p=ADA_Statement
Maine	https://www.courts.maine.gov/ada/index.html
Maryland	https://www.courts.state.md.us/hr/employeerelations/ada
Massachusetts	https://www.mass.gov/ada-accessibility-at-the-courts
Michigan	https://www.courts.michigan.gov/administration/trial-court/trial-court-operations/americans-with-disabilities/
Minnesota	https://www.flcourts.org/Administration-Funding/Court-Administration-About-Us/ADA-Information
Mississippi	exploring the possibility of a task force to evaluate public access
Missouri	https://www.courts.mo.gov/page.jsp?id=180
Montana	https://courts.mt.gov/external/docs/ada-judicial.pdf
Nebraska	https://supremecourt.nebraska.gov/americans-disabilities-act-ada-accommodations
Nevada	Judicial Branch takes you to state ADA website- https://adahelp.nv.gov/
New Hampshire	https://www.courts.nh.gov/resources/americans-disabilities-act-ada
New Jersey	https://www.njcourts.gov/public/services/aocada.html?lang=eng
New Mexico	https://humanresources.nmcourts.gov/home/employee-benefits/americans-with-disabilities-act/
New York	https://ww2.nycourts.gov/Accessibility/CourtUsers_Guidelines.shtml
North Carolina	https://www.nccourts.gov/documents/publications/americans-with-disabilities-act-policy-and-procedure-for-grievances
North Dakota	developing a public access policy
Ohio	https://www.supremecourt.ohio.gov/ADA/#:~:text=It%20accordance%20with%20the%20requirements,service%2C%20program%2C%20or%20activities.
Oklahoma	https://soonersuccess.ouhsc.edu/Portals/1024/OK%20Access%20to%20Justice%20for%20People%20with%20Disabilities.pdf
Oregon	https://www.courts.oregon.gov/courts/jackson/go/Pages/ada.aspx
Pennsylvania	https://www.pacourts.us/judicial-administration/court-programs/americans-with-disabilities-act
Rhode Island	https://www.courts.ri.gov/ADA/Pages/Accommodation%20Process.aspx
South Carolina	https://www.sccourts.org/languageHelp/ADACompliance.cfm
South Dakota	No policy
Tennessee	https://www.courts.nh.gov/resources/americans-disabilities-act-ada
Texas	no response to inquiry
Utah	https://www.utcourts.gov/admin/ada/
Vermont	https://www.vermontjudiciary.org/ada-info
Virginia	https://www.vacourts.gov/courts/ada/home.html
Washington	https://www.courts.wa.gov/committee/?fa=committee.display&item_id=1157&committee_id=143
West Virginia	http://www.courtswv.gov/court-administration/access-to-justice/ADA.html
Wisconsin	https://www.wicourts.gov/services/public/ada.htm



Board of Judicial Policy and Administration
Policy Statement for the Use of Computers, Electronic Mail, and Internet
Replacing Policy Issued September 10, 2001

The policy of the Board of Judicial Policy and Administration for the use of computers, Internet, and electronic mail is designed to guide effective and appropriate use of those resources. The policy applies to judicial branch employees who are a user or subscriber of Internet access or other electronic resources through the Judicial Network administered by the Wyoming Supreme Court Technology Office. The use of computers, Internet, and electronic mail is encouraged in order to fulfill the following requirements:

1. Further the operations of the Judiciary.
2. Provide effective and responsive service to the public.
3. All electronic resources, including the Internet, are provided for court business. Electronic communications and use of the Internet for activities relevant to an employee's personal life or family are permitted to the extent they do not distract from the dignity of the judiciary or interfere with the performance of the employee's normal work duties or equipment.
4. Internet access is offered as a courtesy, and is therefore subject to the local usage discretion of each judge or supervisor concerning their specific staff or location and restrictions which go beyond this policy.
5. All electronic communications with, and content stored on, court equipment is not to be considered private or personal to any individual employee, contractor, volunteer, or third party.
6. Data on the Supreme Court's network will be protected from unlawful disclosure. It is important for each user, however, to understand that all information on the Judicial Network housed in the Supreme Court and on court computer assets belong to the Judicial Branch.
7. Authorized users shall not allow or facilitate another employee, contractor, volunteer, or the public to access internal court resources using their authorized account or personally assigned credentials, such as a username or password. This includes email, case management, data warehouse (SCIS) resources, etc.
8. No user shall intentionally or negligently damage or interfere with the operation of, or prohibit authorized access to, court information or other technology-related resources.
9. No user shall store or distribute copyrighted material utilizing state owned assets or networks.
10. The Court Technology Office (CTO) may periodically audit, inspect, and monitor any user's network activity, and all data stored on state issued equipment. This includes, but is not limited to monitoring sites visited by employees on the Internet, chat groups, newsgroups, blogs, and reviewing material downloaded from or uploaded to the Internet from personal equipment. In addition, the CTO may limit or block access to specific online resources not required for conducting court business, such as streaming audio or video. Monitoring, auditing, or investigating specific employee access to, or use of electronic resources by the technology office must be explicitly requested and approved by a local judge or supervisor. If evidence of abuse is identified by the CTO, it shall be furnished to the Court Administrator.

