

**WYOMING JUDICIAL
COUNCIL**

**TEAMS Meeting
December 11, 2023
8:00 am – 12:00 pm**

MINUTES

Members Present: Chief Justice Kate Fox (Chair), Justice Lynne Boomgaarden, Justice Kari Gray, Judge Catherine Rogers, Judge Joseph Bluemel, Judge Dawnessa Snyder, Judge Nathaniel Hibben, Judge John Prokos, Judge Wendy Bartlett

Others Present: Judge Eames, Judge Sharpe, Ben Burningham, Elisa Butler, Jennifer Hanft, Walter Eggers, Angie Dorsch, Judge Chambers

Welcome	Chief Justice Fox welcomed the members of the Wyoming Judicial Council and thanked them for attending the meeting.
eFiling	Judge Eames provided an update to the Wyoming Judicial Council about the recent vote of the eFiling committee. The committee has recommended making eFiling mandatory for attorneys of record. Although there is no proposed rule at this time, the amendment would be made to Rule 5A. Once eFiling has been implemented in a court, or if it is already in place, attorneys of record would have to file through FSX within ninety days of the rule change. The final amendments will be presented to the Wyoming Judicial Council for approval at a later date.
Chancery Court Attachment A – Proposed statutory language change W.S. § 5-13-104 The Wyoming Judicial Council approved the recommendation to begin the process to appoint a Chancery Court Judge in early 2024. The Wyoming Judicial Council approved the recommendation to move forward with the proposed legislation to change the Chancery Court timeline for the resolution of cases.	Judge Sharpe expressed his gratitude to the Wyoming Judicial Council for inviting him to speak about Chancery Court. The Chancery Court Committee examined the current caseload of the court and discussed the need for a full-time Chancery Court Judge. Ben Burningham noted that the number of cases in Chancery Court has been steadily increasing over the past two years. In the first year, there were fifteen cases, and in the second year, there were thirty cases. The Committee is recommending the initiation of the process of appointing a full-time Judge in 2024, as the current caseload is comparable to that of other business courts in other jurisdictions. Ben Burningham also addressed the Committee's second recommendation, which is to change the current timeframe. According to the current statute, the court is required to resolve all cases within 150 days of filing. The recommendation is to change that to 150 days after the issuance of the scheduling order. Chief Justice Fox provided some background information on the Chancery Court. It was established in 2019 after the legislature passed legislation to form it. The Judicial Branch formed a committee, obtained a courtroom in the Thyra Thompson Building, and the legislature authorized a staff of a Judge, Law Clerk, Judicial Assistant, Court Reporter, and Clerk. However, budget cuts later came along, and Judges Lavery, Sharpe, and Fenn agreed to take on Chancery Court work in addition to their own. This was partly due to budget cuts and partly because there wasn't enough work at that time to justify a full-time judge. However, with the increasing workload, the need for a full-time judge is now approaching. The Wyoming Judicial Council members

	discussed these two issues. Judge Bluemel moved to approve the Chancery Court Committee's recommendation to begin the process of appointing a Chancery Court Judge in early 2024, and Justice Boomgaarden seconded the motion. There was some discussion by the Council members regarding the workload of the current district court judges who are filling the role of chancery court judge. All voted in favor of the motion with none opposed. Judge Bluemel also moved to approve the Chancery Court Committee and Legislative Relations Committee's recommendation to move forward with proposed legislation to change the Chancery Court timeline for the resolution of cases, and Justice Boomgaarden seconded the motion. All members voted in favor with none opposed.
Treatment Court Decisions The Judicial Council delegated authority to the Behavioral Health Committee to review treatment court applications and make recommendations to the Judicial Council on Treatment Court funding awards.	Ben Burningham provided an update on Treatment Courts to the Wyoming Judicial Council. He explained during the last legislative session, the control of Treatment Courts was transferred from the Department of Health to the Judicial Branch, effective July 1, 2024. Moving the program from the Executive Branch to the Judicial Branch has involved several logistics, including moving funds, positions, program obligations, and contracts. The Department of Health is working with us to work through all of those logistics. Through this transition, we have not only focused on the transfer of treatment courts but also on the goal of improving and enhancing Treatment Courts. To achieve this, Chief Justice Fox, Judge Castano, and Judge Phillips convened a Treatment Court advisory committee, and we contracted with an expert called NPC Research Consulting. Together, we developed a framework for enhancing treatment courts once they are transferred, with three main goals spread out over the next three years: 1. Develop new standards for Treatment Courts, based on evidence-based, national best practices, and tailored to Wyoming's unique challenges as a rural state, by July 2024. 2. Implement a certification process by 2025 to assess the alignment between these national standards and best practices and the actual practice of Treatment Courts in our state. 3. Develop a peer review process by 2026, where treatment court members from different courts will visit other courts, share ideas, and support each other to increase uniformity and improve treatment courts. There is an immediate issue to discuss with the Wyoming Judicial Council, and that is developing a mechanism for awarding treatment court funds. As part of the transition, the Judicial Branch will receive state funds, and we need to determine how those funds will be distributed. Currently, a funding panel made up of executive branch agencies meets each year to review applications that local treatment courts submit to the Department of Health and award funds to different treatment courts. However, with the Judicial Branch taking over on July 1, 2024, we need to have new contracts in place and a mechanism for reviewing applications and making funding awards. We are working with our consultant NPC Research to develop an online application that local treatment courts can submit to the Judicial Branch. We hope to finalize the application by January 31, 2024, and start accepting applications in March 2024, with the aim of making awards towards the end of April 2024 and having contracts

	in place between May and June 2024. The decision before the Wyoming Judicial Council today is who makes those funding decisions. We have looked at several other states' models, and there are a few options for the Wyoming Judicial Council to consider. One option is for the Judicial Council to make these awards and review the applications. However, with 18 to 23 different courts, that would be time-consuming. Another option is to have the Behavioral Health Committee review the applications and make recommendations to the Judicial Council. The trouble with that is some members of the Behavioral Health Committee are Judges on Treatment Courts, creating a conflict of interest. A third option is to develop a committee of Judges who are not active treatment court judges, who could review applications and make recommendations to the Judicial Council. The Council discussed the options and determined that the conflict issue is one that can be remedied. After considering these options, Judge Hibben moved to have the Behavioral Health Committee review the applications and make recommendations to the Judicial Council, with the direction that any direct conflicts for the Judges on the committee should result in the Judge abstaining from voting on that specific award. Judge Prokos seconded the motion, and all members voted in favor with none opposed.
Equal Justice Wyoming Attachment B – EJW Board Cover Letter Attachment C – EJW Board Proposed Purpose and Structure Statement Attachment D – EJW Board Proposed Rule Amendments. The Wyoming Judicial Council approved drafting a framework for the transition of EJW to the Judicial Branch under AOC.	Jennifer Hanft, the Equal Justice Wyoming Board President, spoke to the Wyoming Judicial Council. During her presentation, she gave an overview of Equal Justice Wyoming (EJW), which was established in 2011. The Board comprises a diverse group of volunteer attorneys and stakeholders committed to addressing the issues and barriers to access justice. EJW is a client-centered organization and is excited to work under the Wyoming Judicial Council. The Wyoming Civil Services Act places significant emphasis on the need for collaboration and coordination in developing an integrated system for the delivery of legal services to indigent individuals statewide. EJW has created a board of diverse individuals that has enabled EJW to identify evolving legal needs in different regions of the state. The Volunteer Reference Attorney Program and Wyoming Free Legal Answers Program were also developed by EJW. The Act mandates EJW to coordinate with the Wyoming State Bar, Educational Programs, governmental agencies, and public and private organizations that provide civil legal services to their target audience. The board reviews all grant proposals, and they must establish a state-wide point of entry for access to indigent services throughout the state. Chief Justice Fox expressed gratitude to Jennifer Hanft, Walter Eggers, and Angie Dorsch for their presentation and hard work. She also discussed the restructuring of the Judicial Branch governance and the desire to bring EJW under the Branch. EJW would benefit from the support that the Administrative Office of the Courts (AOC) could provide, such as IT and HR. The proposal was brought to the Wyoming Judicial Council to decide how to bring EJW under the Judicial Branch. The Wyoming Judicial Council members discussed the proposed Purpose and Structure Statement, as well as the Board's proposed Rule Amendments. Judge Snyder suggested that EJW come under administration as a division of AOC, and their board converted into a committee of the Wyoming Judicial Council. Justice Gray added that it would be helpful to put together a presentation for the Wyoming Judicial Council to consider.

	Justice Gray moved that a draft framework along the lines suggested by Judge Snyder be presented at the next WJC meeting, and Justice Boomgaarden seconded the motion. All members voted in favor of the motion. Elisa Butler was tasked with drafting the framework and rule changes for the Wyoming Judicial Council to consider at the next meeting. Chief Justice Fox asked Judge Bartlett and Judge Bluemel to help with the drafting of the framework and rules. Justice Boomgaarden suggested circulating any drafts through Angie at EJW for input. Walter Eggers from the Board will also be included in the drafting process.
Access to Justice Commission Attachment E – ATJ 2.0 Executive Summary Attachment F – ATJ 2.0 Report The Wyoming Judicial Council approved the executive summary projects.	Justice Boomgaarden gave an overview of the Access to Justice 2.0 report and proposed Access to Justice 2.0 projects for 2024. She explained that the Access to Justice Commission meets twice a year, and Access to Justice 2.0 is the workhorse of that commission. Its main goal is to find innovative ways to narrow the ever-widening justice gap. Attachment F is a comprehensive report of 2.0's efforts and results for 2023, and this report was presented to the Access to Justice Commission at the meeting in early November. The Commission approved the summary of proposed projects for 2024, which can be found in attachment E. The Access to Justice Commission deemed this list to be a workable list of issues and projects for 2024. All the stakeholders involved in 2.0 are ready to help with the court navigator pilot project and will continue to work with Equal Justice Wyoming and the State Bar to find ways to incentivize and expand pro bono services. The Chief Justice has asked 2.0 to look at forms automation, and they are taking a look at the newest technology for this service. They have had an initial call with NCSC and are moving forward on that information that will complement what Judge Darrah and his forms committee are working on. There are three priority topics going into 2024. The first is service of process, where there is a need to identify changes and reforms, as people aren't using print newspapers much anymore. The NCSC has good models of best practices being used to modernize that. Second, looking at family law, two subcategories need to be addressed, and 2.0 will hold two or three stakeholder summits in 2024 to bring those ideas from various stakeholders back to the Wyoming Judicial Council for consideration. Also, 2.0 plans to revisit family court mediation programs that could be designed and used in other areas of the law. Finally, the third topic is capacity building, where there are a lot of opportunities for partnerships. Justice Boomgaarden moved that the Wyoming Judicial Council approve the projects on attachment E, and Justice Gray seconded the motion. Chief Justice Fox asked for any discussion, and hearing none, she called for a vote. The members voted in favor with none opposed.
JB Attachment G – Judge Perry (chair of JBI Task Force) Letter Attachment H – JBI Final Report The Wyoming Judicial Council approved dissolving the JBI and accepted the JBI Final report. The specific recommendations on pages 3-4 in the letter from Judge	Judge Hibben explained that the Judicial Branch Innovation (JBI) Task Force has been meeting for nearly two years. Judge Perry provided a letter summarizing all the activities of the Task Force. The JBI is requesting that the Wyoming Judicial Branch dissolve the Task Force as it believes that it has completed its work. The JBI final report from the National Center for State Courts (NCSC) is provided in Exhibit H and shows the scope of work JBI did, where things stand now, and the big task that comes out of JBI for the Wyoming Judicial Council – to think about how to operate moving forward. The first step is to complete the tasks in the strategic plan, and then contemplate how to operate a year or two from now. The recommendation is to continue to

Perry and pages 9-10 of the final report from NCSC will be the basis for long-term discussions in March. Attachment I – Draft Communications Plan	evaluate the strategic plan at least quarterly, but also look at some updated strategic planning in two years. Chief Justice Fox thanked Judge Hibben and all members for their hard work and time put into JBI. She explained that JBI accomplished an extraordinary amount of work and moved the Branch forward in significant ways in its two years of operation. Now that JBI is done, the Wyoming Judicial Council will take on that role, not only as a think tank but also as a mechanism to review the strategic plan regularly. She proposed a full-day meeting in March to discuss this. After several motions, Chief Justice Fox moved to dissolve the JBI and accept the JBI Final report. The specific recommendations on pages 3-4 of the Letter from Judge Perry and pages 9-10 of the final report from NCSC will be the basis for long-term discussions in March. Judge Bluemel seconded the motion. Chief Justice Fox asked if there was any further discussion, and hearing none, she called for a vote. All members voted in favor with none opposed. Chief Justice Fox mentioned that there is a draft communication plan that has not yet been finalized in JBI. It was agreed that this is a good idea; however, the implementation of many of the proposals will be unlikely if a communications person position is not approved by the legislature. Judge Bartlett moved to table the draft proposal until the March meeting or later, until the number of positions that we receive from the legislature is confirmed. Judge Bluemel seconded the motion and all members voted in favor, with none opposed.
AI in the Courts Attachment J – West Virginia Judicial Investigation Commission Advisory Opinion 2023-22	Chief Justice Fox explained there are some great webinars on the NCSC website on AI and its uses in the courts. The Wyoming Judicial Council discussed this and decided to have Judge Hibben ask the Judicial Ethics Advisory Committee for an opinion on the topic. Justice Boomgaarden suggested the education committee stay on top of advances in AI, continue to monitor it, and present on it as new issues arise.
Circuit Court Workload Study Report Attachment K – Wyoming Circuit Court Workload Study Report The Wyoming Judicial Council approved allowing the sharing of the Workload Study Report on a case-by-case basis.	Elisa Butler explained there isn't anything new to talk about when it comes to the workload study, it was discussed in great detail at the July meeting when it was used in conversations about position requests. Attachment K is just the final report received from the NCSC. It generally just provides the framework for how the workload study was done and also provides the results from this time workload study that was conducted during this last year. One decision for the Council members is to determine if the study should be distributed and to whom it should be distributed. The Council members discussed the fact that often statistical reports can be misunderstood when the person looking at those reports was not involved in the process. That is particularly problematic with a report of this nature that assists the Branch in obtaining positions that it needs to do the work of the Judiciary. Justice Gray moved to not share publicly the NCSC report but to make it available to anyone who would like to discuss it in person so they can be walked through the process. Judge Bluemel seconded the motion. Chief Justice Fox called for a vote, all members voted in favor with none opposed.

Compensation Structure, Philosophy, and Policy Attachment L – Proposed Wyoming Judicial Branch Classification Structure Attachment M – Proposed Classification Review Process and Form Attachment N – Proposed Changes to The Guide to Judicial Branch Employment The Wyoming Judicial Council approved the Wyoming Judicial Branch Classification Structure with minor modifications. The Wyoming Judicial Council approved the Classification Review Process and Form with the discussed modifications. The Wyoming Judicial Council approved the proposed changes to The Guide to Judicial Branch Employment.	Elisa Butler explained the Classification Structure document, which aims to organize the current pay structure in a way that makes sense to everyone and can be shared. This document can be used by employees as well as other groups such as the legislature. It gives employees an idea about their positions and pay ranges in comparison to other jobs. The HR Committee has discussed how employees can move from one position to another or from one pay range to another. For instance, the circuit court clerks can see where they are at present, and also explore any potential for growth within their position or advancement to another position. The Wyoming Judicial Council members discussed the document and Justice Gray suggested adding some clarification on premium pay and the classification grades to the beginning of the document. Judge Prokos moved to approve the proposed Wyoming Judicial Branch Classification Structure with the discussed modifications, and Judge Hibben seconded the motion. Chief Justice Fox asked if there was any further discussion, and hearing none, she called for a vote. All members voted in favor with none opposed. Judge Chambers presented a proposed process and form for the classification and review of employees to the Wyoming Judicial Council. He explained that this process allows employees to request a raise, have their classification reviewed, and potentially be reclassified. The Council members discussed the document and Judge Bluemel proposed a modification in step one, changing the period for an appeal from 12 months to 3 months. However, if the appeal is denied, it cannot be requested again for 12 months following the denial. Justice Gray seconded the motion and all members voted in favor with none opposed. Judge Chambers presented the proposed compensation philosophy and policy of the Judicial Branch, which had been approved by the HR Committee. This policy was included in the proposed changes to the Guide for Judicial Branch Employment. The Wyoming Judicial Council reviewed and discussed these changes, and Judge Rogers moved to approve them. The motion was seconded by Judge Bartlett, and all members voted in favor with none opposed. The Council also discussed how these materials should be distributed to Judicial Branch employees. Chief Justice Fox moved to post the materials on the Judicial Branch website. The judges were to be informed that the materials had been posted, and the following week, an email was to be sent to all employees, notifying them that the materials were available for their review. Justice Gray seconded the motion. Chief Justice Fox then asked if there was any further discussion and, hearing none, called for a vote. All members voted in favor of the motion, and none opposed it.
Legislative Committee Policy Attachment O – Proposed Policy on Participation in Legislative Committees The Wyoming Judicial Council made amendments to the policy and approved the policy with new amendments applicable only to	The Wyoming Judicial Council discussed the participation of judges in legislative task forces, etc. at its September meeting. However, the policy proposed by the Legislative Relations Committee was laid back for discussion at this meeting. Discussion of the Council members indicated that Judges were uncomfortable with this policy being adopted by the Council and be applicable to Judges. Judges are subject to the Code of Judicial Conduct, and they should decide whether or not to participate in legislative task forces, etc. Elisa Butler suggested that the policy should be amended and all parts mentioning

AOC staff.	judges should be replaced with the Administrative Office of the Court's staff. The members of the Wyoming Judicial Council discussed this idea and made necessary changes to the policy accordingly. After the amendments, Judge Bluemel proposed to approve the policy which was seconded by Justice Boomgaarden. Chief Justice Fox called for a vote, and all members voted in favor of the policy with none opposing it.
Proposed Legislation Attachment P – Proposed Legislation on Funding District Court Judge The Wyoming Judicial Council approved the proposed legislation on funding the district court judge position in the sixth judicial district.	Elisa Butler explained that the Legislative Relations Committee has proposed legislation to fund the fourth district court judge position in the sixth judicial district. The position was awarded, but the legislature will not fund it until there is a courtroom or quarters available for the new judge. Now that space is available, we need to request that the position be funded. Judge Bluemel moved to approve the proposed legislation to fund a District Court Judge in the sixth judicial district, which was seconded by Judge Rogers. All members voted in favor with none opposed.
Legislative Interim Topics The Wyoming Judicial Council approved the topics for interim session.	Elisa Butler explained that during the session, the legislature sends us a request every year for proposed interim topics that committees should cover in the interim. To prepare for that request, the Council needs to determine if there are any interim topics that it would like the legislature to investigate during the 2024 interim. Judge Prokos suggested adding stipulations to protection orders and filing a false lien on a judge's home or property should be considered a felony. Justice Gray moved to approve the following list and Justice Boomgaarden seconded the motion. All members voted in favor, with none opposed. Protection Orders, including: - Tolling statute - Long-arm statute - Good cause vs. 3-year terms - Period of time for out-of-jurisdiction service - Security for Judges - Any carryover topics that fail during the 2024 session.
For the Good of the Order	Elisa Butler asked the Wyoming Judicial Council to review a couple of items on the strategic plan. First, the forms committee is taking longer than expected to get the first set of forms completed, so that timeline has been extended within the operational plan. Additionally, some items were going to be investigated by JBI and were not completed before its last meeting. Those items are: evaluate alternative approaches to resolving domestic relations cases and other cases that involve families, explore family courts, explore the possibility of hiring staff to screen and triage domestic relations cases. Justice Gray mentioned Access to Justice 2.0 is working on those topics. Elisa Butler suggested they edit the responsible entity and dates on those topics. Chief Justice Fox mentioned for family courts, the district court judges do not approve, so it can be removed from the list. Elisa Butler added there is another item to discuss which is investigating the shift of child support. The Council members discussed child support cases, and at this time there is no interest in shifting them or changing the way they are handled.

