

Board of Judicial Policy and Administration
Minutes
December 4, 2003

The Board of Judicial Policy and Administration met in Cheyenne on December 4, 2003. Chief Justice William Hill, Justice Bart Voigt, Judge Ed Grant, Judge John Perry, Judge Jim Burke, Judge Mike Huber, and Judge Wade Waldrup attended. Justice Marilyn Kite and Judge Terry Tharp participated by telephone. Holly Hansen and Ronda Munger also attended. Throughout the course of the meeting the following individuals attended at some point: Judge Jeff Donnell, Joann Stockdale, Jim Bivona. Judge Dave Park, Judge Rob Denhardt and Judge Dennis Sanderson participated intermittently by telephone.

1. **Approval of Minutes**

Judge Waldrup moved and Judge Perry seconded a motion to approve the minutes of the November 17, 2003 conference call meeting. Motion carried.

2. **Committee Reports**

A. Proposed Amendments from Permanent Rules Advisory Committee

Judge Dave Park, Chair of the Permanent Rules Advisory Committee, attended by phone and discussed two amendments to the Criminal Rules. The first proposed amendment was to Rule 24(e), Trial Jurors. After a lengthy discussion regarding the impact of recent Supreme Court decisions, specifically *Alcalde v. State*, 74 P.3d 1253 (Wyo. 2003) and *McAdams v. State*, 75 P.3d 665 (Wyo. 2003), the Board discussed some adjustments to the proposed language and requested the Supreme Court staff draft language to reflect the Board's discussion. Once the language is drafted, an Order will be submitted to the Supreme Court for signature. The second proposed amendment was to Rule 32, Judgment and Sentence. The proposed changes reflect the impact of *Nixon v. State*, 51 P.3d 851 (Wyo. 2003). The Board requested further research and information be done prior to its approval and therefore tabled any further discussion of Rule 32 until its next meeting.

B. Drug Court Committee

Judge Mike Huber gave the Board a report regarding the progress of the Drug Court Committee. Judge Huber reported that there are still some items that need to be ironed out for the Drug Court Guidelines to go forward, such as how to separate out administrative details, how to transfer cases from county to county, and how to transfer felony and juvenile cases from district courts to drug courts. Judge Huber and the committee will continue to work on the guidelines and may submit guidelines to the Board at a later date.

- C. Judicial Compensation Committee – Chief Justice Hill indicated that he felt the compensation committee needed a Chairperson - one that lived in Cheyenne and had easy access to the Legislative process. Judge Jim Burke agreed to Chair the Committee, and as his first order of business he requested Judge John Perry be added to the committee. Judge Perry agreed. After hearing Justice Lehman's report on the developments of the Judicial Retirement changes, as reported directly below, the Board decided to move forward with a proposed salary increase for judges. Judge Grant moved that the Compensation Committee move forward with a request for a Judicial pay increase, and in light of the expediency of the Legislative process that the Board delegate its power to adjust to the reaction of the Legislature to the compensation committee. Justice Marilyn Kite seconded the motion. Motion carried unanimously.
- D. Legislative Committee
Justice Larry Lehman reported on behalf of the Legislative Committee. Justice Lehman and the Supreme Court administrative office met with Flick Fornia and the State Retirement office to discuss the actuarial reduction calculated in the new retirement plan. The meeting resulted in the agreement by the State Retirement Office to look at the actuarially reduced retirement amount and come up with reasonable solution to address the "fairness" issue of the reduction. Justice Lehman believes that the Retirement office may be able to accomplish any changes through the rule making process and so he does not believe this issue will have to be taken to the Legislature for statutory changes.
- E. Budget Report
Joann Stockdale reported on the completion of the budget. She outlined the layout of the Budget, highlighted the requests for additional positions and funds, and entertained questions from the Board regarding the Budget process.
- F. Technology Task Force
Jim Bivona updated the Board on the progress of the rollout of the case management software in the circuit courts -- 27 of the 30 circuit courts and one district court will be completed by the end of 2003, with Rock Springs, Kemmerer and Afton circuit courts scheduled for early 2004. Jim also updated the Board on the work of the JTTF and some court technology initiatives that his office is working on. Some issues that Jim would like to the see the Board address include: privacy and public access to court information; court to court and court to agency sharing of databases; and court data warehouse and commercial interest issues.
- G. Improvements to Supreme Court Building
Holly Hansen reported to the Board that the Supreme Court building is being considered for renovation. In 2003 the Legislature appropriated