Inappropriate Conduct or use of Internet and Electronic Mail

Any of the following activities will be considered a violation of this policy:

1. Use of Internet or electronic mail that violates federal or state laws.
2. Use of Internet or electronic mail to transmit or obtain threatening, obscene, harassing, or malicious materials.
3. Use of abusive or objectionable language either in public or private messages.
4. Misrepresentation of oneself or the Judicial Branch.
5. Activities or uses that may cause congestion or disruption of networks or systems, including but not limited to such activities as the distribution of chain letters for unsolicited advertising.
6. Using the court's electronic services for the downloading of personal software, screensavers, or third party software that puts any court resource or information at risk or system malfunction.
7. Downloading, copying, distributing, or storing movies, music, software, books, etc. in violation of copyright laws.
8. Using the court's resources for viewing or distributing content which is considered violent, offensive, graphic, or sexually explicit.
9. Using the court's resources to post or transmit any message or material which is libelous, defamatory, or which discloses private, confidential, or personal matters concerning any person, case, or group.
10. Using the court Internet for running a private business, operating a personal web site, or actions to avoid or side-step violations of this policy.
11. Usage of court provided Internet to participate in partisan political activities.

Exceptions

Requests for exceptions to this policy must be submitted to the CTO in writing for review. The request must specifically state the scope of the exception along with justification for granting the exception, potential impact, or risk. The CTO will review requests, confer with the requesting judge, and Court Administrator if necessary.

Violation of this policy constitutes grounds for sanctions by the Board of Judicial Policy and Administration and subjects the employee to appropriate disciplinary action. Non-employees who violate this policy may be subject to termination of contractual agreement, denial of access, and any other applicable penalties.

Dated this 6th day of January, 2011.

Board of Judicial Policy and Administration



By:

Chief Justice Marilyn S. Kite

**Board of Judicial Policy and Administration
Policy Statement on the Use of Social Media**

PURPOSE

The purpose of this policy is to:

- I. Recognize the growing use of social media by Judicial Branch employees;
- II. Address the risks of social media activity and the need to adhere to the Wyoming Judicial Branch policies when using social media in order to preserve public confidence in the integrity, propriety and impartiality of the judiciary; and
- III. Avoid loss of productivity and distraction from employees' job performance.

SCOPE

For purposes of this policy, the term "social media" will be given broad interpretation and includes without limitation:

- I. Electronic, web-based technologies that allow instant, widespread and interactive communication; and
- II. Activities on the internet that involve posting by the employee, examples include, but are not limited to: blogging; podcasting; hosting or updating any form of website; posting comments, photos, other graphics, documents, links, status updates, or multimedia materials to a third-party hosted website; saving website bookmarks to a public site; filling out surveys; or sharing or participating in any other way on a social networking site such as Facebook, LinkedIn, or a micro blogging site such as Twitter; developing or contributing to a wiki such as Wikipedia or a virtual world like Second Life, etc.

APPLICABILITY

This policy applies to judicial branch employees who are users or subscribers of Internet access or other electronic resources through the Judicial Network administered by the Wyoming Supreme Court Technology Office.

RISKS OF SOCIAL MEDIA ACTIVITY

Online communications may be perceived by court customers, vendors and the public generally as a representation of the communicator's character, judgment and values and could have an adverse effect on the confidence of the public in the integrity, propriety and impartiality of the judiciary regardless of intent.

- I. Social media posts should be presumed public and permanent. Social media posts can be copied, forwarded or subpoenaed. Such posts are easily reproduced, can be difficult to eradicate, and may be seen by wide and unintended audiences.