	The final item to discuss was the judicial orientation deadline moved back to the second quarter 2024.
Adjourn	Chief Justice Fox thanked everyone and adjourned the meeting at 12:10pm

POST MEETING ACTION ITEMS	
<u>Owner</u>	<u>Item Description</u>
Elisa Butler in coordination with EJW Working Group	Draft a framework for EJW to come under AOC and include those mentioned during the meeting during the drafting phase.
AOC	Finalize the Wyoming Judicial Branch Classification Structure and the Review Process and Form in accordance with modifications made by the Wyoming Judicial Council. Prepare for distribution to employees as directed by the Council.
AOC	Finalize amendments to the Guide and post new version on the Judicial Branch website.
AOC	Make changes and finalize legislative committee policy.
AOC	Prep interim topic request for protection orders.
AOC	Update operational plan.

Attachments are designated in blue text.

Committee decisions are designated in green text.

Attachment A

§ 5-13-104. Supreme court to adopt rules; fees and court costs; rules of procedure to govern courts; place for holding court; inherent powers; appeals

(a) The Wyoming supreme court is hereby vested with management and supervisory powers, including financial auditing authority, over the chancery court of the state of Wyoming. The Wyoming supreme court shall establish procedures and regulations for the effective and expeditious resolution of disputes between parties and the administration of the business of the chancery court, including the Wyoming Rules of Civil Procedure for the Chancery Courts and procedures for:

(h) As used in subsection (a) of this section, “effective and expeditious resolution of disputes between parties” means the resolution of a majority of the actions filed in the chancery court within one hundred fifty (150) days of the ~~filing of the action~~ issuance of the scheduling order.

Attachment B

Board of Commissioners
Equal Justice Wyoming
2300 Capitol Ave., 1st Floor
Cheyenne, WY 82002

November 13, 2023

Wyoming Judicial Council
c/o Elisa M. Butler, State Court Administrator
2301 Capitol Ave.
Cheyenne, WY 82002
E-mail: EButler@courts.state.wy.us

RE: Equal Justice Wyoming Board of Commissioners' Proposed Role and Responsibilities

Dear Wyoming Judicial Council Members:

The Equal Justice Wyoming Board of Commissioners is pleased to submit the enclosed description of the Board's proposed role and responsibilities. We believe the attached proposal meets Equal Justice Wyoming's statutory client-centered obligations. While we understand the background and focus of Equal Justice Wyoming is different than the other Committees of the Wyoming Judicial Council, we believe this proposal aligns with the Council's directions and the strategic objectives of the Judicial Branch.

The Board of Commissioners have discussed the continuing role of the Board, if any, at great length. These discussions have taken place within the Board and with representatives of the Council. While some traditional Board responsibilities may be adjusted or even assumed by the Council itself, for the time being, the Board sees value in its continued operation. Because the Board and EJW have developed considerable expertise in the provision of indigent legal services and believe that it is important to avoid disruption to the provision of these services as the Council becomes embedded and operational, the Board will remain as constituted and work with EJW staff and the Council to ensure the steady operation of EJW. As and when dictated by the Council, the Board will work to achieve a smooth transition under the new Judicial Branch structure and clarity regarding the ongoing role of the Board.

Drafting the attached document, the Board recognized that Equal Justice Wyoming's Rules and Regulations, originally promulgated by the Wyoming Supreme Court in 2011 and last revised by the Court in 2014, should be revised and updated. Specifically, Rule 107 of Equal Justice Wyoming's Rules describes fifteen current "Duties of the Board." We recommend revisions to Rule 107 and other provisions of the EJW Rules, consistent with the 2023-2024 Strategic Plan of the Wyoming Judicial Branch and the direction of the Wyoming Judicial Council.

We have attached our proposed revisions to the Rules in redline format.

We would be happy to address any comments or questions from the Council.

Respectfully submitted,

Board of Commissioners
Equal Justice Wyoming

Enclosures: Equal Justice Wyoming Board of Commissioners Roles & Responsibilities
 Proposed Revisions to Equal Justice Wyoming's Rules & Regulations

Attachment C

Equal Justice Wyoming Board of Commissioners

Purpose: Mission and Statutory Direction

The mission of Equal Justice Wyoming (“EJW”) is to promote and improve access to justice throughout Wyoming in accordance with the directives and intent of the Wyoming Civil Legal Services Act of 2010. Wyo. Stat. Ann. §§ 2-2-401, 5-2-121 through -122, 5-2-202, 5-2-205 through -206, 5-6-108, 5-6-204, 5-6-303, 5-9-135, 5-9-144, 6-10-102 through -103 (the “Act”). The purpose of the Act is to create and maintain comprehensive civil legal services for low- and moderate-income people in Wyoming. Wyo. Stat. Ann. § 5-2-122(a).

The Act required the Wyoming Supreme Court to “operate [EJW] directly, or contract with a nonprofit organization to operate the program.” Wyo. Stat. Ann. § 5-2-122(a)(ii). In 2011, the Supreme Court chose the first statutory option and created EJW as a court entity. That same year, the Court established the Equal Justice Wyoming’s Board of Commissioners (“EJW Board”) and promulgated the “Rules and Regulations for Equal Justice Wyoming” (“EJW Rules”), available at: https://www.courts.state.wy.us/court_rule/rules-and-regulations-for-equal-justice-wyoming/

EJW Board Membership, Meetings & Voting

1. Membership. The EJW Board membership includes no fewer than seven (7) nor more than sixteen (16) volunteer members. *See* Rule 106, EJW Rules.
 - a. EJW Board members are appointed by and serve at the pleasure of the Wyoming Supreme Court. *Id.* The EJW Board may recommend new members to the Wyoming Supreme Court or Wyoming Judicial Council (“WJC”).
 - b. Board membership terms are three (3) years. The Wyoming Supreme Court may appoint EJW Board members to successive terms. *Id.*
 - c. Three officers – a President, a Vice-President, and a Secretary-Treasurer – are elected by the Board and each serve a two-year term. At the end of those terms, the Board elects new officers. Rule 109, EJW Rules.
 - d. The State Court Administrator, or his or her designee, shall be a permanent member of the EJW Board.
2. Meetings. The EJW Board meets at least once every other month but may meet more frequently as necessary upon the request of a member. No action of the Board may be taken without a quorum of the Board present. A majority of the members of the Board members shall constitute a quorum. Proposed Rule 106, EJW Rules.
3. Voting. Voting takes place at Board meetings or via email if necessary. Proposed Rule 106, EJW Rules.

Administration, Roles & Responsibilities:

1. Communications and Oversight. From 2011-2023, the Wyoming Supreme Court oversaw the EJW Board. The Court appointed EJW Board members, EJW submitted annual reports to the Court, and Wyoming Supreme Court Justices and members of the Administrative Office of the Courts (“AOC”) frequently attended EJW Board meetings. The EJW Board has, among other functions, supervised EJW and its staff, and made important decisions for EJW, including the annual awarding of grants to legal services providers. *See* Rule 107, EJW Rules.

The Board observes that relying on expertise in working with underserved populations will maximize efficiency in the provision of services and the use of resources. Starting in January 2024, the WJC will

oversee EJW and the EJW Board. Because independent grantmaking by the Board continues to be the most effective and efficient means of distributing EJW funds, and because issues such as staff supervision will continue to ensure accountability, the administration of EJW and the Board will be as follows:

- a. The EJW Board will supervise EJW and EJW's staff members. EJW's Executive Director will meet regularly with the State Court Administrator and other WJC committee leaders to provide input from EJW's target population of low and moderate-income people and to ensure the effectiveness EJW's programs for its target population.
 - b. The WJC will oversee the EJW Board and the WJC will appoint members of the EJW Board.
 - c. The EJW Board President, or her or his designee from the EJW Board, will communicate directly with the WJC. This will include quarterly written reports and no fewer than one in-person meeting each year between the WJC and the EJW Board President, or her/his designee from the Board.
2. EJW Board Role and Responsibilities. The EJW Board will be responsible for the following:
 - a. Consistent with the strategic plans of the WJC and Wyoming Judicial Branch, the Board will set strategic plans and priorities of Equal Justice Wyoming. Those plans and priorities must be established on an annual basis but may be revised at any time.
 - b. Pursuant to Wyo. Stat. Ann. § 5-2-122(a)(viii), grant funds to eligible programs to assist in providing civil legal services in Wyoming. The funding shall be consistent with the Act and may be used to enhance the civil legal services that existing programs are providing.
 - c. Ensure that Equal Justice Wyoming staff is overseeing grantee performance and use of funds granted by Equal Justice Wyoming.
 - d. Supervise Equal Justice Wyoming's Executive Director, including annual performance reviews and hiring and dismissal in consultation with the WJC and Administrative Office of the Courts.
 - e. Communicate with the WJC through quarterly written reports and one or more meetings between the WJC and EJW's Board President, or her/his designee. The Board President may be accompanied by the Executive Director or other Board Members in his or her discretion for the meetings with the WJC.
3. EJW Executive Director's Role and Responsibilities to the EJW Board. Pursuant to Rule 110, EJW Rules, EJW's Executive Director will:
 - a. Arrange and attend meetings of the EJW Board, and keep and disseminate the minutes of such meetings;
 - b. Collect, deposit, and disburse funds pursuant to the budget and the direction of the Board, and in accordance with the operating procedures of the Wyoming Judicial Branch;
 - c. Oversee the day-to-day operation of Equal Justice Wyoming, its plans, priorities, accounting, budgeting, and reporting, employees and contractors;
 - d. Perform such other duties as may be directed by the Board;
 - e. Work with and support the work of the AOC, as that work aligns with EJW's statutory requirements; and
 - f. Work with the Equal Justice Wyoming Foundation ("EJWF") pursuant to the agreement between EJW and the EJWF.

Attachment D

RULES AND REGULATIONS FOR EQUAL JUSTICE WYOMING

Rule
Preamble
101. Name.
102. Purposes.
103. Powers.
104. Location.
105. Implementation.
106. Board of Commissioners.
107. Duties of the Board.
108. Committees.
109. Officers.
110. Executive Director.
111. Policy.
~~112. Center Priorities.~~
~~113. Eligibility Standards for Center [Equal Justice Wyoming] Clients.~~
~~114-112. Center [Equal Justice Wyoming] Priorities and Administration.~~
~~115-113. Annual Budget.~~
~~116-114. Funding.~~
~~117-115. Annual Report.~~
~~118-116. Website.~~
~~119. Grants.~~
~~120-117. Audits.~~
~~121-118. Client's Payment of Costs in Certain Cases.~~
~~122-119. Confidentiality.~~
~~123-120. Other Legal Protections or Sanctions.~~
~~124-121. Amendment of Rules.~~
~~125-122. Interpretation of Rules.~~
~~126-123. Superseding Effect.~~
~~127-124. Severability.~~

Editor's notes. — These rules became effective April 19, 2011, as called for in the court order adopting the rules.

Preamble.

These Rules and Regulations provide for the organization and operation of Equal Justice Wyoming and are adopted by the Supreme Court of the State of Wyoming pursuant to the Wyoming Constitution and the 2010 Wyoming Session Laws Chapter 109, §§ 1-4 (Wyoming Civil Legal Services Act), enacted during the 2010 Legislative Budget Session (Wyo.Stat.Ann. §§ 2-2-401, 5-2-121 through 5-2-122, 5-2-202, 5-2-205 through 5-2-206, 5-6-108, 5-6-204, 5-6-303, 5-9-135, 5-9-144, 6-10-102 through 6-10-103). Operated through the Wyoming Supreme Court, and under the supervision of the Wyoming Judicial Council, the Equal Justice Wyoming exists to promote access to justice throughout the State of Wyoming in accordance with the directives of the Wyoming Civil Legal Services Act. Equal Justice Wyoming will have the duty of carrying out those functions which are delegated to it by the Wyoming Supreme Court through these Rules, and under the supervision of the Wyoming Judicial Council. The Wyoming Supreme Court (Supreme Court) Wyoming Judicial Council (Council) has the ultimate authority to ensure those powers and duties delegated to Equal Justice Wyoming pursuant to these Rules are fully and faithfully executed.

Rule 101. Name.

The name of the program shall be Equal Justice Wyoming.

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numbering

History:

Adopted and effective April 19, 2011;
Amended and effective December 19, 2014.

Rule 102. Purposes.

The purposes of Equal Justice Wyoming are to improve access to justice in Wyoming and fulfill the requirements and expectations of the Wyoming Legislature described in the Wyoming Civil Legal Services Act (the Act).

History:

Adopted and effective April 19, 2011;
Amended and effective December 19, 2014.

Rule 103. Powers.

As an instrument of the judicial branch of the State of Wyoming, Equal Justice Wyoming shall be afforded all of the rights, powers, privileges, benefits and protections that attain the judicial branch under law. Equal Justice Wyoming may enter into contracts and acquire, hold, encumber and dispose of real and personal property as necessary and appropriate to implement Equal Justice Wyoming, and may exercise such powers as are lawful and reasonably necessary to accomplish the objectives and duties of Equal Justice Wyoming set forth in these Rules.

History:

Adopted and effective April 19, 2011;
Amended and effective December 19, 2014.

Rule 104. Location.

The principal office and place of business of Equal Justice Wyoming shall be in Cheyenne, Wyoming, but the Board of Commissioners (hereinafter defined) may authorize offices to be located at other places within the state of Wyoming.

History:

Adopted and effective April 19, 2011;
Amended and effective December 19, 2014.

Rule 105. Implementation.

Equal Justice Wyoming will implement the Wyoming Civil Legal Services Act. At the request of the ~~Supreme Court~~Council, funds for Equal Justice Wyoming will be appropriated by the Wyoming Legislature from the indigent civil legal services account pursuant to Wyo. Stat. Ann. § 5-2-121, or from donations, and Equal Justice Wyoming shall be administered to fully utilize authorized funds. Pursuant to these Rules, the ~~Supreme Court~~Council is the final authority in administering, auditing, and operating Equal Justice Wyoming. Equal Justice Wyoming may employ such office space, administrative support and services of the Supreme Court and its personnel as are available and necessary to establish Equal Justice Wyoming, and to coordinate on an annual basis with the ~~Supreme Court~~Council.

History:

Adopted and effective April 19, 2011;
Amended and effective December 19, 2014.

Rule 106. Board of Commissioners.

Equal Justice Wyoming shall be initially developed, and thereafter administered, by a Board of Commissioners (the Board) who shall act to ensure that statutory priorities and objectives of the Act are fully and faithfully executed. The Board shall number no fewer than seven (7) and no more than sixteen (16), and shall be appointed by, and shall serve at the pleasure of the Supreme Court. The Board may recommend new members to the Council. The State Court Administrator, or his/her designee, shall be a permanent member of the Board. The term of Board membership shall be three (3) years, and Board members may be reappointed by the Supreme Court Council as it deems appropriate. The members of the Board shall receive no compensation for services to Equal Justice Wyoming, but they may authorize and approve for themselves and for employees and contractors of Equal Justice Wyoming, reimbursement of reasonable and necessary expenses incurred in the performance of duties for Equal Justice Wyoming. The Board Council may, in its discretion, appoint additional Board members ex-officio. The Equal Justice Wyoming Board will meet at least every other month but may meet more frequently as necessary upon the request of a member. No action of the Board may be taken without a quorum of the Board present. A majority of the members of the Board members shall constitute a quorum. Board voting shall take place in a meeting of the Board or via email if necessary.

History:

Adopted and effective April 19, 2011;
Amended and effective December 19, 2014.

Rule 107. Duties of the Board.

The Board shall have general charge of the affairs and activities of Equal Justice Wyoming. It shall ensure that the terms, priorities and objectives of the Act, and these Rules, and the direction of the Council are fully and faithfully executed. It shall:

- a. Consistent with the strategic plans of the Council and Wyoming Judicial Branch, the Board will set strategic plans and priorities of Equal Justice Wyoming. Those plans and priorities must be established on an annual basis but may be revised at any time.
- b. Pursuant to Wyo. Stat. Ann. § 5-2-122(a)(viii), grant funds to eligible programs to assist in providing civil legal services in Wyoming. The funding shall be consistent with the Act and may be used to enhance the civil legal services that existing programs are providing.
- c. Ensure that Equal Justice Wyoming staff is overseeing grantee performance and use of funds granted by Equal Justice Wyoming.
- d. Supervise Equal Justice Wyoming's Executive Director, including annual performance reviews and hiring and dismissal in consultation with the Council and Administrative Office of the Courts.
- e. Communicate with the Council through quarterly written reports and one or more meetings between the Council and EJW's Board President, or her/his designee. The Board President may be accompanied by the Executive Director or other Board Members in his or her discretion for the meetings with the Council.

a. Make and authorize disbursements, and/or periodically monitor and ratify proper disbursements reviewed, approved and authorized by the Executive Director from the funds of Equal Justice Wyoming in payment of the necessary expenses of Equal Justice Wyoming.

b. Cause proper books of accounts to be kept and to procure an annual audit thereof to be filed with the Supreme Court.

c. Engage and define the duties of contractors, employees and others providing services to Equal Justice Wyoming or its clients and fix their compensation.