\$50,000 for an architectural study on the building. That report went to the state building commission, who recommended to the Legislature to appropriate monies for full renovation of the building. This would include safety, electrical, heating, ventilation, and architectural issues. The Supreme Court renovation is scheduled to be addressed by the 2004 Legislature.

3. **Old Business**

A. Magistrate Issues

Justice Bart Voigt led a discussion of the Board regarding the need to change the Judicial Canons to reflect the name change of county commissioners to magistrates. In the case of *In Re Adoption of KJD*, 41 P.3d 522 (Wyo. 2002), the Supreme Court addressed the situation wherein a part-time circuit court magistrate also was a private practicing attorney. The Court pointed out the necessity to change the Code of Judicial Conduct to reflect the change in the statutory name of county court commissioners to magistrates. Justice Voigt agreed to provide the Board with some recommended changes to the Code of Judicial Conduct to reflect the name change.

B. District Judges Consensus on Office of Children's Representative

Holly Hansen reported that the district judges had not yet conveyed a consensus regarding the Office of Children's Representative. Judge Grant agreed to write a letter enclosing the proposed legislation to solicit the consensus of the district bench.

C. Part-time Magistrates and Weddings

Judge Fred Dollison sent an email to Chief Justice Hill requesting further explanation of General Order 03-01, Rules Governing Marriage Ceremonies. Judge Dollison wanted to know if part-time magistrates could perform marriage ceremonies. After discussion, the Board requested that Holly Hansen draft a letter to Dollison explaining: 1) part-time magistrates can perform marriage ceremonies so long as they do not do them for pay in the courthouse, and 2) so long as they do not exceed the cap specified in the Supreme Court Order.

4. **New Business**

A. Juvenile Justice Act

Judge Dennis Sanderson requested time with the Board to discuss the Juvenile Justice Act and the proposed revisions to title fourteen. Judge Sanderson suggested that there be judicial involvement in the revising process, since the juvenile statutes as written are very cumbersome. After a very lengthy conversation about the procedural differences in the CHINS, neglect and delinquency cases, it was decided that Judge

Sanderson or one of the District Court Judges should attend the next meeting of the Joint Judiciary Committee.

B. Bloomberg Professional

The State Court Administrator's Office received a letter from Bloomberg publishing, which requested photographs and biographies of all state court judges. The Board discussed this request and asked Holly Hansen to draft a letter to Bloomberg advising them that they are welcome to information that is posted on the Supreme Court website, but that the State Court Administrator will not provide additional information.

C. Organizational Rules, Circuit Judges Conference

Judge Steve Brown, President of the Circuit Court Judges Association, drafted a letter to the Board requesting endorsement of the Rules Governing the Organization of the Circuit Judges Conference. Judge Grant moved and Justice Kite seconded a motion to take no position on the Rules of the Circuit Judges. Motion carried unanimously.

D. Garnishment Forms

Judge Rob Denhardt and Judge Tom Campbell worked together to revise the garnishment forms. The forms were distributed to the circuit judges for comment. Judge Huber moved and Justice Voigt seconded a motion to approve the garnishment forms with the addition of the word clerk added to the signature line. Motion carried unanimously.

5. **Other Matters**

Holly Hansen reported there have been several requests for the drafting of uniform expungement forms as well as a need to update the protection order forms. Judge Waldrup volunteered to lead a committee to look at the expungement forms and Holly Hansen will solicit two circuit judges to accomplish the suggested changes to the protection order forms.

The Board meeting scheduled for February 10th was discussed. The Board decided to move the meeting on the 10th to the afternoon of February 9th, from 1:30 to 5:00.

Meeting adjourned.