- II. Once posted, there is little to no control over a post's dissemination or ultimate use. Posting some types of information on social media may be misleading (even though it is not so intended) and may jeopardize the person's professional image or reputation and, by extension, the Wyoming Judicial Branch. Employees should be especially careful when posting or sharing photographs and personal information, and be similarly cautious when sharing political, religious or social opinions.
- III. Employees are personally responsible for comments posted on social media, and can expose themselves to personal liability for comments that are defamatory, obscene, discriminatory or otherwise offensive or unlawful.
- IV. Employees must be careful to comply with all copyright laws and reference or cite sources appropriately as laws against plagiarism can apply to online postings.

COMPLIANCE WITH OTHER POLICIES

Social media shall never be used in a way that violates the constitution and laws of the United States and the State of Wyoming, court rules, or any Judicial Branch state-wide or local policy, including the Anti-Discrimination Policies, the Policy Statement for the Use of Computers, Electronic Mail, and Internet, and applicable personnel rules.

PERSONAL USE OF SOCIAL MEDIA ON PERSONAL TIME

- I. The Wyoming Judicial Branch respects the right of employees to use social media as a vehicle for self-expression and public conversation. However, employees are required to comply with the following restrictions when using social media on personal time both at work and while off duty: When posting on a social media network an employee may identify her/himself as an employee of the court generally, but may not post information or express opinions regarding employees, managers, judges, cases, policies or procedures of the Judicial Branch.
- II. Employees shall be responsible for regularly reviewing the social media and websites that they create or host and promptly remove third-party posts that (1) compromise court security or the safety of judges or employees; (2) reveal non-public court records or other confidential judicial information or (3) contain information that the employee could not have posted personally under this policy.
- III. Employees must obey the law and the rules of the website or social network site in which they participate. Further, even if not explicitly directed by this policy, they should obey other applicable legal and ethical rules.

PROHIBITED ACTIVITIES

Notwithstanding any other provision of this policy, employees are prohibited from engaging in the following social media activities, whether the activity is done on or off duty and whether the activity is using personal or Wyoming Judicial Branch technology resources and regardless of whether Wyoming Judicial Branch employment is identified:

- I. **Confidential or Non-Public Court or Probation Information:** Disclosure of sensitive, confidential or non-public court information, to include photos, for any purpose not connected with official duties, including disclosure of information relating to a pending case that is not a matter of public record is prohibited.
- II. **Comment about Public Information:** Posting personal opinions about a case or matter before the courts; making statements which create, or give the appearance of, a conflict of interest; and making statements which negatively reflect on the professionalism of the courts or which otherwise have an adverse effect on the confidence of the public in the integrity, propriety and impartiality of the judicial system are prohibited.
- III. **Political Activities:** Making statements on social media which violate the Judicial Branch's restrictions on political activities is prohibited.
- IV. **Seal and Logos:** The seal, logos, trademarks or service marks of the Wyoming courts collectively, and any individual court or judicial department or committee, may not be used in any manner without express permission from the administrative authority.
- V. **Judicial Process:** Employees must refrain from discussing any of the Court's internal processes and procedures, whether they are of a non-confidential or confidential nature, including scans, photos, or reproductions of emails or text messages.
- VI. **Dishonest Communications:** Employees must avoid deceptive behavior and misrepresentations online, including false and defamatory statements and communicating electronically or creating websites or accounts while employing a misleading alias or suggesting that the employee is someone else. This provision does not apply to the routine and accepted practice on the Internet of employing a nickname or other opaque user name to create an account or make a posting, provided the user name is not misleading or deceptive in the context used or would not otherwise violate any provision of this policy had the employee's true identity been disclosed.

MONITORING EMPLOYEES' USE OF SOCIAL MEDIA

The Wyoming Judicial Branch reserves the right to visit and monitor public social media sites to ensure that employees are not violating this or other Judicial Branch policies.

As a condition of continued employment, the Wyoming Judicial Branch may request employees to cooperate in any investigation regarding an alleged violation of this policy.

VIOLATIONS

Violation of this policy constitutes grounds for sanctions by the Board of Judicial Policy and Administration and subjects the employee to appropriate disciplinary action. Non-employees who violate this policy may be subject to termination of contractual agreement, denial of access, and any other applicable penalties.