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- ~~d. Address vacancies however arising in the membership of the Board by notifying the Supreme Court and recommending replacement members to the Court for its consideration;~~
- ~~e. Adopt policies not inconsistent with these Rules and the Act for the orderly administration of Equal Justice Wyoming's affairs and activities;~~
- ~~f. Submit annual and biannual budget requests to the Supreme Court for its approval and submission to the legislature as part of the appropriation process for Equal Justice Wyoming;~~
- ~~g. Prepare and submit an annual report to the Supreme Court on Center [Equal Justice Wyoming] activities, plans, strategies and accomplishments;~~
- ~~h. Oversee and supervise the development of Equal Justice Wyoming services, priorities, plans and development;~~
- ~~i. Consider and approve requests submitted to Equal Justice Wyoming for grants to assist in providing or enhancing civil legal services;~~
- ~~j. Oversee the establishment of uniform standards for the delivery of civil legal services;~~
- ~~k. Ensure the establishment of programmatic and fiscal management procedures to ensure accountability for all state funds;~~
- ~~l. Propose to the Supreme Court additions, modifications, and changes to these Rules as appropriate;~~
- ~~m. Act as a liaison between the Supreme Court and Equal Justice Wyoming; and~~

~~n. Act as a liaison between all stakeholders and Equal Justice Wyoming.~~

History:

Adopted ~~–and–~~ effective April 19, 2011;
Amended and effective December 19, 2014.

Rule 108. Committees.

There shall be an Executive Committee of the Board consisting of the president, vice-president and secretary-treasurer. The Executive Committee may exercise all the powers and perform all the duties of the Board between the meetings of the Board subject to ratification by the Board. The Executive Committee shall prepare an annual budget for submission to the Board, and shall perform such other duties as the Board may prescribe. There shall be such other committees as the Board may prescribe.

History:

Adopted and effective April 19, 2011.

Rule 109. Officers.

a. The officers of Equal Justice Wyoming shall be a president, a vice-president, and a secretary-treasurer. The officers shall be elected by vote of the Commissioners. The term of office of the president, vice-president and secretary-treasurer shall be two (2) years. The term of each office shall run until the qualification of his or her successor.

b. Duties.

President — The president shall be the chief executive officer of Equal Justice Wyoming, a member of the Executive Committee and a member of the Board. The president shall preside at all meetings of the Board and of the Executive Committee. Additionally, this officer shall make the appointments to, and designate the chairpersons of, all standing committees; create and appoint special committees; and be a member, ex-officio, of every committee.

Vice-president — The vice-president shall be a member of the Board and a member of the Executive Committee; and shall perform all other duties assigned by the president or Board.

Secretary-treasurer — The secretary-treasurer shall be a member of the Board and a member of the Executive Committee. In this office, the secretary-treasurer shall assist the Executive Committee in preparing the ~~proposed~~ annual budget and in presenting it to the Board, ~~which shall be prepared by June 30, and circulated as soon thereafter as practicable among the Board. The secretary-treasurer shall advise the Executive Director about procedures for:~~

- ~~i. Maintenance of proper minutes and records;~~
- ~~ii. Maintenance of correct membership files and mailing lists;~~
- ~~iii. The methods and procedures used in the receipt, collection and safekeeping of all funds;~~
- ~~iv. The procedures for disbursement and audit of such funds; and~~
- ~~v. The general operation of the headquarters office.~~

History:

Adopted and effective April 19, 2011;
Amended and effective December 19, 2014.

Rule 110. Executive Director.

When appropriate, the Board shall retain an Executive Director of Equal

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Justice Wyoming who shall be in direct charge of Equal Justice Wyoming's administrative staff, office, its records, property and equipment. The Executive Director shall be hired by the Board under terms of employment and compensation fixed by the Board in consultation with the Council and Administrative Office of the Courts. All employees of Equal Justice Wyoming are at-will employees. Subject to the general control of the officers, Executive Committee, and Board, and as appropriate and consistent with the requirements of these Rules, the Executive Director shall:

- a. ~~Arrange and~~ attend meetings of the ~~Executive Committee and~~ Board, and keep and disseminate the minutes of such meetings;
- b. Collect, deposit, and disburse funds pursuant to the budget and the direction of the ~~Executive Committee Board, and in accordance with the operating procedures of the Wyoming Judicial Branch~~;
- c. Oversee the day-to-day operation of Equal Justice Wyoming, its plans, priorities, accounting, budgeting and reporting, employees and contractors;
- ~~d. Advise and assist the officers, commissioners and committees;~~
- ~~e. Make the arrangements for Center meetings;~~
- ~~f. Review, approve and authorize proper disbursements;~~
- ~~d.~~ Perform such other duties as may be directed by the Board or officers, or as prescribed by these Rules.
- ~~e. Act as liaison to the Administrative Office of the Courts; and~~
- ~~f. Work with the Equal Justice Wyoming Foundation pursuant to an agreement between Equal Justice Wyoming and the Equal Justice Wyoming Foundation.~~

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History:

Adopted and effective April 19, 2011;
Amended and effective December 19, 2014.

Rule 111. Policy.

- a. Equal Justice Wyoming shall follow the requirements of the Act.
- b. The following excerpts from the American Bar Association's "Principles of a State System for the Delivery of Civil Legal Aid" are to inform policy objectives of Equal Justice Wyoming. Equal Justice Wyoming shall strive to:
 - i. Provide services to the income eligible and vulnerable populations in Wyoming.
 - ii. Provide a full range of services in all forums. A full range of services includes information about legal rights and responsibilities; options for services; outreach and community legal education; legal advice and brief services; support and assistance for individuals capable of representing themselves; representation in negotiation and alternative dispute resolution; transactional assistance; and representation in administrative and judicial proceedings.
 - iii. Provide services of high quality in an effective and cost-efficient manner.
 - iv. Provide services in sufficient quantity to meet the need by seeking and making the most effective use of financial, volunteer, and in-kind resources dedicated to those services.
 - v. Fully engage all entities and individuals involved in the provision of those services. Wyoming's system for the delivery of civil legal aid should fully engage in the delivery of civil legal aid services all those who are involved in the provision of law-related services, including legal aid providers, private attorneys (working pro bono or for compensation), court personnel, law school clinics, human services agencies, paralegals, lay advocates and other public and private individuals and entities that provide legal services to income eligible and other vulnerable people who cannot afford counsel in the state.
 - vi. Make services fully accessible and uniformly available throughout the

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Rule 112 WYOMING STATE & FEDERAL COURT RULES 6
state. The ability of income eligible and vulnerable people to obtain civil legal
assistance consistent with these principles does not depend on where that
person resides in the state.

vii. Engage with clients and populations eligible for civil legal aid services in planning and in obtaining meaningful information about their legal needs, and treat clients, applicants and those receiving services with dignity and respect.

viii. Engage and involve the judiciary and court personnel in reforming their rules, procedures and services to expand and facilitate access to justice.

ix. Be supported by an organized bar and judiciary that is providing leadership and participating with legal aid providers, law schools, the executive and legislative branches of government, the private sector and other appropriate stakeholders in ongoing and coordinated efforts to support and facilitate access to justice for all.

x. Engage in statewide planning and oversight of the system for the delivery of civil legal aid to coordinate and support the delivery of services and to achieve the principles set forth above. Wyoming's system for the delivery of legal aid should develop and maintain the capacity to plan and oversee its civil legal assistance delivery system so that the principles set forth above are achieved. Planning and oversight should be open and inclusive. Participants should work together in a coordinated and collaborative manner to provide a full range of high-quality services efficiently and in a manner that maximizes available resources and eliminates barriers to access.

History:

Adopted and effective April 19, 2011;
Amended and effective December 19, 2014.

Rule 112. Center Priorities.

~~a. Consistent with and subject to Wyo. Stat. Ann. § 5-2-122(a)(iii)(A), the following priorities for the management and operation of Equal Justice Wyoming are established.~~

~~b. Equal Justice Wyoming shall endeavor to represent or assist eligible clients or persons in the following non-exclusive list of cases:~~

- ~~i. Cases in which an income eligible individual is a defendant in a lawsuit;~~
- ~~ii. Cases in which an income eligible individual is seeking to enforce a court order;~~
- ~~iii. Cases involving domestic relations and family law;~~
- ~~iv. Matters involving general legal advice to income eligible individuals;~~

~~and~~

~~v. All other civil cases for income eligible clients that are consistent with the Act.~~

~~c. Equal Justice Wyoming shall not provide legal services or representation in cases involving:~~

- ~~i. Claims seeking tort damages;~~
- ~~ii. Criminal defense;~~
- ~~iii. Claims against public agencies or political subdivisions, where those claims seek to change or overturn existing rules, regulations or policies (this prohibition shall not limit Equal Justice Wyoming's ability to represent income eligible individuals who are seeking benefits that may be owed to them by public entities or agencies).~~

History:

Adopted and effective April 19, 2011;
Amended and effective December 19, 2014.

Rule 113. Eligibility Standards for Center [Equal Justice Wyoming] Clients.

~~a. Equal Justice Wyoming shall provide civil legal services to only those individuals whose total household income does not exceed two hundred percent (200%) of the current federal poverty level, as determined and published annually in the Federal Register by the U.S. Department of Health and Human Services.~~

~~b. Equal Justice Wyoming shall develop intake procedures applicable to all prospective clients that will require those prospective clients to establish their eligibility.~~

History:

Adopted and effective April 19, 2011;

Amended and effective December 19, 2014.

Rule 1124. Center [Equal Justice Wyoming Priorities and] Administration.

a. Equal Justice Wyoming's priorities are defined by the Act, specifically Wyo. Stat. Ann. § 5-2-122(a)(iii)(A), and these Rules. Under the direction of the Council, Equal Justice Wyoming shall provide necessary administrative support and supervisory oversight of civil legal services in Wyoming. Consistent with and subject to Wyo. Stat. Ann. § 5-2-122(a)(iii), Equal Justice Wyoming shall be operated and administered in coordination with other publicly or privately funded programs providing civil legal services to the Income Eligible. Equal Justice Wyoming shall coordinate with the Wyoming State Bar and other entities on private attorney involvement, pro bono civil legal services and educational centers.

b. Equal Justice Wyoming shall establish or coordinate a statewide single point of entry for Income Eligible civil legal services, or establish other operations that allow for simplified and easily available access to Equal Justice Wyoming and its programs.

c. Equal Justice Wyoming shall require any attorney who seeks to contract with or be employed by Equal Justice Wyoming for legal representation of clients to meet the standards for attorneys established by Equal Justice Wyoming.

d. Equal Justice Wyoming shall set standard fee schedules for attorneys who provide civil legal services funded by Equal Justice Wyoming.

e. Equal Justice Wyoming shall establish written standards for attorneys providing civil legal services that will ensure that the work of all attorneys employed by or under contract with Equal Justice Wyoming is cost effective and designed to best achieve the efficient administration of justice for all parties involved within the State of Wyoming. This subsection shall not prohibit attorneys from representing income eligible individuals who are seeking benefits that may be owed to them by State of Wyoming entities or agencies.

f. Equal Justice Wyoming will develop a case management system to track and keep records of all cases handled by or through Equal Justice Wyoming.

g. Equal Justice Wyoming shall maintain a list of qualified attorneys with whom it has contracted.

h. Equal Justice Wyoming shall establish protocols to determine and resolve conflicts of interest.

i. Equal Justice Wyoming may negotiate and enter into contracts or memoranda of understanding with any individual or entity as necessary or convenient to facilitate Equal Justice Wyoming's duties and to adequately and sufficiently maintain, operate and administer Equal Justice Wyoming. Equal Justice Wyoming and Board shall establish written criteria for entering into contracts.

j. Equal Justice Wyoming's Executive Director shall evaluate each attorney and contractor providing services to Equal Justice Wyoming or to clients. As part of the evaluation process, the Executive Director may seek the opinion of judges before whom the attorneys and contractors regularly appear, and may also seek the opinion of any other stakeholders Equal Justice Wyoming may identify. Said evaluations will be considered when renewing contracts, evaluating attorneys, and determining compensation each year.

History:

Adopted and effective April 19, 2011;
Amended and effective December 19, 2014.

Rule 1135. Annual Budget.

Equal Justice Wyoming shall draft and adopt annual and biannual budget requests for its operations. Equal Justice Wyoming's fiscal year shall track the fiscal biennium (July 1 through June 30) and Equal Justice Wyoming's budget shall be kept on an accrual basis. Equal Justice Wyoming shall provide the budget request to the Board and the ~~Supreme Court~~Council for approval on or before July 1 of the year prior to the budget year.

History:

Adopted and effective April 19, 2011;
Amended and effective December 19, 2014.

Rule 1146. Funding.

The State Legislature has appropriated funds to the Supreme Court each biennium for administration and operation of Equal Justice Wyoming. This appropriation shall be expended for only the purposes of Equal Justice Wyoming described in the Act. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose. A request for this appropriation shall be included in Equal Justice Wyoming's standard annual or supplemental budget requests to the ~~Supreme Court~~Council.

History:

Adopted and effective April 19, 2011;
Amended and effective December 19, 2014.

Rule 1157. Annual Report.

Equal Justice Wyoming shall prepare and submit an annual report of operations to the ~~Supreme Court~~Council on or before July 31 of each year. The report will describe Equal Justice Wyoming's operations in detail. The report shall include, but shall not be limited to, a description of: (a) the number of cases handled by Equal Justice Wyoming; (b) the number and compensation to all ~~Center Equal Justice Wyoming~~ attorneys and contractors; (c) the amount of all other monies expended by Equal Justice Wyoming during the year; and (d) any other information requested by the ~~Supreme Court~~Council. The annual report will also summarize the types of cases handled by Equal Justice Wyoming and shall identify the number of each type of case handled by Equal Justice Wyoming.

History:

Adopted and effective April 19, 2011;
Amended and effective December 19, 2014.

Rule 1168. Website.

Equal Justice Wyoming shall establish and maintain, or coordinate the establishment and maintenance of a website which shall include, but shall not be limited to the following information: (a) detailed contact information for the [Center-Equal Justice Wyoming](#) and all civil legal service providers in the State of Wyoming; (b) key documents including the Act and these Rules; (c) a schedule of the meetings of the Board; and (d) any other information requested by the [Council-Supreme Court](#) or the Board.

History:

Adopted and effective April 19, 2011;
Amended and effective December 19, 2014.

Rule 119. Grants.

a. Pursuant to Wyo. Stat. Ann. § 5-2-122(a)(viii), subject to approval by the Board, Equal Justice Wyoming may grant funds to eligible programs to assist in providing civil legal services in Wyoming. The funding shall be consistent with the Act and may be used to enhance the civil legal services that existing programs are providing. The Executive Director may recommend grant expenditures to the Board for approval.

b. Pursuant to Wyo. Stat. Ann. § 5-2-122(a)(ix), Equal Justice Wyoming may receive grants and donations from outside parties.

c. Equal Justice Wyoming and Board shall establish written criteria for making grants and for receiving grants and donations.

History:

Adopted and effective April 19, 2011;
Amended and effective December 19, 2014.

Rule 11720. Audits.

Equal Justice Wyoming shall comply with all audits conducted or directed by the Supreme Court or [Council](#) under Wyo. Stat. Ann. § 5-2-121(c). Equal Justice Wyoming shall respond to any inquiry made by the [Council](#), Supreme Court, Wyoming Legislature or legislative committee, or by the Board.

History:

Adopted and effective April 19, 2011;
Amended and effective December 19, 2014.

Rule 11821. Client's Payment of Costs in Certain Cases.

Equal Justice Wyoming may, at its discretion, require a client to pay court costs for the client's case. When deciding whether to require a client to pay court costs, Equal Justice Wyoming shall consider, among other issues, the client's ability to pay those costs, and whether requiring payment would strengthen the attorney-client relationship and the client's dedication to the case.

History:

Adopted and effective April 19, 2011;
Amended and effective December 19, 2014.

Rule 11922. Confidentiality.

All attorney-client privileged information provided on a confidential basis to Equal Justice Wyoming, Equal Justice Wyoming attorneys and/or Equal

Justice Wyoming's staff shall be kept confidential by Equal Justice Wyoming. Equal Justice Wyoming attorneys will comply with all ethical rules governing Wyoming attorneys, including all confidentiality rules.

History:

Adopted and effective April 19, 2011;
Amended and effective December 19, 2014.

Rule 1203. Other Legal Protections or Sanctions.

The protections provided by these Rules do not exclude any protection or sanction that the law otherwise provides.

History:

Adopted and effective April 19, 2011.

Rule 1214. Amendment of Rules.

Proposals for amendment or abrogation of provisions of these Rules may be presented to the ~~Council~~ ~~Supreme Court~~ by written request of the Board or by the Executive Committee. Amendment shall be accomplished by order of the Supreme Court.

History:

Adopted and effective April 19, 2011.

Rule 1225. Interpretation of Rules.

The order in which the provisions of these Rules appear is not to be construed to mean that any one provision is more or less important than any other provision.

History:

Adopted and effective April 19, 2011.

Rule 1236. Superseding Effect.

These Rules supersede all prior rules or policy statements issued by Equal Justice Wyoming, which may be inconsistent with these Rules.

History:

Adopted and effective April 19, 2011;
Amended and effective December 19, 2014.

Rule 1247. Severability.

If any portion of these Rules is found to be invalid or unenforceable, the remainder shall continue in full force and effect.

History:

Adopted and effective April 19, 2011.

Access to Justice 2.0: Proposed Projects for 2024

Access to Justice 2.0 developed and proposed the following as priority projects for 2024. The topics were presented to the Access to Justice Commission in November 2023. The Commission provided input and approved all projects for 2024. ATJ 2.0 requests the Wyoming Judicial Council endorse these project proposals for 2024. This summary provides an abbreviated description of the projects and incorporates input provided by the Commission. For more detail about the projects as they were initially submitted to the Commission, please refer to pages 12 to 15 of the report titled *Access to Justice 2.0: 2022-2023* appended to these materials. The attached report also memorializes the important work Access to Justice 2.0 subcommittees completed this past year.

Continuing Topics

Access to Justice 2.0 (ATJ 2.0) remains committed to support projects launched in 2023.

Court Navigation – The Court Navigator Group remains available as a bridge between project development and project implementation to (1) the Seventh Judicial District during lift-off of the model program and (2) the Administrative Office of Courts for transition to a statewide program. The group can serve as a resource or sounding board, or to clarify aspects of the program as proposed.