Appendix J



**Circuit Court of the Third Judicial District
Sweetwater County, State of Wyoming**

John R. Prokos
Circuit Court Judge

Irma Munoz
Clerk of Court

Craig L. Jones
Circuit Court Judge

50140C US HWY 191 South, Suite 200
Rock Springs, WY 82901

307-922-5220 (Phone)
307-352-6758 (Fax)

August 10, 2022

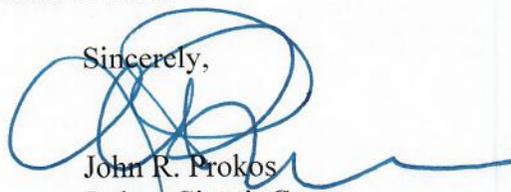
Chief Justice Kate Fox
Wyoming Supreme Court
2301 Capitol Avenue
Cheyenne, Wyoming 82002

Re: Rotation of administrative judge, Circuit Court Third Judicial District, Sweetwater County.

Justice Fox:

When the circuit courts merged in Sweetwater County in 2018, Judge Jones and I adopted a plan wherein we would rotate the duties of administrative judge annually. My last term should have ended in September of 2021. Due to certain management issues it was decided I would remain in the post for an additional year. We are now at the traditional transition point on the calendar for each term. Hence, I believe it necessary to advise you and the BJA of the desire to officially recognize Judge Jones as administrative judge of the circuit court of Sweetwater County until September of 2023.

Sincerely,



John R. Prokos
Judge, Circuit Court
Third Judicial District
Sweetwater County

cc: Elisa Butler

Appendix K

CIRCUIT COURT OF GOSHEN COUNTY
EIGHTH JUDICIAL DISTRICT

Nathaniel S. Hibben
Circuit Court Judge

Sonia Loya
Chief Clerk



Goshen County Courthouse
2125 East A Street, Floor 3R
P.O. Box 980
Torrington WY 82240
(307) 532-2938
(307) 532-5101 Fax

September 12, 2022

Chief Justice Kate Fox
By email only

Re: *Administrative Judge: 8th District*

Dear Justice Fox,

Pursuant to BJPA policy, Judge Allan and I wish to advise you and the BJPA that Judge Allan will serve as administrative judge for the Platte County and Niobrara County circuit courts until September 2023.

Sincerely,

Nathaniel S. Hibben
Circuit Court Judge

Board of Judicial Policy and Administration

September 19, 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 Nathaniel Hibben, Judge John Prokos, Judge Susan Stipe

Newsletter Items

Legislative Update

Joint Judiciary Committee

The Joint Judiciary Committee meets on Monday, September 12th and Tuesday, September 13th. The agenda includes a bill draft to shift the administration of treatment courts from the Department of Health to the Judicial Branch, a bill draft to change the probate filing fee to coincide with the civil filing fee, a bill draft to make traffic violations civil rather than criminal, a bill draft to increase the bond amount required of district court clerks, and others. Staff will provide an update on those bills that may affect the Judiciary after the meeting.

Joint Appropriations Committee

The Joint Appropriations Committee also meets on Monday, September 12th. The agenda includes an item on employee compensation, which will be monitored by staff. An update will be provided after the meeting.

Joint Labor, Health and Social Services Committee

The Joint Labor, Health and Social Services Committee met on August 11th and 12th. During that meeting, the Committee discussed mental health services for juveniles and court ordered placements. The Children's Law Center testified during that topic and requested that the Committee take up a bill that would require structured decision-making of multi-disciplinary teams. This bill was introduced to the Joint Judiciary Committee during the 2021 interim, and the bill failed to pass out of the JJC. The Committee asked LSO to create a bill draft that will be discussed at the next meeting on October 6th and 7th in Cheyenne.

Chancery Court

The Chancery Court turns nine-months old in September. Here are the numbers behind its first nine-months open for business:

	<p>Volume</p> <ul style="list-style-type: none"> • Number of cases: 10 • Number of filing transactions: 152 • Number of parties: 27 • Number of attorneys appeared: 24 <p>Types of cases</p> <ul style="list-style-type: none"> • Breach of contract: 4 • Internal business affairs: 2 • Uniform trust code: 2 • Business agreement: 1 • Breach of fiduciary duty: 1 <p>Results of cases</p> <ul style="list-style-type: none"> • Ongoing: 5 • Dismissed after objection: 3 • Resolved by order: 1 • Resolved by settlement: 1 <p>Average time to resolve</p> <ul style="list-style-type: none"> • Average days to resolve by dismissal: 66 (range of 20 to 143 days) • Average age of ongoing cases: 117 days (range of 29 to 261 days) • Days to resolve by court order: 27 days • Days to resolve by settlement: 131 days (entry of final settlement pending) <p>What these numbers do not show is the Chancery Court’s role as a testing ground for electronic filing. Lessons learned in Chancery Court proved helpful in developing the <i>Rules for Electronic Filing and Service in District Courts</i> and launching eFiling in Albany County District Court.</p>
<p>eFiling</p>	<p>EFiling in the District Courts is underway, with the first pilot court, Albany County District Court, going live on August 29, 2022. This court has been a great partner to pilot eFiling in the District Courts. Currently civil filings are being accepted, and the plan is to introduce criminal and juvenile filings at the end of the month. Three (3) more courts are scheduled to go live with eFiling by the end of the year, ten (10) courts are scheduled for the year 2023, and the remaining nine (9) courts are scheduled in the year 2024.</p>
<p>Judicial Branch Applications</p>	<p>District Court FullCourt Enterprise</p> <p>Nine (9) district courts have successfully transitioned to the new Case Management System, FullCourt Enterprise (FCE), with three (3) more scheduled this year. Courts currently on FCE include: Albany, Laramie, Fremont, Natrona, Teton, Sublette, Sweetwater, Lincoln, and Unita Counties.</p> <p>The Applications Division is learning about the needs for chambers as well as the clerks’ offices. Each court brings new insights, and the Division is continuing to make changes to optimize the system.</p> <p>Full implementation of the system is scheduled to be complete by October 2023.</p>

	<p>Training and Support</p> <p>The Applications Division continues to support the many applications used by the Judicial Branch, while striving to improve the way those applications work for the Branch to provide efficiencies.</p> <p>New Hires</p> <p>The Applications Division is pleased to announce one (1) new hire. Jane Whitley joins the Branch as an Application Project Support Specialist.</p>
<p>Judicial Branch Technology</p>	<p>Information Technology</p> <p>The IT Division continues to work in a number of different areas.</p> <ul style="list-style-type: none"> - In the late winter/spring months of 2022, an outside vendor performed penetration testing on the Judicial Branch network to find vulnerabilities. A few items were listed in the final report, which have now all been remediated. - The IT Division has completed migrating the Branch to a new anti-virus platform. - Security cameras for both the Chancery Court and new cameras for the Wyoming Supreme Court building have been ordered and will be installed by the IT Division when they arrive. - The remote site servers in locations throughout the state are in need of replacement. The servers have been ordered and will arrive in the coming months. The IT Division staff will visit court locations throughout the state to install the new servers. - Court Administration recently signed a contract to update the Branch’s help desk system. The IT Division is currently learning about that system and beginning configuration. Planning is underway for deployment of that system. - Biometric authentication is currently being tested within Court Administration with the hope of providing the functionality to members of the Branch in the future. - The IT Division has completed an upgrade of all the back-end SQL servers, demoted all remote site Domain Controllers and raised the Domain functionality level to 2016. - The new password policy was rolled out successfully to the district court clerks over the summer. - Work is underway to rollout multi-factor authentication (MFA) for Active Directory and Microsoft 365 for improved security.

	<p>Courtroom Technology</p> <p>The installation of courtroom technology in the Chancery Court is scheduled for September 19-28, 2022. Tentative installations have been scheduled for Platte County (January/February of 2023), Carbon County (January/February of 2023), and Converse County (March/April of 2023).</p>
<p>New Judges</p>	<p>Judge Joshua Eames was sworn in as the newest District Court Judge in the Seventh Judicial District, and Judge Nichole Collier as the Circuit Court Judge in the Seventh Judicial District. Judge Benjamin Kirven has been sworn in as the District Court Judge in the Fourth Judicial District (Buffalo), and his robing ceremony will take place in Buffalo in October. Judge Misha Westby has been sworn in as the District Court Judge in the Second Judicial District, and her robing will take place in November. Judge-Select Ed Buchanan will be sworn in as the District Court Judge in the Eighth Judicial District (Torrington), and Judge-Select James Kaste in the Third Judicial District (Uinta).</p> <p>The selection process is underway for the District Court vacancy in the Ninth Judicial District (Pinedale).</p>
<p>Judicial Education</p>	<p>Judicial Orientation for Judge Joshua Eames, Judge Misha Westby, and Judge Benjamin Kirven took place on August 8, 2022. Orientations for Judge Ed Buchanan, and Judge-Select James Kaste will be scheduled soon.</p>