Pro Bono – The Pro Bono Group anticipates its productive collaborations with Equal Justice Wyoming (EJW) and the Wyoming State Bar will continue, as an ongoing effort to incentivize and expand pro bono service in Wyoming.

Requested Topic

Forms Automation – Chief Justice Fox and Judge Darrah asked ATJ 2.0 to research a spectrum of options for self-help forms automation through a guided interview process, which is a goal of the Wyoming Judicial Branch's Strategic Plan (Strategic Plan), Priority 1 (Access to Justice). This work recognizes the past research conducted by EJW and its pending launch of forms automation for protection order and other forms. This work also recognizes new shifts in technology, the potential role of AI in forms automation, and the possibility that administrative shifts may create room for more resources to support the second generation of Wyoming's forms automation.

This is independent of ATJ 2.0's Forms work in 2023 that concluded after WJC approved the Permanent Forms Committee which is chaired by Judge Darrah, is fully staffed, and whose work is underway. Members of the Permanent Committee that were also part of ATJ 2.0 serve as an ongoing bridge between project development and implementation.

Three Priority Topics Proposed for 2024

1. Service of Process: Modernization

States are innovating service of process rules related to service by publication, which is the last resort for service after certain thresholds are met. Service by publication via local newspapers is no longer effective in the modern era due to residential mobility, the limited role of

newspapers, and the predominance of electronic communication. Costs of publication in some Wyoming communities are a financial barrier to accessing the courts, for those who otherwise qualify for fee waivers and free legal services and for litigants in the middle class. The cost of publication can deter people in need of help from pursuing their legal remedies, resulting in compounded legal issues later. The National Center for State Courts (NCSC) developed a best-practices guide to inform service of process innovation efforts, and other rural states developed programs that may guide ATJ 2.0's efforts on this topic.¹

ATJ 2.0 anticipates this project would be similar in scope to its prior court navigation and forms work, resulting in a future proposal to the WJC. This topic aligns with the commitment in article 1, section 8, of the Wyoming Constitution for open access to the courts without denial or delay. It also aligns with the Strategic Plan, Priority 1 (Access to Justice) commitments to advance just and efficient resolution of disputes and explore alternative approaches to resolve family law cases; and it complements the ongoing efforts to develop consistent fee waiver or reduction policy.

2. Family Law: The Beginning of Change

This topic arises in two parts, both of which align with the Strategic Plan, Priority 1 (Access to Justice) commitment to explore alternative approaches to resolve family law cases. Both also respond to the Wyoming Civil Legal Needs Assessment from 2020 identifying areas of the greatest unmet civil legal need.

A. Advancing the Conversation

Segments of Wyoming's legal profession consistently discuss the need for improvements in family law. Ideas range from heavy lifts like specialty courts and revisions to Title 20, to smaller lifts like fast-track dockets and triage questionnaires. No ideas have yet gained traction, and viable ideas will need buy in from the judicial branch and other stakeholders. ATJ 2.0, as a multi-stakeholder entity, is well suited to convene 2 or 3 stakeholder summits in 2024 to meaningfully share and work through proposals, identify viable possibilities, create synergy between stakeholders, build momentum, and advance the conversation.² Stakeholders include judges, clerks, and court staff; legal services providers; guardians ad litem; and family law practitioners. Select initiatives could become ATJ 2.0 topics proposed as projects for 2025.

B. Court Connections for Mediation: Family Law, Small Claims, and Evictions

Numerous states require mediation in family law cases and many also have mediation programs in small claims and landlord–tenant litigation. There is a growing trend towards utilizing the services of a mediator at the earliest appropriate time in order to promote “early dispute resolution” (EDR), thereby relieving trial courts of time spent on cases capable of resolution and allowing courts more time for greater contests. To encourage utilization of court-ordered and voluntary mediation, many courts house or formally partner with a

¹ See generally National Center for State Courts, Service Modernization Brief, Aug. 2022, https://www.ncsc.org/data/assets/pdf_file/0018/82512/Service-Modernization-Brief.pdf; Alaska program <http://www.courts.alaska.gov/sco/docs/sco1834leg.pdf> and <https://courts.alaska.gov/notices/index.htm>.

² There are a wide variety of resources available to ATJ 2.0 and family law stakeholders including National Center for State Courts resources, IAALS resources, and the recent white paper issued by Professor Dona Playton, *Improving Access and Outcomes for Families in Domestic Relations Cases* (2023).

mediation program of some type, creating a “court connection.” The court connection varies from state to state and court to court. Court connection does not necessarily mean paid for or housed within courts as a judicial branch program. While this topic initially arose in the context of family law, the Commission notes that a viable program in Wyoming may be transferable to other subject matter areas (family, small claims, and evictions). A court-connected mediation program would also add to the suite of resources court navigators can provide information about for self-represented litigants. The goal of this program is to investigate other court-connected mediation programs that may be feasible in Wyoming.

3. Capacity Building

This is an umbrella proposal of several small actions that are both directly beneficial, such as funding, and indirectly beneficial by laying the groundwork with other stakeholders so current and future initiatives have a strong foothold when launched.

A. Funding: Broadening the Conversation

Funding for civil legal services through Wyoming’s Civil Legal Services Fees continues to decline. Interim solutions via pandemic-related grants are ending. Other entities evaluating solutions to the funding crisis are the Commission’s Funding Working Group, EJW, and the Equal Justice Wyoming Foundation, a 501(c)(3) organization. ATJ 2.0 is invited to partner with the other groups for a summit or workshop to broaden that conversation, identify areas for research, and ultimately propose joint solutions. This topic aligns with the Commission’s task to “work towards securing adequate funding for access to civil justice.” Order Establishing Wyo. Access to Justice Comm’n, ¶ 4 (Dec. 16, 2008). It also complements aspects of the Strategic Plan, Priority 3 (Public Trust) related to funding and outreach and Priority 4 (Funding) related to information available for legislators and the branch’s legislative liaison.

B. Filling the Pipeline: Law Students and Engagement for Future ATJ Leaders

The majority of access to justice champions at this time are at mid- and senior points in their careers. To ensure a generation of champions follows, engagement with the University of Wyoming College of Law and young lawyers is recommended. This topic is relatively small in scope, entailing some meetings to generate a list of outreach and engagement ideas for implementation. This topic aligns with the Strategic Plan, Priority 1 (Access to Justice) commitment to explore opportunities for collaboration with the University of Wyoming and bar membership. It also aligns with existing resources and interests at the College of Law.

C. Expanding Self-Help Partnerships: Libraries, Family Resource Centers, and Beyond

A natural progression in access to justice ecosystems is to expand service delivery by partnering with existing agencies and resources outside the traditional access to justice environment. ATJ 2.0 is a body that can convene working groups to meet 3 or 4 times a year, to assess opportunities for partnerships and propose program extensions. Immediate opportunities exist with Wyoming’s County Library system. Public libraries are approachable, public-oriented, have accessible business hours, and are a natural point of contact for self-help legal services. Another existing opportunity is the community resource center launching through Wyoming’s Executive Branch. The Commission identified additional partnering possibilities including new regional, multi-state access to justice groups that meet quarterly.

This working group aligns with commitments in parts 1, 3, and 4 of the Strategic Plan, including: providing resources for self-represented litigants, educating the public, developing outreach strategies, and improving rural access to justice. The working group also has the potential to complement the Plan's commitments to Law Day activities, treatment and mental health programs, access to court navigation and forms, and inter-branch relationships. The topic also aligns with Commission tasks to coordinate access to justice, foster statewide delivery systems, and work toward integrated planning with interested agencies and entities. Order Establishing Wyo. Access to Justice Comm'n, ¶¶ 2–3.

Access to Justice 2.0: 2022-2023

**A REPORT TO THE ACCESS TO
JUSTICE COMMISSION**

NOVEMBER 2023

An Evolutionary Turning Point

The access to justice environment in Wyoming is at a new place in its evolution. In the past, small advancements took herculean efforts, led by a dedicated few. Some of those few recall the launch of the Citizens Access to Courts committee led by Justice Lehman and the long launch of the Access to Justice Commission. Other milestones followed, each achieved through hard work and often by familiar faces. Times have changed. In 2022 and 2023, the joint efforts of the Judicial Branch Innovation task force (JBI), the Wyoming Judicial Council (WJC), and Access to Justice 2.0 (ATJ 2.0) created a perfect storm. JBI’s work led to the creation of the WJC, which in turn shifted mechanics in the access to justice environment through standing committees, streamlined decision making, and launched the Wyoming Judicial Branch’s Strategic Plan which prioritized access to justice. This new structure supports the promise of open courts and guarantee of equal justice promised by article 1, section 8 of Wyoming’s constitution.

With that new scaffolding lending its aid, the work of ATJ 2.0 over the last year revealed a renewed depth of engagement and a now-voluminous cast of leaders in the access to justice environment. Multi-stakeholder involvement yielded fast, well-rounded, and fulsome work. Thanks to sincere engagement, diversity of input, and innate leadership from so many—coupled with the judicial branch’s structural shifts and commitment to access to justice—two significant programs launched within one year of inception (forms and court navigation).

This report summarizes the work of ATJ 2.0 to date. Of perhaps greater importance, the time has come to identify and propose to the WJC ATJ 2.0’s priority projects for 2024, included in Part Two of this report.

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Access to Justice 2.0

History and Overview

Access to Justice 2.0—a multi-stakeholder working committee of Wyoming’s Access to Justice Commission—was initiated by the Honorable Lynne J. Boomgaarden, chair of the Access to Justice Commission, in the winter of 2021-22. The initial stakeholder members were identified, and in February 2022, two co-chairs were invited to serve. In April 2022, a three-part joint article in the *Wyoming Lawyer* announced the initiative and its mission. After an introductory meeting and a series of listening sessions with members and other stakeholders during the spring of 2022, the group convened for a half-day workshop in June 2022 which resulted in the formation of four committees: court navigation, forms, pro bono, and small business. The reports of each committee for their work in 2022 and to date in 2023 are included in this report.

In September 2022 at the Wyoming State Bar’s annual conference, an ATJ 2.0 panel presented at the pro bono luncheon, which was then renamed the “Access to Justice Luncheon” for 2023. In September 2023, the luncheon’s panelists introduced the court navigation model program developed by ATJ 2.0’s court navigation committee and adopted by the Wyoming Judicial Council (WJC) in June 2023. The WJC also established a permanent standing forms committee in June 2023, proposed by ATJ 2.0’s forms committee. In October 2023, ATJ 2.0 convened to vet next projects. This report proposes that future and invites the input of the Access to Justice Commission, to be followed by input from the Wyoming Judicial Council.

Mission

The mission of ATJ 2.0 is to identify barriers to accessing the justice system and remove them.

Guiding Principles

Barriers to the justice system are not necessarily within the traditional confines of the justice system. Barriers might be financial (high cost of legal services, cost of time away from work), geographic (distance from the courthouse), technology (needing access to remote courts), personal (not having transportation to court, not having access to childcare), awareness (not understanding there is a legal issue), or other barriers. These barriers are not limited to people within a certain percentage of the poverty line, where many traditional access to justice initiatives focus. Empirical studies show that unmet civil legal needs are expanding within the middle class and small businesses. The Wyoming Access to Justice Commission, of which ATJ 2.0 is a part, is likewise not limited to evaluating solutions that are income-based, although some partners and legal service providers are subject to those restrictions.

As such, guiding principles for ATJ 2.0’s work include:

- Use evidence based and data-driven initiatives
- Collaborate with diverse stakeholders & partners
- Be user-focused, meaning approaching barriers from the viewpoint of the litigant or self-represented party
- Roll out initiatives on an ongoing basis
- Look to other states’ and think tanks’ programs, research, and resources

Part One – Committee Reports

Court Navigator Committee

Executive Summary

ATJ 2.0 formed the Court Navigator Committee on July 15, 2022. At full strength, the Committee consisted of twenty-four members, including judges, court clerks, court administration, practicing attorneys, and others. We have attached the complete roster at the end of this report.

The Committee held biweekly meetings, researched programs supporting self-represented litigants (“SRLs”) in other states, consulted with a national expert on court navigator programs (Mary McClymont of Georgetown Law’s Justice Lab), and drafted a comprehensive navigator proposal. On May 19, 2023, the Committee submitted its proposal to the Wyoming Judicial Council. The Council unanimously approved the proposal on June 12. The proposal is available online, starting on page 23 of the [minutes](#) of the Council’s June 12 meeting.

Court Navigator Proposal

The Committee’s proposal described a model dual-court and hybrid court navigator program: “model” meaning the initial step would be a navigator program established in one judicial district; “dual-court” meaning the program would operate in and around both district and circuit courts; and “hybrid” meaning the navigators would interact with SRLs in-person and on a remote basis. After consulting with Committee members from Wyoming’s Seventh Judicial District, the Committee proposed that the model program would start in Casper and Natrona County.

In the introduction to the proposal, the Committee identified four foundational principles for its work: (1) the program would benefit SRLs and Wyoming courts; (2) navigators would be guides providing information to SRLs, but would not provide legal advice or advocacy; (3) navigators would focus on pre-appearance filings, preparation, and referrals to legal and non-legal resources; and (4) the navigator program would complement but not duplicate services and resources already provided by existing entities, including services provided by clerks of court. The Committee also prioritized scalability—designing a model program that Wyoming could replicate across the state. For more details about the program proposal and specific characteristics, please visit the report available through the June 12, 2023 Wyoming Judicial Council meeting [minutes](#).

Implementation

After the Wyoming Judicial Council approved the navigator proposal, the Committee concluded its work. Representatives in the Seventh Judicial District and the Administrative Office of the Courts are now working to implement the model program. The Judicial Branch received a grant through the State Justice Institute to contract with the National Center for State Courts to help implement the model program. Next steps will include collaborating with experts from the National Center for State Courts to develop the program and ensure the appropriate pieces are in place to launch the model program in the first quarter of 2024.

The Committee stands ready to support the model program in Natrona County and as the navigator program expands to other parts of Wyoming.

2022-2023 Court Navigator Committee Members

Hon. Lynne Boomgaarden, Justice, Wyoming Supreme Court
 Hon. Kerri M. Johnson, District Court Judge, Seventh Judicial District
 Hon. Bobbi D. Overfield, District Court Judge, Fifth Judicial District
 Hon. Catherine E. Wilking, District Court Judge, Seventh Judicial District
 Hon. Timothy C. Day, District Court Judge, Ninth Judicial District (Retired)
 Hon. Nichole R. Collier, Circuit Court Judge, Seventh Judicial District
 Hon. Shelley A. Cundiff, Circuit Court Judge, Fourth Judicial District
 Hon. Paul S. Phillips, Circuit Court Judge, Sixth Judicial District

Jill Kiester, Clerk of Court, Seventh Judicial District Court
 Janet K. Montgomery, Clerk of Court, Ninth Judicial District Court
 Jennifer Beeston, Chief Clerk, Circuit Court of the Second Judicial District
 Wendy Sutherland, Chief Clerk, Circuit Court of the Ninth Judicial District

Elisa Butler, State Court Administrator, Administrative Office of the Courts
 Lisa Finkey, Chief Education Officer, Administrative Office of the Courts

Anna Olson, Attorney at Law and President-Elect of Wyoming State Bar

Tawnya K. Plumb, Director, George W. Hopper Law Library, Univ. of Wyo. College of Law

Kristie Gordy, Senior Legal & Policy Analyst and IV-D Director, Dept. of Family Services

Angie Dorsch, Executive Director, Equal Justice Wyoming
 Walter Eggers, Attorney at Law
 Maryt Fredrickson, Staff Attorney, Wyoming Judicial Branch
 Leora Hoshall, VISTA Supervisor, Equal Justice Wyoming
 Rennie Phillips, Attorney at Law
 Mackenzie Williams, Senior Assistant Attorney General
 Nathan Yanchek, Staff Attorney, Wyoming Judicial Branch

Forms Committee

Executive Summary

ATJ 2.0 formed the Pro Se Forms Committee on July 15, 2022. The Committee originally comprised four members, and the membership fluctuated over time depending on project needs at any given time. Membership included practicing attorneys, court staff, court clerks, and other stakeholders with interests or expertise in the particular forms under consideration.

The Committee's work began with researching various ways other states manage self-represented litigant (SRL) forms efforts and exploring ways to improve Wyoming's forms management. By the end of 2022, the Committee drafted a history of SRL forms in Wyoming, inventoried Wyoming's SRL forms and areas where no forms yet existed, and compiled a checklist of characteristics common to SRL programs in other states. During this process, the Committee also partnered with Mario Rampulla, an adjunct professor overseeing the University of Wyoming College of Law's Estate Planning Practicum, to engage students in the drafting of summary probate forms for SRLs, consistent with summary probate forms used in surrounding states. The Committee contemplated the summary probate forms would be reviewed and adopted as SRL forms in the future.

The Committee's most significant work began after the Wyoming Judicial Council was established and promptly adopted a judicial branch strategic plan that prioritized access to justice issues. Concurrently, the Committee began revising forms that had been in place for some time but required time-sensitive changes, namely the revision of child support forms in response to the Wyoming Legislature's 2023 revisions of child support calculation tables. The Committee began meeting bi-weekly in the spring of 2023 to (1) complete the legislatively required updates to child support forms and necessary edits to other family law forms, and (2) to finalize a proposal to the Council for a permanent standing forms committee. The Committee partnered with an intern from the Laramie County Community College, made available through the Administrative Office of Courts, to complete the child support forms, all of which were printed and mailed in advance of the effective date of July 1. In mid-May 2023, the Committee submitted to the Council a proposal recommending the creation of a permanent forms committee to oversee SRL forms in Wyoming. The Committee submitted its proposal on May 19, 2023. The Council unanimously approved the proposal, with one amendment, on June 12. The proposal is available online, starting on page 46 of the [minutes](#) of the Council's June 12 meeting.

Forms Proposal

The Committee's proposal focused on one essential principle—that Wyoming should have one entity or body that is responsible for SRL forms. Currently, available forms may or may not be court approved, depending on the process through which they were developed. If a central entity is made responsible for forms, it can ensure the forms are updated regularly and can continuously evaluate the need for new forms. The Committee recommended that the Council form a permanent standing committee to serve as that entity.

The Committee proposal avoided specific recommendations, instead articulating the policy decisions that the permanent committee would need to make once formed. For example, the permanent committee would need to establish a regular review cycle for SRL forms, monitor the laws passed in each legislative session that might necessitate forms revision, and decide how to incorporate subject matter expertise and how to gather stakeholder input and feedback on forms

and revisions. The proposal also highlighted key considerations, such as prioritizing the readability and accessibility of the forms and instructions. The specifics of how to navigate these issues were left to the permanent committee.

For more details about the program proposal, including the history and inventories of forms in Wyoming, please visit the report available through the Wyoming Judicial Council's June 12, 2023, meeting [minutes](#).¹

Implementation

After the Wyoming Judicial Council approved the SRL forms proposal, the Committee concluded its work. Pending forms revision processes were referred to the Council's Permanent Forms Committee. The Council appointed a chair (Hon. Joseph Darrah, Circuit Court, Fifth Judicial District), and that chair made committee appointments. The Permanent Forms Committee met on October 17, 2023.

The Committee and its members are happy to assist the Permanent Forms Committee, and in fact, several of the Committee members have been appointed to serve on the Permanent Committee.

Additional assistance was recently requested to evaluate forms automation options. The committee members for a forms automation evaluation may differ from the SRL forms Committee. Its members, other stakeholders, and scope of work would be defined in the fall of 2023.

2022-2023 Forms Committee Members

Mackenzie Williams, Senior Assistant Attorney General
 Maryt Fredrickson, Staff Attorney, Wyoming Judicial Branch
 Katie Adams, Staff Attorney, Wyoming Judicial Branch (fmr.)
 Angie Dorsch, Executive Director, Equal Justice Wyoming
 Janet K. Montgomery, Clerk of Court, Ninth Judicial District Court
 Jill Kiester, Clerk of Court, Seventh Judicial District Court
 Denise Dunn, Program Manager, Department of Family Services
 Lisa Finkey, Chief Education Officer, Administrative Office of the Courts
 Leora Hoshall, VISTA Supervisor, Equal Justice Wyoming
 Kristy Tyrney, Legal Studies Student, LCCC

¹ Available at <https://www.courts.state.wy.us/wp-content/uploads/2023/09/WJC-Minutes-06.12.2023.pdf>.

Pro Bono Committee

Executive Summary

The Pro Bono Group initially assembled to evaluate and propose incentives to increase pro bono service in Wyoming. Incentives, however, are only one piece of the pro bono environment. The group's work naturally expanded to examine marketing efforts, the role of pro bono coordinators and programming in other states, and common barriers to pro bono service. In partnership with the Wyoming State Bar, Equal Justice Wyoming, and the University of Wyoming, a variety of efforts are underway. The Pro Bono Group anticipates its work will continue in 2023 and 2024.

Early Principles

The Pro Bono Group assembled in the summer of 2022 to evaluate how to further incentivize pro bono service in Wyoming. However, the group acknowledged at an early stage that pro bono service is only one component of a much larger access to justice picture. As a result, some additional principles were identified that inform the group's work:

- Even if each attorney licensed in the state took one pro bono case, there would still be a large unmet legal need.
- A current trend in access to justice is to market and promote a broader scope of ways to serve, in capacities that require less than “take a case,” such as limited scope representation, legal clinics, freelegalanswers.com, hotlines, and other limited-component legal services.
- Pro bono service is not necessarily a carrot/stick type of issue. Incentives function as recruitment vehicles, tools to help those doing pro bono service (such as through reimbursing costs), and rewards for service; but more common barriers reported by attorneys are (1) not having enough time to do pro bono, (2) not being familiar with the areas of law where pro bono service is needed, and (3) the financial burden of pro bono work for solo practitioners.

Data Sheet

In support of ATJ 2.0's data-driven principles, the Pro Bono Group assembled baseline data to serve as a snapshot of various pro bono systems currently in place. The data sheet includes information from 2022 and 2023 and is appended to this report as **Addendum A**.

Surveys

In collaboration with the State Bar, the Pro Bono Group submitted questions particular to pro bono service in the Wyoming State Bar's spring 2023 survey of all Wyoming Bar members. A nationwide pro bono survey also launched through the American Bar Association and was circulated through the Wyoming State Bar in the summer of 2023. Through the State Bar and Equal Justice Wyoming, the American Bar Association will share the results received from Wyoming participants. The survey results will help inform ongoing work of the Pro Bono Group.

Proposal

An early proposal by the group was to ask the Wyoming State Bar to include a question on the attorney annual registration form. The proposed question would ask how many hours of pro bono

service the registering attorney completed in the prior year. This was modeled after the attorney registration form used in Utah. The purpose of the question was to serve as an annual reminder of the importance of pro bono.

A meeting with State Bar staff occurred in September 2022; it covered not only the proposed question but also the possibility of distributing surveys, the differences between pro bono service by small and by large firms, and whether summit-type events may be useful to gather information from different sectors of the bar. The proposed question about pro bono service on the annual attorney registration form was then taken to the Bar's officers and commissioners by Bar staff. The proposal was well received but it was not approved. The Board agreed with Bar Counsel that the Rules of Professional Conduct remind lawyers of their professional responsibility to provide legal services to those unable to pay. There was concern that a question requiring such disclosure may be perceived as "headhunting" by the Office of Bar Counsel. The Board agreed that this could potentially make the reliability of the results obtained on a mandatory report doubtful.

Incentives

The Pro Bono Group continued its work to identify novel pro bono incentives and programming that exist in other states. In the spring and summer of 2023, members of the group interviewed state bar representatives from five states: South Dakota, North Dakota, Alaska, Nebraska, and Utah. The interviews gathered information about pro bono coordinator positions, funding, programs, incentives, perceived barriers to recruitment, and cost reimbursement.

Wyoming currently offers more pro bono incentives than many of the other states that the group researched. For example, some states offer no CLE credit for pro bono service. Some offer CLE credit at a ratio of five hours of pro bono service to one CLE credit, while Wyoming uses the ratio of two hours of pro bono service for one hour of CLE credit. Wyoming has a robust cost reimbursement system through the State Bar as well as professional liability insurance coverage for pro bono service through various programs. Wyoming also has attorneys who have agreed to act as mentors for less-experienced pro bono attorneys.

Marketing

Membership-wide marketing for pro bono is facilitated in Wyoming through the State Bar, which has contact information for all bar members and has a variety of marketing tools, such as the bar journal, the e-brief, social media, and email. The State Bar is a key partner in pro bono activities, not only for marketing but also for management of the pro bono pledge database. Through this valuable partnership, marketing has increased in 2023 with new materials at the State Bar Annual Meeting and a large volume of content in September 2023's e-brief. Also, a request for an updated pro bono pledge was sent out to current volunteers, serving as a reminder to pledging attorneys of the need for pro bono service.

Equal Justice Wyoming also conducts its own outreach and recruits volunteer attorneys. Partnership with the State Bar allows Equal Justice Wyoming to reach a wider audience and communicate with the bar membership as a whole.

Trainings

A recognized barrier to pro bono service is trepidation by attorneys who are willing to serve but who have no experience in the needed practice areas. To address this training gap and provide ongoing access to training materials, Equal Justice Wyoming, the University of Wyoming, and the

State Bar partnered for a three-hour special event—free pro bono trainings in discrete topics including self-represented litigant best practices and family law. These trainings occurred on October 27, 2023 during the American Bar Association’s annual Pro Bono Week. Equal Justice Wyoming coordinated the event. It took place both in-person at the University of Wyoming College of Law and with a live webcast for remote attendees. The trainings were recorded by the State Bar; the recordings will remain available through Equal Justice Wyoming on its Pro Bono Portal.

Pro Bono Coordinator

An ongoing discussion among the Pro Bono Group has been the role of a pro bono coordinator. Equal Justice Wyoming has long filled this role as part of its mission to assist people with low incomes. Although EJW does not currently have a full-time pro bono coordinator, the EJW staff continues to manage the statewide Volunteer Lawyers Program, in partnership with the Wyoming State Bar. EJW staff screens clients for income eligibility, processes applications for services, and places cases with volunteer attorneys. EJW also coordinates other pro bono opportunities, including the Volunteer Reference Attorney Program, Wyoming Free Legal Answers, and limited scope representation through evening legal clinics. EJW offers training, materials, sample templates, and other assistance and support for volunteers. EJW staff can also help troubleshoot issues that arise in pro bono cases and connect volunteers to mentor attorneys if needed. EJW continues to explore opportunities to increase support for and coordination of pro bono services.

Other states house similar positions within legal service organizations, the state bar, or the judicial branch. However, job descriptions, responsibilities, and whether that position makes direct placement in cases vary and are not uniform.

Ongoing Work

The Pro Bono Group anticipates its work will continue in 2023 and 2024.

2022-2023 Pro Bono Committee Members

Cathy Duncil, Wyoming State Bar
 Rennie Phillips, Attorney at Law
 Tyler Garrett, Hathaway & Kunz
 Maryt Fredrickson, ATJ 2.0 Co-Chair
 Angie Dorsch, Equal Justice Wyoming
 Lisa Finkey, Wyoming Judicial Branch.

Small Business Committee

Executive Summary

In 2021, a nationwide study showed that small businesses fall into the justice gap, meaning they are unable to afford legal services or otherwise navigate through the justice system. The Small Business Group convened to determine whether small businesses in Wyoming were falling into the justice gap; whether there were common areas of unmet need; and, if so, whether some level of programming or initiatives would be warranted to address that gap.

After interviewing stakeholders and conducting other research, this group concludes the small business networks in Wyoming are providing a base level of services at this time to educate and support small businesses. No immediate needs were identified, and the group considers its work complete. However, this remains an area to stay aware of in ongoing access to justice efforts due to the importance of small businesses to Wyoming's economy. **Addendum B** to this report is a summary of this group's investigation and may provide baseline information to inform future efforts in this arena. If a small business initiative is warranted in the future, the Small Business Group recommends convening a larger multistakeholder group, similar to the breadth of stakeholder involvement that occurred in the Court Navigation stakeholder group.

Suggestions for Next Steps

The Small Business Group does not consider the small business sphere to be an immediate need for further access to justice work in the near term, but it is a topic to stay abreast of due to the importance of small businesses to the Wyoming economy.

In **Addendum B**, the Small Business Group identifies the components of a future multi-stakeholder working group if future work is needed.

2022-2023 Small Business Committee Members

Tyler Garrett, Hathaway & Kunz
 Josh Dorrell, Wyoming Business Council
 Maryt Fredrickson, ATJ 2.0 Co-Chair

Part Two – Projects for 2024

Continuing Topics

Court Navigation – The Court Navigator Group remains available as a bridge between project development and project implementation to (1) the Seventh Judicial District during lift-off of the model program and (2) the Administrative Office of Courts for transition to a statewide program. The group can serve as a resource or sounding board, or to clarify aspects of the program as proposed.

Pro Bono – The Pro Bono Group anticipates it will continue to collaborate with Equal Justice Wyoming and the Wyoming State Bar in ongoing pro bono efforts.

Forms Automation – The Wyoming Judicial Council (WJC) asked ATJ 2.0 to report on available options for forms automation through a guided interview process, which is a goal of the Wyoming Judicial Branch’s Strategic Plan (Strategic Plan), Priority 1 (Access to Justice). This will include a review of the automation program already underway and launching through Equal Justice Wyoming. ATJ 2.0 anticipates this discrete project would be short in duration.

Priority Topics Proposed for 2024

1. Service of Process: Modernization

States are innovating service of process rules to include electronic alternatives to traditional service, and some include the use of legal notice websites. This is a response to modern trends in communication, residential mobility, and the low success rate of service by publication through traditional means. Studies show that service by publication as a last resort (when a litigation opponent is unavailable for personal service) is ineffective, cumbersome, cost-prohibitive in some communities, and particularly confusing in family law cases where self-represented litigants predominate. Costs of publication can also prevent meaningful access to courts for those who otherwise qualify for a fee waiver. The National Center for State Courts (NCSC) developed a best-practices guide to inform this type of innovation effort. Several rural states, including Alaska, have developed programs that may guide ATJ 2.0’s efforts on this topic.² ATJ 2.0 anticipates this project would be similar in scope to its prior court navigation and forms work, resulting in a proposal to the WJC.

This topic aligns with the commitment in article 1, section 8, of the Wyoming Constitution for open access to the courts without denial or delay. It also aligns with the Strategic Plan, Priority 1 (Access to Justice) commitments to advance just and efficient resolution of disputes and explore alternative approaches to resolve family law cases; and it complements ongoing efforts to develop consistent fee waiver or reduction policy.

2. Family Law: The Beginning of Change

This topic presents two subtopics: one for a specific program and one smaller lift to build a foundation for future work. Both subtopics align with the Strategic Plan, Priority 1 (Access to

² See generally National Center for State Courts, Service Modernization Brief, Aug. 2022, https://www.ncsc.org/data/assets/pdf_file/0018/82512/Service-Modernization-Brief.pdf; Alaska program <http://www.courts.alaska.gov/sco/docs/sco1834leg.pdf> and <https://courts.alaska.gov/notices/index.htm>.

Justice) commitment to explore alternative approaches to resolve family law cases. Both also respond to the Wyoming Civil Legal Needs Assessment from 2020 reflecting family law as the largest area of unmet civil legal need.

Court-Connected Mediation. It is not uncommon for courts to require mediation. There is also a growing trend towards utilizing the services of a mediator at the earliest appropriate time in order to promote “early dispute resolution” (EDR). To encourage utilization of and success in court-ordered mediation, many courts house or formally partner with a mediation program of some type. They vary from state to state and court to court, but in sum, when mediation is ordered by the court, a court-affiliated program is available to provide both mediation and a mechanism to waive mediation fees if the parties cannot afford the cost of the mediation.

Courts in Laramie County, Wyoming, already require mediation in contested family law cases, but there is no court-connected mediation program to provide those services. In the past, a grant-funded program through Equal Justice Wyoming provided trained mediators at no cost to litigants in child custody proceedings in Laramie County. The program was advertised, many individuals contacted EJW about the program, and many applied for services; ultimately, however, the free services were seldom used. Although the parties were generally ordered by the court to mediate, there was no mechanism to facilitate or require the parties’ use of the free mediation program. It was EJW’s experience that one litigant would reach out for mediation and then the opponent would reject the service, many times due to distrust of the mediation services or a misperception that the other party would gain an advantage through mediation.

ATJ 2.0 would, if the WJC desires, research court-connected mediation programs with a multi-stakeholder group, inclusive of judges and court staff, including those in Laramie County, and propose an updated, model (pilot) program. If successful, a model program could be considered for implementation in other judicial districts.

Advancing the Conversation. A smaller data-gathering initiative in the area of family law is also proposed. Segments of Wyoming’s legal profession consistently discuss the need for improvements in family law. Ideas have included heavy lifts like specialty courts, revisions to Title 20, and using multi-disciplinary teams for contested cases. Ideas for smaller lifts have included fast-track dockets, consolidating discovery, triage questionnaires, and mediation. No ideas have yet gained traction. Facilitated multi-stakeholder conversations would be valuable to vet viable proposals, create synergy between stakeholders, build momentum, and advance the conversation. Stakeholders in this section are users (litigants and their children), practitioners, and courts. Conversations should include legal services providers on the front lines of family law cases, the family law bar (including guardians ad litem, the board of the Family Law Section of the State Bar, and segments of the Wyoming Trial Lawyers Association), court staff, and judges. ATJ 2.0 can convene a series of 2 or 3 stakeholder summits to meaningfully advance the conversation, realistically identify low-hanging and high-hanging fruit, and consider methods and means of implementation.³ This is a data gathering and stakeholder engagement mission. Select initiatives could then become ATJ 2.0 topics proposed in the fall of 2024 for 2025.

³ There are a wide variety of resources available to ATJ 2.0 and family law stakeholders including National Center for State Courts resources, IAALS resources, and the recent white paper issued by Professor Dona Playton, *Improving Access and Outcomes for Families in Domestic Relations Cases* (2023).

3. Funding: Broadening the Conversation

Funding for civil legal services through Wyoming's Civil Legal Services Fees continues to decline, limiting grants available to legal services providers. Interim solutions through pandemic-related grants are ending. Other entities evaluating solutions to the funding crisis are the Commission's Funding Working Group, Equal Justice Wyoming, and the Equal Justice Wyoming Foundation, a 501(c)(3) organization. ATJ 2.0 is invited to partner with the other groups for a summit or workshop to broaden that conversation, identify areas for research, and ultimately propose joint solutions. This project may be short in duration and smaller in scope than other ATJ 2.0 work.

This topic aligns with the Commission task to "work towards securing adequate funding for access to civil justice." Order Establishing Wyo. Access to Justice Comm'n, ¶ 4 (Dec. 16, 2008). It also complements aspects of the Strategic Plan, Priority 3 (Public Trust) related to funding and outreach and Priority 4 (Funding) related to information available for legislators and the branch's legislative liaison.

4. Filling the Pipeline: Law Students and Engagement for Future ATJ Leaders

The majority of access to justice champions at this time are at mid- and senior points in their careers. To ensure a generation of champions follows, additional engagement with the University of Wyoming College of Law and the young lawyers of the state bar is recommended. This topic met with enthusiasm, and ATJ 2.0 members offered diverse ideas for how to engage with and inspire future leaders. This topic is relatively small in scope, entailing some meetings with ATJ 2.0 members to generate a list of ideas for implementation. The list may include: periodic outreach events at the law school, outreach events with young lawyers or other relevant sectors of the bar, and requesting a student extern position through ATJ 2.0 or the Commission for research tasks and program involvement. This project may be short in duration and smaller in scope than other ATJ 2.0 work.

This topic aligns with the Strategic Plan, Priority 1 (Access to Justice) commitment to explore opportunities for collaboration with the University of Wyoming and bar membership.

5. Expanding Self-Help and Partnering Services: Libraries and Inter-Branch Collaboration

Wyoming's access to justice ecosystem is evolving, and a natural progression of that is to expand service delivery by partnering with existing agencies and resources outside of the traditional access to justice environment. ATJ 2.0 is a body that can convene a periodic working group, to meet 3 or 4 times a year, to assess opportunities for partnerships and propose program extensions in the following two areas:

- County Libraries. Local libraries are naturally public-oriented, familiar, and comfortable when compared to courthouses, which can be intimidating. Libraries also have weekend and evening hours, which are more convenient for many people. As such, libraries are a natural point of contact for self-help services, including kiosks for flyers and legal information, legal clinics, electronic forms terminals, Volunteer Reference Attorneys hosted through Equal Justice Wyoming, court navigators, and more. The University of

Wyoming Law Library is conducting outreach with local libraries to develop connections and identify needs, interests, and resources.

- Partnering Services. Wyoming's executive branch is launching a family resource center program, as announced by Access to Justice Commission member Jen Davis in November 2022. Finding opportunities to offer access to justice services or referrals through these centers will help expand programs' reach.

This working group aligns with commitments in parts 1, 3, and 4 of the Strategic Plan, including: providing resources for self-represented litigants, educating the public, developing outreach strategies, and improving rural access to justice. The working group also has the potential to complement the Plan's commitments to Law Day activities, treatment and mental health programs, access to court navigation and forms, and inter-branch relationships. The topic also aligns with Commission tasks to coordinate access to justice, foster statewide delivery systems, and work toward integrated planning with interested agencies and entities. Order Establishing Wyo. Access to Justice Comm'n, ¶¶ 2–3.

Addendum A

Pro Bono Data Sheet Last updated August 23, 2023

Expanding Pro Bono Opportunities. For many years, “pro bono” meant an attorney taking on a client’s entire case without the expectation of a fee. In recent years, due to advances in technology and the large increase in pro se litigants, pro bono has evolved.

Accordingly, pro bono work now attempts to address the justice gap by expanding models of limited scope representation through less intensive programs and platforms. For example, technology allows for virtual legal assistance through Wyoming Free Legal Answers, which is like an online walk-in clinic and lets attorneys provide pro bono service when it fits into their schedule. Such virtual walk-in clinics provide attorneys additional time to research legal issues (unlike traditional walk-in clinics) and allows users to obtain advice from an attorney without leaving their home. Call centers and hotlines are another example of remote and less intensive ways of serving those in need of legal help.

Another example of a limited scope pro bono opportunity is the Volunteer Reference Attorney program. Through this program, attorneys provide limited legal information and assistance at courthouses and libraries across the state. This platform can also be used for remote assistance when needed if the required technology is available.

Ultimately, limited scope representation continues to be used in Wyoming for limited tasks and limited court appearances.

While in-person walk-in clinics and the classic model of taking a full case without compensation remain in the spectrum of pro bono services, it is important that leveraging technology and utilizing innovative approaches continue to expand the ways in which attorneys meet the needs of people unable to afford legal services.

Rule 6.1: Rule 6.1 of the Rules of Professional Conduct states that lawyers should aspire to render—within the State of Wyoming and without fee—at least 50 hours of pro bono legal services per year to people of limited means or nonprofit organizations that serve people of limited means. Rule 6.1(a)(2) goes on to encourage that additional services (beyond the 50 hours) be provided at reduced rates. Rule 6.1(b) recommends that in the alternative, attorneys contribute \$500 a year to organizations that serve people of limited means.

Wyoming’s Attorneys

There are 3,391 lawyers licensed to practice in Wyoming. Of those, 1,685 reside in Wyoming.⁴

⁴ State bar membership data was gathered on August 17, 2023. The numbers include active, new active, and emeritus attorneys.

The population of Wyoming in 2022 was 581,381. One county in Wyoming (Weston County) is considered a legal desert, meaning there is one or fewer attorneys for every 1,000 people. Big Horn County also has few attorneys but does not yet meet the threshold of less than 1 attorney per 1,000 residents.

Because of the disparity between Wyoming citizens that need legal assistance and attorneys that are able and willing to assist, there is a significant gap that needs to be bridged. Innovative thinking is required to bridge this gap.

A Snapshot of 2022 and 2023's Pro Bono Work⁵

Pro Bono CLE Credit: In 2022, 130 attorneys applied for Pro Bono CLE from the Wyoming State Bar. There were 383.75 credits approved, including 36.5 hours of ethics credit. One hour of credit is received for every 2 hours of pro bono service, with a maximum of 5 credits per year.

State Bar Reimbursement of Costs: A total of \$9,552.26 was paid in 2022 by the Wyoming State Bar to reimburse out of pocket costs for pro bono expenses. This reimbursement was for 20 cases.

Modest Means: There were 204 applications submitted in 2022 to the Wyoming State Bar's Modest Means Program, which allows for reduced-rate legal services (\$75/hour) for income qualified applicants. Of those applications, 59 were qualified applicants; 22 were matched for services; and 37 could not be placed with an attorney.

Volunteer Lawyers/"I'll Do One" Program: There are 255 current pledges from this program that began in 2015. Of those, 31 signed up or updated their information in 2022. In fiscal year 2022 (ending June 30, 2022), 102 cases were handled through Equal Justice Wyoming's pro bono program and in fiscal year 2023 (ending June 30, 2023), 119 cases were handled.

Volunteer Reference Attorneys (VRA): In fiscal year 2022, there were seven VRA locations across the state, with services once a month. Thirty-two attorneys participated as volunteers and 295 individuals were served through the VRA program. In fiscal year 2023, three of the seven locations are holding two sessions per month with the remaining sites holding one session per month. Forty-eight attorneys participated as volunteers and 488 individuals were served through the VRA program in fiscal year 2023.

Wyoming Free Legal Answers.com: In 2022, 370 questions were answered, which was 92 percent of the questions asked on the site. Twenty attorneys volunteered. The top two volunteers answered 63 and 58 questions, respectively. In fiscal year 2023, 376 questions were answered, which was 92 percent of the questions asked on the site. Twenty attorneys volunteered. The top two volunteers answered 94 and 44 questions, respectively.

Limited Scope Entries of Appearance: Training materials for limited scope entries of appearance continue to be used. Data on the number of limited scope entries of appearance is not available.

Local Bar Law Nights: Equal Justice Wyoming currently sponsors quarterly walk-in legal clinics in Cheyenne, utilizing volunteer attorneys. Plans are underway to re-launch regular walk-in clinics in Laramie beginning in October 2023 as well as holding periodic clinics in other areas of the state.

⁵ This data sheet captures information from dedicated programs only, such as through Equal Justice Wyoming, its partners, and the Wyoming State Bar. This does not capture pro bono statistics from individual lawyers or firms.

Law School Clinics: Law school clinics provide free legal services through students who are not yet bar members subject to Rule 6.1. While student pro bono work is outside the scope of pro bono expansion efforts, the University of Wyoming legal clinics served 113 individuals in fiscal year 2022 and 74 individuals in fiscal year 2023.

Voluntary Contributions

Rule 6.1 provides that as an alternative to providing direct pro bono services, attorneys may contribute \$500 per year to a nonprofit organization which provides legal services to persons of limited means. The Equal Justice Wyoming Foundation (EJWF) received \$18,640 from attorneys through the Wyoming State Bar's License Fee Statements in 2022. Attorneys, judges, firms, and others also made direct contributions to EJWF for a total of \$98,756 in unrestricted donations in 2022.

Addendum B

Small Business Group Investigation Summary

Foundation Principles

The Institute for Advancement of the American Legal System (IAALS) and the Hague Institute for Innovation in Law released a study in 2021 showing that despite great strides in expanding access to justice, the justice gap continues to grow. It now includes middle-class individuals and small businesses who find themselves priced out of legal services or otherwise unable to obtain legal advice and services when needed.

Small businesses are not a small segment of Wyoming's economy. According to the Small Business Administration, more than 98% of businesses in Wyoming are small businesses, and they employ more than half of Wyoming's work force. The socioeconomic report and strategic plan developed by Wyoming's ENDOW Executive Council in 2017 and 2018 identified the need, among others, to support entrepreneurship in Wyoming in order to diversify the state's economy.⁶

Businesses are not permitted to represent themselves in Wyoming courts. Unif. R. of Dist. Ct. 1-1(b); *e.g.*, *Pilcher v. Elliott*, 2020 WY 130, ¶ 12, 473 P.3d 1251, 1254 (Wyo. 2020). Thus, while recognizing that the cost of legal services during litigation can impact small businesses, the Small Business Group's research focused on the diversity of unmet legal needs outside of litigation.

⁶ The Economically Needed Diversity Options for Wyoming (ENDOW) Executive Council was formed by Senate Enrolled Act No. 64 (2017 General Session) and was charged with developing baseline socioeconomic information followed by a 20-year economic diversification strategy.

Scholarship, Business Law Curricula, and Surveys

Scholarship in the area of small businesses and the justice gap advocates for ensuring, and expanding, if necessary, business law curriculum in post-secondary education. *Rebecca Nieman, Expanding the Paradigm in Business Law Curriculum: Bridging the Access to Justice Gap for Small Business Begins in the Classroom*, 27 *Widener L. Rev* 1 (2021). Studies and commentary also exist outside of the United States as small businesses in other developed nations similarly fall into the justice gap. *E.g.*, Legal Services Board, *Small Business Legal Needs* (April 2022), available at <https://legalservicesboard.org.uk/wp-content/uploads/2022/05/20220406-Small-business-legal-needs-FINAL.pdf>.

In response to the domestic scholarship cited above, the Small Business Group surveyed Wyoming's colleges and the state's one university. All community colleges and the University of Wyoming offer one or more business law classes in their business and management curricula. All community colleges (Western Wyoming, Laramie County, Casper, Eastern Wyoming, and Northwest) offer Legal Environment of Business, BADM 2010. Western Wyoming Community College also offers Law for Management, MGT 4340. Laramie County Community College also offers Equine & Agribusiness Law in its agricultural economics program, AGECE 2805, and an Ethics, Law, and Practice Management, DHYG 2410, in its dental hygienist program. The University of Wyoming offers four courses: Business Law for Entrepreneurs, MGT 4360; Law for Managers, MGT 4360; Legal Environment for Business, MGT 2010; and Commercial Law, MGT 4350.

The legal needs report issued by the Legal Services Board in the UK, cited above, relied on a comprehensive survey to identify the types of problems small businesses face; the number of legal problems experienced by businesses of various sizes; confidence in the legal system to solve legal problems; and the types of professional help relied on to resolve those problems without legal assistance (such as accountants or other consultants). Such a survey could be used in future efforts to obtain targeted data in Wyoming.

Entrepreneurship & Business Law Practicum

One of the several practicums at the University of Wyoming College of Law is the Entrepreneurship & Business Law Practicum, launched in 2019 and led by Prof. George Moscarly. In the first three years of the program, it served 45 business clients who were otherwise unable to afford legal services, recognizing that even \$1,000 in legal fees can be cost prohibitive for some small businesses. The practicum's work is largely related to entity formation, contract review, and non-disclosure agreements. Clients were generally referred to the practicum through a partnership with the Impact 307 program, also housed at the university. In the most recent academic year, the practicum served only three direct clients, all for entity formation, but instead focused on preparing and providing educational programming. Jill Kline of the Wyoming Small Business Development Center identified that programming as one of the resources that Center's clients use.

Secretary of State

The Wyoming Secretary of State's office was contacted early in the Small Business Group's outreach. Several years ago, this office launched some automated forms for small business to use for entity creation and annual reporting. A variety of start-up business information and educational

information is available through this office's website, as well as directions to other regulatory and tax agencies for businesses.

A large portion of this office is dedicated to serving businesses and fielding calls for assistance from businesses that vary in scope. The Director of the Business Division in that office affirmed the scope of questions from the business community vary in nature and therefore could not identify the most common issues among from this community, although funding and information about small business loans were frequent inquiries. The Small Business Group also with the Hon. Ed Buchanan, the former Secretary of State, who shared his thoughts on the wide scope of the small business components of that office. The Director of the Business Division would be happy to meet with the Small Business Group if its work continues at any point.

Wyoming Libraries

The Wyoming State Library launched "Wyoming Library to Business" (WL2B) as a free resource for low income and underrepresented entrepreneurs. This is a grant-funded project funded by the Small Business Administration, the Wyoming Community Foundation, and others. Its goal is to connect Wyoming entrepreneurs and small business owners to business experts and resources. It offers a variety of resources online, at local county libraries, and at the Fort Washakie School and Community Library on the Wind River Reservation. Online resources include webinars, that remain accessible as training videos, on diverse topics. More information about this program can be found at <https://library.wyo.gov/services/wyoming-residents/business/>. The State Library also offers access to the Gale Business Databases and other databases for business planning, entrepreneur resources, business trainings, grant information, and more. The databases can be found at: <https://gowyld.libguides.com/c.php?g=737599&p=5272882>.

Small Business Organizations and Incubators

The small business organizations contacted by the SB Group (the Wyoming Small Business Development and Silicon Couloir) affirmed that small businesses have variety of questions that are legal in scope and also described the resources and partnerships they provide to their clients for business law resources. They also identified other entities to consider partnering with in ongoing or future efforts.

Wyoming Small Business Development Center. Prior to the COVID-19 pandemic, Jill Kline of the Wyoming Small Business Development Center had a grant to provide legal information sessions to that group's clients, much like a basic legal information seminar. A law student extern and supervising attorney provided the programming. In more recent years, that group partners with George Moscarly and the law school's entrepreneurship clinic for education seminars.

Silicon Couloir. Gary Trauner, at Silicon Couloir, directs a small business and entrepreneurship group in northwest Wyoming. This group partners entrepreneurs with dedicated mentors. Specialist mentors can also meet with the mentor teams as needed, and a frequent area of demand is for legal questions that range in issues from determining the best type of entity to use to intellectual property and patent issues to IPOs. This group also uses a 6-week boot camp for all program participants, with 2- to 3-hour modules in dedicated topic areas. Legal issues is one of those topic areas. This program may have pending outreach initiatives or partnerships with the university and a community college.

Impact 307. Impact 307 is a business incubator program housed at the University of Wyoming. It partners with the UW Entrepreneur and Business Law Practicum and directs incubator clients to that practicum for legal assistance.

Wyoming Women's Business Center. This group offers microloans, business planning resources, and one-on-one business counseling and free business education webinars, which remain online for future access. Some of the resources and webinars are available in English and Spanish. This Center would be a key partner to include in future initiatives.

Suggestions for Multistakeholder Working Group

If the work of the SB Group is needed in the future, a fulsome multi-stakeholder group may be appropriate, similar to the broad stakeholder group used in ATJ 2.0's court navigator committee. It is anticipated that a diverse group could identify the common small business needs related to legal need; identify key language and questions to use in surveys for additional data collection; be able to suggest programs to meet unmet legal needs; and offer design characteristics appropriate for the business community for such programs, such as where to consolidate and host resources to reach the broadest audiences. Stakeholders to consider for a future group include:

- A member of the Wyoming Business Council (WBC) or its dynamic staff. WBC is a key stakeholder and partner. As a grant-making organization, among its many other services, the WBC can serve as a liaison for surveys in the small business community and as a potential vehicle for trainings and resource distribution.
- A representative from the Secretary of State's office. All Wyoming businesses contact this office at least annually, and therefore may be the universal contact point within the state.
- George Moscar, Faculty Director of the University of Wyoming's College of Law's Entrepreneurship & Business Law Practicum.
- Jill Kline, State Director at the Wyoming Small Business Development Center
- Wendy Fanning, Executive Director of the Wyoming Women's Business Center
- A representative from Impact 307 at the University of Wyoming
- A representative from the Wyoming State Library's Wyoming Library to Business program
- Business Law faculty at the university or community colleges may also be appropriate stakeholders to consider.
- For survey efforts, partnerships with the University of Wyoming may be appropriate for design expertise and implementation.



JUDICIAL BRANCH INNOVATION

DESIGNING OUR FUTURE, HONORING OUR PAST

Task Force Members

Judge John Perry (Ret.), Chair

Chief Justice Kate Fox

Justice Lynne Boomgaarden

Judge Catherine Wilking

Judge Jason Conder

Judge Wendy Bartlett

Judge Nathaniel Hibben

Elisa Butler

November 9, 2023

Wyoming Judicial Council
2301 Capitol Avenue
Cheyenne, WY 82002

Re: Judicial Branch Innovation Task Force – Final Report

Madam Chief Justice and Members of the Wyoming Judicial Council:

I have the honor to report to you that the work of your Judicial Branch Innovation Task Force has been completed in accordance with your directive of January 2022.

At the beginning of 2022, the Board of Judicial Policy and Administration gave the Task Force the charge to:

1. Identify the challenges facing the Wyoming Judicial Branch in its delivery of justice, including those impacting the internal functioning of the Branch and the interactions with the public seeking justice;
2. Prioritize the challenges into short- and long-term goals to be addressed;
3. Identify and evaluate potential solutions to the challenges;
4. Identify modifications to rules, policies, or statutes necessary to implement identified solutions;
5. Identify the implications (financial, structural, or other) of implementing identified solutions; and,

6. Make recommendations to the BJPA for modifications to address identified challenges.

The Wyoming Judicial Branch finds itself in a very different place than that of 2000, when Wyoming began the transition from County Courts and Justice of the Peace Courts to Circuit Courts. During the last judicial reorganization, conducted under Chief Justice Larry Lehman, the focus was on problems and inequalities created and found primarily because of policy developments that occurred within Wyoming and not as a result of external influences. While some of the work done by your JBI Task Force has similarly addressed matters which are the product of Wyoming policy development and history, much of our work has been necessitated by external influences beyond Wyoming's borders.

By way of example, drug and treatment courts were almost non-existent in Wyoming in 2000. Mental health courts and veterans' courts were unheard of in Wyoming and most other states. Promoting access to justice for those of limited economic means was little more than a footnote for Wyoming policymakers. Federal influences via federal fiscal mandates and grants over juvenile justice, mental health judicial interventions, changes to the ADA and ICWA, and more have changed the course of the administration of justice nationwide. The COVID pandemic redefined court appearances on several levels in every state.

Wyoming has not been immune to these national influences. Over the years, Wyoming's Judicial Branch has been legislatively charged with judicial administration of all these matters and more. Some of the matters now administered by the judiciary plainly do not fit the mold of straightforward dispute resolution and litigation in a neutral, law-based forum.

In her 2022 State of the Judiciary speech, Indiana Chief Justice Loretta H. Rush captured the essence of what now confronts state courts saying,

In many ways, courts have become the government emergency room for society's worst afflictions. Substance abuse, mental illness, domestic violence, homelessness – the challenges brought to courtrooms each day are the same challenges facing your constituents.

For the last two years, your JBI Task Force has methodically, and, at times, painstakingly attempted to craft a vision of that which might best serve the citizens of Wyoming, our constituents, for the next decade and beyond, while meeting head-on the requirements, policies and administrative matters which are the product of more external than internal influences.

The scope of our inquiry was exhaustive. No topic was sacrosanct. Your Task Force asked hard questions and engaged in spirited debate on a range of subjects, some of which did not resolve themselves to final recommendations. Regardless, everything was "on the table" and considered in what we now present to you.

To date, your JBI Task Force has accomplished much by way of advocating for significant changes, the impact of which will not be fully measured for several years. Among those recommendations that are now accomplishments are the following:

1. The Board of Judicial Policy and Administration has transitioned to the Wyoming Judicial Council signaling a new direction for the Judicial Branch.
2. Various court rules have been amended to facilitate the move forward.
3. The Judicial Branch now has a Mission Statement,¹ a Vision Statement,² and an articulated commitment to excellence,³ all of which emphasize in further detail access to justice, effective operation of the Judicial Branch, and public trust and accountability.
4. The Judicial Branch now has a strategic and operational plan.
5. There is now a communications plan adapted to messaging in an online world.
6. There is ongoing cognizance of national initiatives, best practices, and how those might positively further the delivery of justice in Wyoming.
7. There has been an extended effort to examine the structure of the Administrative Office of the Courts, the potential for family courts, and implementation of an efficient court navigator program for those civil litigants who appear before the courts without the benefit of counsel.
8. We have secured grant funds to start a court navigator program, which may provide the opportunity for implementation of a statewide model.
9. We have conducted an in-depth review of access to justice in Wyoming and its various administrative components.
10. We have facilitated listening sessions with those in all branches of government that are part of the daily administration of justice.

While much has been done, much consequential work remains. On behalf of your Task Force, of that which remains for further debate and policy development I now lay at your doorstep. We submit to you the following matters and encourage the Wyoming Judicial Council to:

1. Continue the current operational plan and review the same on a quarterly basis.
2. Develop the framework for the production of bi-annual strategic planning and execute on the same.

¹ As an independent branch of government, we provide access to justice through the timely, fair, and impartial resolution of legal disputes.

² 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.

³ 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 cohesive 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.

3. Plan for yearly listening sessions with those representatives of entities having a direct interface with the Wyoming Judicial Branch (e.g., the legislature, the County Commissioners' Association, the Clerks of District and Circuit court associations, the Wyoming Prosecutors' Association, the Public Defender's Office, and other necessary Executive Branch agencies).
4. Pursue and advocate for additional funding for the Administrative Office of the Courts and the entire Branch to better meet the needs of citizens who come before the courts.
5. Provide new opportunities for improved leadership programming and education to judges and justices.
6. Evaluate pilot programs, such as the court navigator program, and determine how to further implement the same on an economically sound basis to improve access to justice in Wyoming.
7. Monitor national trends in judicial administration and share and disseminate knowledge to keep pace with technology and other external influences.
8. Assess Wyoming specific local and statewide needs for the purpose of the timely administration of justice for all.
9. Engage in outreach to encourage future, high quality judicial officer recruitment.

What we bring you is not without controversy.⁴ Even before the establishment of the Circuit Courts and the Board of Judicial Policy and Administration in 2000 there was tension between the three individual court conferences. What we propose has not acted to eliminate those tensions, but we hope to have made inroads. As many of you know, for decades the Judicial Branch has encountered episodic internal infighting. Admittedly, not all of that can be eliminated, nor is it institutionally healthy to attempt to eliminate conflict. That said, it is imperative to the rest of the world that the Judicial Branch speak through you, the Wyoming Judicial Council. The fact remains you will have to recognize these internal, protectionist issues with diplomacy and some accommodation while moving forward with a vision of the future of the Judicial Branch.

Of importance is our implicit recommendation that the Wyoming Judicial Council zealously guard its authority as the policymaking body for those administrative matters which control the judicial branch of government. Of some concern in the Task Force was the premise that your predecessor, the Board of Judicial Policy and Administration, over time became merely the taker of reports while real policy was being crafted as a matter of having "everyone at the table," judicial officers or not. Certainly, it is important to gather viewpoints and input from all stakeholders who interact with the daily tasks of the judiciary. That said, when it comes decision-making time, that job is solely the responsibility of those who are on the Wyoming Judicial Council. While input is valuable, there are none but the Justices and Judges who sit at the table when time comes to chart the course of the Judicial Branch.

What is now your charge is one of complexity, urgency and, perhaps to some, audacity. In undertaking the recommendations made in our report, it is my belief that full consideration and

⁴ "Controversy is only dreaded by the advocates of error." Benjamin Rush; and, "In controversy, the instant we feel anger we have already ceased striving for the truth and have begun striving for ourselves." Abraham Joshua Heschel

potential implementation of the same will be an undertaking of eighteen (18) months or more. My characterization of these matters as urgent is not made lightly. Further, it is our belief that except for the ongoing and necessary increases in appropriations requiring legislative approval, the administrative changes we have envisioned are solely within the province of the Judicial Branch, and your authority as the Wyoming Judicial Council.

In making this report, I am proud to commend to you the sometimes difficult work done by the individual members of your JBI Task Force, those being Chief Justice Fox, Justice Boomgaarden, Judge Wilking, Judge Conder, Judge Bartlett, Judge Hibben, and Court Administrator Butler. Our work would have been nearly impossible without the assistance of the NCSC, David Slayton⁵, Kristen Trebil-Halbersma, Mandy Allen, Jesse Rutledge, and others and Wyoming owes them a debt of gratitude.

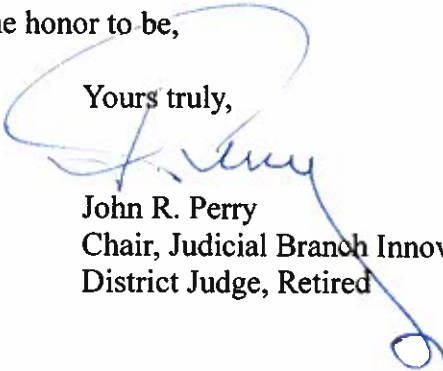
What we bring you is change. Change is constant and essential. I leave you with this quote from Benjamin Franklin: "Change is the only constant in life. One's ability to adapt to those changes will determine your success in life." For whatever it is worth, we believe at this point in history, Wyoming's Judicial Branch has an opportunity to make positive changes which will strengthen the Branch to the benefit of all for years to come.

Given the scope of this work, we offer to present ourselves to the Wyoming Judicial Council at its meeting of December 11, 2023, to answer questions you may have. While all of us might not be able to attend due to scheduled hearings and more, there are several who offer our personal appearance in Cheyenne should you request the same.

In conclusion, I ask your acceptance of your Task Force's final report and I request your formal action to discharge the Judicial Branch Innovation Task Force from further obligation, its work having been concluded.

I have the honor to be,

Yours truly,



John R. Perry
Chair, Judicial Branch Innovation
District Judge, Retired

⁵ Mr. Slayton was the NCSC team leader of this project in its first year and moved on to become court administrator in one of California's largest districts.

WYOMING STRATEGIC PLANNING/GOVERNANCE

(Phase Two)

LEADERSHIP/GOVERNANCE

Prepared for:
Wyoming

Prepared by:
National Center for State Courts
Court Consulting Services
October, 2023

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ACKNOWLEDGMENTS

The National Center for State Courts (NCSC) project team gratefully acknowledges the State of Wyoming Judicial Branch and the Wyoming Judicial Council for their assistance and leadership during this project. During the course of the project, we were fortunate to work with a distinguished group of dedicated individuals. We would like to express our appreciation to:

Hon. John Perry (Ret.), Chair of Wyoming JBI
Hon. Kate Fox, Chief Justice of the Wyoming Supreme Court
Hon. Lynne Boomgaarden, Associate Justice of the Wyoming Supreme Court
Hon. Wendy Bartlett, Circuit Court Judge
Hon. Nathaniel Hibben, Circuit Court Judge
Hon. Catherine Wilking, District Court Judge
Hon. Jason Conder, District Court Judge
Elisa Butler, Wyoming State Court Administrator

EXECUTIVE SUMMARY

The Wyoming Judicial Branch, having completed phase one of a two-phase project to address governance and to develop a strategic plan, embarked on this phase two of the project during the year 2023. The goals of this project included expanding on the newly adopted strategic/operational plan, to identify and prioritize tasks which would assist the Judicial Branch in meeting its goals, and to develop and execute a communications plan. The second phase would also identify areas which would benefit from formal committee creation through the Wyoming Judicial Council (WJC). In both phases, the Judicial Branch Innovation (JBI) task force met regularly to vet issues and ideas and ultimately presented decision items to the WJC for consideration.

The Wyoming JBI task force cast the net wide during phase one, identifying and examining all ideas brought to the table by task force members. While not all ideas were fully developed, there were several successes.¹ Phase one of the project involved successful rebranding of the Board of Judicial Policy and Administration (BJPA), into the Wyoming Judicial Council (WJC), the ultimate governance body for the Wyoming Judicial Branch. In addition, the JBI adopted a mission statement, vision statement and strategic/operational plan, setting forth the goals of the Judicial Branch for the coming years.

For this phase of the project, the Wyoming Judicial Branch sought assistance with facilitation, identification and development of specific goal-centered operational tasks with prioritization, development of a communications plan, and support with research regarding specific task items.

The NCSC project team made the following recommendations to the Wyoming Judicial Council:

- Strengthen the Administrative Office of the Court
- Build Capacity with New Judges – Build Future Leaders
- Make Strategic Planning a Regular Business of the Court
- Conduct Annual Listening Sessions
- Adopt a Communications Plan for the Wyoming Judicial Branch

¹ The final report of the NCSC project team for phase one details the work of the JBI and is attached as Appendix D to this report.



NATIONAL CENTER FOR STATE COURTS

This report was prepared for the Wyoming Judicial Council. The Court sought assistance from the National Center for State Courts ("NCSC" or "National Center"), to follow the 2022 study (phase one) regarding governance and strategic planning. For this project (phase two), the Courts sought to identify and develop communication strategies, analyze the goals and plans identified in the strategic/operational plan from phase one of the project, and to identify tasks that could be performed by the Wyoming Judicial Branch to accomplish the mission and goals of the Branch.

Consulting services were provided by the NCSC, which is an independent, private, non-profit corporation, chartered in 1971 by the US Supreme Court, targeting the betterment of courts nationwide and around the world.

This project consulting team provided assistance to the Wyoming Judicial Branch in planning and communications, as well as meeting planning and facilitation.

The points of view and opinions expressed in this report are those of the authors as agents of the National Center, and do not necessarily represent the official position or policies of the Wyoming Judicial Branch, the judges, or staff.

Funding for this project was provided by a grant from the State Justice Institute (SJI) (T-23-006), a unit of the United States Department of Justice. The SJI was established by federal law in 1984 to award grants to improve the quality of justice in state courts, and foster innovated, efficient solutions to common issues faced by all courts.



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PROJECT SCOPE OF WORK

The NCSC consulting team, together with the JBI task force, developed a work plan as part of the consulting agreement. The project tasks are described below.

Project Initiation- Reinvestment Conference

The first official meeting of this phase two was held on March 30, 2023. The purpose of the meeting was to re-engage the JBI, review accomplishments from phase one and set goals for the duration of phase 2.

Meeting Planning/Facilitation

The NCSC project staff assisted with meeting planning for each meeting of the JBI. The NCSC project director met with the Wyoming project team leaders to assist in agenda development prior to each meeting. Agendas and meeting resources were prepared by NCSC staff and the State Court Administrator and provided 7-10 days prior to each scheduled meeting. In addition, the NCSC staff researched possible resource materials, engaged meeting presenters, and prepared various presentations. Following each meeting, the NCSC staff prepared written notes of the meeting and provided those notes to the Wyoming project team for dissemination to the JBI members.

Identify and Develop Communications Strategies

At the March 30, 2023, meeting, the NCSC team introduced the JBI to Jesse Rutledge, VP of Public Affairs for the NCSC. Mr. Rutledge began work on a communications plan to assist the Wyoming Judicial Branch identify areas for improved communication along with methods of accomplishing that communication.

Analyze Goals/Plans to Assist in Development of Realistic Tasks

During phase one of the project, the Wyoming Judicial Council and the JBI adopted a strategic/operational plan, after examining the many ideas brought to the table by the task force membership. During phase two of the project, the JBI further analyzed the goals set within the strategic/operational plan and identified tasks that could be performed to meet the goals. The JBI then set realistic timelines for completion of the identified tasks.

Draft and Final Reports

The NCSC project team prepared a first draft of the report detailing the project. A copy of the draft was provided to the members of the JBI for comment and suggestions for needed changes. Following any recommended changes, the report was provided to the JBI and the Wyoming Judicial Council for final review and dissemination.

Implementation Support and Coaching

During this project, implementation support and coaching was provided by NCSC coaching staff.

Tasks & Timeline

The following tasks and timelines were established for this project:

Tasks	1	2	3	4	5	6	7	8	9	10	11	12
1: Project Reinitiating	X											
2: Meeting Planning	X	X										
3a: On-Site Meeting	X	X	X	X	X	X	X	X	X	X	X	
3b: Meeting Facilitation	X	X	X	X	X	X	X	X	X	X	X	
4: Identify Experts			X	X	X	X	X	X	X	X		
5: Analyze & Develop		X	X	X	X	X	X	X		X	X	X
6: Draft Report										X	X	
7: Revise/ Final Report											X	
8: Present Report												X
9: Coaching	X	X	X	X	X	X	X	X	X	X	X	X

OBSERVATIONS & RECOMMENDATIONS

Observations

Operational Plan Task List

Upon completion of the strategic/operational plan in phase one, the JBI examined each of the objectives of the operational plan and developed a list of tasks that would be required to complete each objective.

Each task was then prioritized and proposed completion dates were established, thereby making the objectives measurable. The lead entity responsible for completing each task was also established by the JBI, whether that be the within the Judicial Branch, one of the justice partners such as the Wyoming State Bar Association, or the University of Wyoming.

Finally, the JBI evaluated the status of each task as some items had previously been completed during phase one or were in progress. Other items remained in a pre-commencement phase.

As of the writing of this report, the JBI has identified 53 tasks to complete. The JBI, Wyoming Judicial Council and the Wyoming Judicial Branch have completed 3 of those tasks during phase two, with the remaining tasks to be completed during the remainder of 2023 and during 2024. The State Court Administrator is serving as the lead, tracking progress, and reporting back to the JBI and the WJC.

Communications Plan

During phase one of the project, the JBI and the WJC agreed that a communications plan for the Judicial Branch would be beneficial for the purpose of developing communication strategies to advance the goals of the Judicial Branch. The plan would also be valuable for the Judicial Branch moving forward, for effective communication with legislators, other justice system partners, the media, and the public.

As part of the communications plan, the JBI identified five short-term objectives, and for each, developed some tactics and next steps in implementing the plan. Those objectives: articulating common messages, identifying themes and development of branding to be used through communications efforts; supporting stronger internal communication amongst judges and court staff with the purpose of creating an identity of the Judicial Branch and to promote unification; building awareness of and buy-in to, the work of the JBI with other system partners; enhancing public trust and confidence in the state's judicial system by reaching key target audiences; and engaging in public education about Wyoming's existing system of judicial selection.

The JBI planned and held listening sessions on July 14, 2023, with several key judicial partners and stakeholders, including county commissioners, elected clerks, legislators, sheriffs, state bar officials, prosecutors, agency officials (Department of Family Services and Office of the Guardian ad Litem), and public defenders. Common themes expressed during the listening sessions included the need for increased access to the judiciary, good mentorship opportunities for new attorneys, and the need to revisit some rules of practice in Wyoming. The JBI also affirmed, through the process of the listening sessions, that the strategic/operational plan correctly identified the areas needing attention by the Judicial Branch.

Recommendations

Strengthen the Administrative Office of the Court

As identified in phase one and again in phase two, the Administrative Office of the Court is understaffed. The Wyoming Courts are not a unified court system, but all the courts rely on the administrative office for several functions that local courts do not have the resources to provide.

The State Court Administrator has identified key positions needed in the Administrative Office, as demonstrated in the List of Priority Positions for the AOC, in Appendix C. These include additional positions in Information/Technology and Human Resources, but also create much needed functions such as Grant Writer, Chief Information Officer, and Education Coordinator.

It is recommended that the Wyoming Judicial Council carefully review the positions requested, prioritize their funding, and make the funding requests from the legislative branch.²

Build Capacity with Newer Judges/Build Future Leaders

Wyoming has had nineteen (19) new judges sworn since January 1, 2021. With a total bench of 50 (combined circuit and district court), this turnover is significant. The number of new judges presents challenges, but more importantly, it presents opportunities for the Wyoming Judicial Branch.

The history of the Wyoming Judicial Branch is steeped with tradition which resists change in some areas of operation. With new judges, Wyoming can review traditions, culture and norms and select practices to keep and identify areas requiring change.

New judges may bring new focus and leadership, and for this reason, the NCSC project team recommends that the Wyoming Judicial Branch capitalize on this development. Leadership development with new and experienced judges is paramount during this period.

The ideal result would be cohesive trust among both judicial conferences, the state court administrator's office, the supreme court, and the Wyoming Judicial Council.

The NCSC project team further recommends that leadership teams participate in executive coaching to enhance leadership skills, improve team decision-making, and to create an atmosphere of trust within the organization.

Ongoing Strategic Planning/Institutionalize the Work/Annual Retreat

Strategic planning must become part of the everyday business of the court. As goals are realized, the Judicial Branch should celebrate success and set new goals based on needs and desires of the Branch. If a goal is not achieved, the Judicial Branch should evaluate the reasoning, modify if necessary or move forward as necessary. Monitoring and planning should become regular activities.

The operational plan task list should be a living document, constantly updated as tasks are completed, with regular check-in efforts to identify progress.

² It should be noted and the Wyoming Judicial Council should be congratulated for including the highest priority positions in its next biennial budget request to be considered in the first quarter of 2024.

It is recommended that the Wyoming Judicial Council regularly solicit ideas and feedback from various justice partners to prioritize and plan. They should hold an annual work retreat to review and update the operational plan of the Judicial Branch.

Annual Listening Sessions

During this project, the JBI planned and conducted listening sessions with various justice partners such as county commissioners, district attorneys, public defenders, the Wyoming Bar Association, sheriffs, and clerks of court. The sessions helped to confirm that the strategic and operational plan of the Wyoming Judicial Branch is on target. The sessions also provided some baseline information for the branch and a safe forum for justice partners to express their needs.

It is recommended that the Wyoming Judicial Council conduct annual listening sessions to keep the lines of communication open and to assist in tracking perceived progress on their strategic and operational plan.

Communications Plan

The communications plan of August, 2023, sets forth five (5) objectives and identifies tactics and next steps in order to achieve each objective. The purpose of the plan is to assist the Wyoming Judicial Branch in achieving its goals through communication with various entities.

The NCSC project team recommends that the Wyoming Judicial Council adopt the proposed communication plan and begin working on the objectives, recognizing that full implementation will depend on obtaining funding for adequate staffing. The communications plan should be updated as necessary.

SUMMARY & CONCLUSION

The purpose of this project was to analyze goals and plans identified in the strategic/operational plan of the Wyoming Judicial Branch and to develop a communications plan. During the project period, the JBI worked toward that purpose.

Recommendations from this phase two include the continued efforts to meet the goals established during phase one and to make strategic planning a regular operational procedure of the Judicial Branch.

The members of the JBI have agreed that the purpose and goals of the JBI task force have been realized during phases one and two of this project. Therefore, the JBI will be dissolving at the conclusion of this phase two, with the caveat that the Wyoming Judicial Council will take up future planning for the Judicial Branch.

The members of the JBI task force should be congratulated for staying the course during this project. Each member contributed valuable ideas, content, knowledge, and expertise needed to bring this project to final presentation to the Wyoming Judicial Council. The best interests of the Wyoming Judicial Branch are clearly defined with the roadmap developed by the JBI task force, and the Wyoming Judicial Council has received a plan for future of the Wyoming Judicial Branch.



APPENDICES

Appendix A – Operational Plan Task List

Appendix B – Wyoming Judicial Branch Communications Plan

Appendix C – List of Priority Positions for the AOC

Appendix D – Project Report – Phase One

APPENDIX A

 Wyoming Judicial Branch Last updated October 14, 2023 							
Wyoming Strategic Plan Objectives: Timelines and Responsibility							
Objective	Description	Timeline	Admin Assignment	Responsible Entity	Priority	Status	Tasks
Objective 1 - Access to Justice	Establish a Court Navigator program for the judicial branch.	1st Quarter 2024	All hands on deck	Natrona County Judges Access to Justice Commission	High	*Proposal to the WJC at June 2023 meeting approved by WJC. *SJI grant submitted and approved. *Meeting bi-monthly to stand up pilot.	*Review and discuss work plan to be proposed by NCSC.
Objective 1 - Access to Justice	Establish a pilot diversion program for pre-adjudication diversion of low-level offenders away from the justice system to mental health treatment.	1st Quarter 2024	Legal	Behavioral Health Committee		*Currently working toward pilot launch in December 2023 or January 2024.	*Preparation of SJI grant for the November grant cycle. *Continue work with Campbell County stakeholders to set up program.
Objective 1 - Access to Justice	Transition administration of treatment courts from Wyoming Department of Health to Wyoming Judicial Branch.	2nd Quarter 2024	Legal	Behavioral Health Committee Treatment Court Subcommittee		*On schedule for transition in July 2024. *Working with DoH on transition of tasks/responsibilities. *Working on transition of budget and position.	*Contracted with NPC Consulting to assist in transition. *Currently working on funding application documents for treatment court grantees. *JJC report provided to Legislature on August 1st. *Certification process *Peer review process - think about pulling out Treatment Court objectives to be part of the strategic plan

Objective 1 - Access to Justice	Create standardized forms.	Initial set of forms - 1st Quarter 2024 Remaining forms - 4th Quarter 2024	Legal EJW	Forms Committee Access to Justice Commission	High	*WJC Forms Committee approved at June 2023 meeting. *First committee meeting held.	*Begin working on forms relevant to court navigator program as a priority. *Work through additional forms with the committee.
Objective 1 - Access to Justice	Maintain standardized forms.	Ongoing	Legal EJW	Forms Committee	High		*Regular review of forms to ensure they are current.
Objective 1 - Access to Justice	Make Access to Justice Commission a standing committee of the Wyoming Judicial Council.	COMPLETE		Wyoming Judicial Council	High	Completed	
Objective 1 - Access to Justice	Ensure that indigent litigants have access to the courts through fee waiver or reduction for qualified applicants.	1st Quarter 2024	State Court Administrator, as needed.	Access to Justice Commission	Low	*ATJ working with Judges to determine best course. *Will bring back to WJC.	
Objective 1 - Access to Justice	Explore incentives to promote practice of law in rural areas of Wyoming.	1st Quarter 2024	State Court Administrator, as needed.	Wyoming State Bar UW Law School	Medium	*Presented at April and September 2023 JJC meeting. *Bill draft will be discussed at November 2023 JJC meeting.	*Review bill draft and prepare testimony if necessary.
Objective 1 - Access to Justice	Facilitate a mentoring program for attorneys.	4th Quarter 2023	State Court Administrator, as needed.	Wyoming State Bar Chief Justice	Medium		
Objective 1 - Access to Justice	Explore opportunities for collaboration with the University of Wyoming and the Wyoming State Bar to enhance the skills of lawyers.	3rd Quarter 2024	State Court Administrator, as needed.	Wyoming State Bar UW Law School Chief Justice	Medium	*Law School currently in the process of hiring new dean. Will work through the new dean for this item.	
Objective 1 - Access to Justice	Investigate the possibility of expanding the role commissioners and magistrates play in the courts.	1st Quarter 2025	State Court Administrator	WJC	Medium		*Will be placed on WJC agenda in 2024.
Objective 1 - Access to Justice	Evaluate alternative approaches to resolving domestic relations cases and other cases that involve families.	4th Quarter 2023	State Court Administrator	Judicial Branch Innovation	Medium	*Discussed at JBI meeting. JBI decided not to take action at this time.	

Objective 1 - Access to Justice	Explore Family Courts.	4th Quarter 2023	State Court Administrator	Judicial Branch Innovation	Medium	*Discussed at JBI meeting. JBI decided not to take action at this time.	*Need direction on next steps.
Objective 1 - Access to Justice	Investigate shift of child support cases to the Office of Administrative Hearings.	4th Quarter 2023	State Court Administrator	Judicial Branch Innovation	Medium	*Discussed at JBI meeting in the spring. *Elisa obtained some stats from child support enforcement on the number of cases currently in the district courts.	*Need direction on next steps.
Objective 1 - Access to Justice	Explore the possibility of hiring staff to screen and triage domestic relations cases.	4th Quarter 2023	State Court Administrator	Judicial Branch Innovation	Low		*Need direction on next steps.
Objective 1 - Access to Justice	Improve the reports judges can use to manage their dockets.	4th Quarter 2023	State Court Administrator	Technology Committee	Medium	*Currently with the Technology Committee.	*Receive feedback from Technology Committee on forms needed. *Prioritize and begin working on creating forms.
Objective 2- Operations	Ensure a safe workplace for judicial officers, staff, jurors, and the public.	Ongoing	State Court Administrator	Wyoming Judicial Council Court Security Commission	High	*Security survey sent to Judicial Officers and other stakeholders. *WJC approved moving forward with applying for an SJI grant for a security audit in spring 2024. *WJC approved moving forward with request for funding to contract for services to scrub Judge/Justice data. *Bill drafts on security presented at September JJC meeting - one bill draft will be discussed at November meeting.	*Apply for SJI grant in March 2024. *Provide testimony at JJC.
Objective 2- Operations	Develop secondary trauma and well-being programs and services for judicial officers, staff and jurors.	Program = 3rd Quarter 2024 (dependent on funding)	Fiscal/HR	HR Committee	High	*Secondary trauma program presented at district and circuit court judges' conference in May. *EAP approved for budget request by WJC.	*Place on HR Committee agenda after budget session.

Objective 2-Operations	Formalize and fund the use of retired justices and judges to provide assistance as needed.	3rd Quarter 2023 Ongoing	State Court Administrator Fiscal/HR	WJC	High	*WJC approved guidelines for use of retired judges at the June 2023 meeting. *Additional money approved for budget request by WJC.	
Objective 2-Operations	Create formalized education opportunities for employees and judges.	Ongoing	Education Fiscal/HR	Education Committee	Medium	*WJC approved budget request for employee enrichment.	*Education Division will work toward and research opportunities for staff enrichment.
Objective 2-Operations	Create a mentorship program and expectations for new employees and Judges.	2nd Quarter 2024	Fiscal/HR Education	HR Committee Education Committee	Medium		*For Judges, mentorship will be part of the judicial orientation - need to work with Education Committee to create revised judicial orientation. *For employees, will work with HR Committee to create program.
Objective 2-Operations	Provide a more robust and effective judicial orientation for new judges.	4th Quarter 2023	Education	Education Committee	Medium	*The leg-work is complete. *Steps toward revamped judicial orientation taken with newest judge appointment.	*Work with Education Committee to refine orientation for Judges.
Objective 2-Operations	Create a new employee onboarding program.	2nd Quarter 2024	Education Fiscal/HR	HR Committee Education Committee	Medium	*Administration team working toward creating a draft plan for review by the HR Committee.	
Objective 2-Operations	Increase workplace flexibility where possible.	2nd Quarter 2024	Fiscal/HR	HR Committee	Medium		*Admin staff will create draft guidelines for courts to use, if they choose. *Will place draft guidelines on HR Committee agenda for review.

Objective 2-Operations	Maintain adequate compensation for judicial officers and judicial branch employees.	Ongoing	State Court Administrator Fiscal/HR	Legislative Relations Committee HR Committee	High	*HR Committee proposed classification structure that was approved by the WJC at the June 2023 meeting. *2023 employee compensation allocated to employees in accordance with WJC decision. *WJC approved budget request for additional employee compensation to bring employees up to 94% of market.	*Continued work on educating Legislature on need for additional employee compensation. *Work with HR Committee to create a compensation philosophy.
Objective 2-Operations	Conduct training with judicial officers and court staff on remote interpretation software.	Initial training complete Ongoing	Legal	NONE	Low	*Have provided initial training on the application. *Will provide ongoing training as needed and requested. *On-demand trainings available on learning management system.	
Objective 2-Operations	Continue to provide routine cybersecurity awareness training to all members of the branch.	Ongoing/currently underway	IT	NONE	High	*Currently providing bi-monthly training and will continue.	
Objective 2-Operations	Upgrade or replace aging infrastructure hardware/software to ensure network security.	Ongoing	IT	Technology Committee	Medium	*Hardware/software standard approved by WJC.	*Will continue to work on courtroom technology refresh schedule. *Work on implementation of hardware/software standard after upcoming budget session.
Objective 2-Operations	Create uniform cybersecurity and technology standards for the branch.	3rd Quarter 2024	IT	Technology Committee	Medium	*Working on finding vendor for cybersecurity/PCI audit. *Review of NIST policies complete.	*Work with Technology Committee to chart a course for policies.

Objective 2-Operations	Centralize administrative functions of the circuit courts as appropriate.	3rd Quarter 2024 (dependent on funding)	State Court Administrator Fiscal/HR	WJC	Low	*Performed workload study to determine if efficiencies could be gained from centralization - no efficiencies can be gained based on workload study results.	*Determine if there are tasks that can be allocated to courts with lower workloads to ease the burden on high workload courts.
Objective 2-Operations	Create a court services office to better support the judges and their staffs.	Court Services employee = 3rd Quarter 2024 (dependent on funding)	State Court Administrator	NONE	Medium	*Position approved for budget request by WJC.	*Work to educate Legislature and JAC on need for position.
Objective 2-Operations	Conduct training on problem- solving courts with judges, court staff and other stakeholders.	Ongoing	Legal	Behavioral Health Committee Treatment Court Subcommittee	Medium	*Annual training in May.	
Objective 2-Operations	Implement FullCourt Enterprise case management system in all trial courts statewide.	4th Qtr. 2023	Applications	Technology Committee	High	COMPLETE *FCE implemented in Circuit Courts in 2020. *FCE implemented in Chancery Court in 2021. *FCE implementation in District Court complete.	
Objective 2-Operations	Implement electronic filing in all trial courts statewide.	1st Qtr. 2026	Applications	Technology Committee	High	*eFiling implemented in Chancery Court in 2021. *Working through implementation of eFiling in District Courts - 9 courts scheduled to be live by the end of 2024.	*Continue implementation in District Courts. *Negotiate and execute eFiling contract for Circuit Courts. *Begin implementation of eFiling in Circuit Courts.
Objective 2-Operations	Revise and revamp eCitation process	2nd Qtr. 2025	Applications	Technology Committee	Medium		*Revise master statute table. *Revise citation format - multiple charges per citation. *Rebuild/rethink eCitation repository. *Change case types for citations. *Work with law enforcement agencies and vendors to implement new process.

Objective 2-Operations	Implement updated case management system and eFiling system in the Supreme Court.	2nd Qtr. 2025	Applications Supreme Court Clerk's Office	Wyoming Supreme Court	High	*RFPs received and currently under review.	*Select vendor. *Negotiate and execute contract. *Implement systems.
Objective 3-Public Trust	Assess public expectations and obtain feedback.	Initial assessment = 2nd Quarter 2024	State Court Administrator	WJC	Medium	*CJP working on survey to parents to determine their experiences in the courts.	*Will place on Judicial Council agenda to review with Council.
Objective 3-Public Trust	Publish annual State of the Judiciary.	Ongoing	IT State Court Administrator	NONE	Medium	*Currently available on WJB website.	*Verify where else this should be posted.
Objective 3-Public Trust	Educate the public on the accessibility of the Judicial Learning Center and the courts.	Ongoing	State Court Administrator Legal	NONE	Low	*Talked with the Office of the Superintendent of Public Instruction to find ways to market the Judicial Learning Center.	*Follow up with Superintendent's Office. *Streamlining process to visit.
Objective 3-Public Trust	Plan and implement Law Day activities statewide.	1st Quarter 2025	State Court Administrator EJW	WJC	Low		
Objective 3-Public Trust	Secure funding for a public information office for the AOC.	2nd Quarter 2024	State Court Administrator	Legislative Relations Committee	High	*Position approved for budget request by WJC.	*Work to educate Legislature and JAC on need for position.
Objective 3-Public Trust	Ensure media coverage of the State of the Judiciary.	Ongoing	State Court Administrator	NONE	Medium	*Currently available on Wyoming PBS.	*Determine if there are other places to address for media coverage.
Objective 3-Public Trust	Create an outreach strategy.	4th Quarter 2023	State Court Administrator	Judicial Branch Innovation	Medium	*JBI working on communications plan.	*Place on December 2023 WJC meeting agenda.
Objective 3-Public Trust	Train judicial officers and court staff on procedures for entering data and the importance of data quality and integrity.	Training plan = 4th Quarter 2023	IT	Technology Committee	High	*Working on identifying discrepancies. *Start with CSP data. *Will move forward from there. *Data trainer selected and hired. Will begin in November 2023.	*Create training program.
Objective 3-Public Trust	Perform annual audit on data integrity.	3rd Quarter 2024	IT	Technology Committee	High	*Working on CSP data now.	
Objective 3-Public Trust	Consider a data access policy for internal and external customers.	4th Quarter 2024	IT	Technology Committee	Medium	*Part of the broader data governance policy.	

Objective 3- Public Trust	Create a data governance policy for the branch.	4th Quarter 2023	IT	Technology Committee	Medium	*Initial policy presented to Technology Committee - more background needed. *Set for review by Technology Committee in October.	
Objective 4- Funding	Update 10-year budget need projection for IT support and hardware and long-term projection for other areas.	Currently have 10-year projection Ongoing	IT Fiscal	NONE	Medium	*Projection in place and being updated.	*Annual evaluation
Objective 4- Funding	Update the statistical workload model.	Circuit Court = 3rd Quarter 2023 District Court = ?	IT HR State Court Administrator	Workload Study Committee	High	*Time study complete for circuit courts. *Workload study report finalized for circuit courts.	
Objective 4- Funding	Develop informational resources to provide to legislators.	Ongoing	State Court Administrator Fiscal	Legislative Relations Committee	High	*Talking points finalized.	*Finalize handout for legislators for 2024 session.
Objective 4- Funding	Educate members of the judicial branch on operation of the branch so they may convey a consistent message to members of other branches of government.	Immediate/Ongoing	State Court Administrator	WJC	Medium	*Informational session at Judicial Conference to discuss Judicial Branch talking points with Judges and Justices.	
Objective 4- Funding	Provide civics for legislators course.	Completed in 2023 Ongoing?	State Court Administrator, as needed.	NONE	High	*Chief Justice Fox and Justice Kautz provided presentation in 2023.	
Objective 4- Funding	Support court administration in its role as legislative liaison.	Ongoing	State Court Administrator	NONE	High		

APPENDIX B

Wyoming Judicial Council/Judicial Branch Innovation

Communications Plan DRAFT

This draft plan will serve as the basis for communications strategies intended to advance the goals of the 2023 Wyoming Judicial Branch Innovation committee, as well as develop the first steps of a wholistic, multi-year communications plan for the entire branch. Through the plan’s ongoing execution, legislators, other justice-system partners, the media, and the public will become more attuned to the ongoing hard work of the judicial branch.

The plan begins with the assumption that in the near term, staffing resources to support communications efforts are minimal. As staff support resources grow, this plan can be expanded to identify additional strategies and tactics. When a full-time resource joins the team, that person should immediately engage with the national Conference of Court Public Information Officers (CCPIO) to grow their own professional development and to “import” lessons learned from other court PR professionals. It is hard to understate the value of not reinventing the wheel.

This plan identifies five short-term objectives; suggests tactics for their effective pursuit and where available, provides additional resources.

APPENDIX C

1. **Grant Writer – equivalent BAGC09 \$71,000**

Responsible for programmatic and financial management of grants. Technical assistance includes reviewing federal and state requirements and ensuring compliance. Assistance may include monitoring and analyzing the performance of grantees and ensuring proper fiscal control. Responsible for writing grants, compiling, and reviewing project budgets. Will participate in state and federal program and financial audits of grant programs.

Position will assist in finding, writing, and managing grants that assist in payment of programs and projects approved by the Wyoming Judicial Council, including treatment courts, mental health initiatives, court security, etc.

2. **2 Applications positions – Team Lead \$75,600, Apps Support Specialist \$63,000**

Team Lead will lead a support team, assisting the Branch and county employees with providing support for Judicial Branch applications. This position will focus on ensuring Judges, Justices, branch employees, agencies, and county employees receive top-notch customer service, including managing the help desk for the applications team. The Apps Support Specialist will provide technical support for the Branch and county employees primarily through the help desk. These positions will be primarily responsible for help desk issues, freeing up time for other applications team members to enhance the systems already in place to make them more accessible and functional for end-users.

3. **HR employee – onboarding/offboarding equivalent EHG09 \$65,000**

This position will assist with payroll, leave, and time-keeping management, creation and maintenance of employee files in the Human Resources Information System, job postings and applicant tracking, and offboarding, eliminating these responsibilities from the HR Manager, allowing the HR Manager to focus on classification/compensation, employee engagement, recruitment, and a variety of other areas that require extensive HR expertise.

4. **Public Information Officer – equivalent PIPR13 \$87,360 - \$109,200**

Coordinate and administer public awareness, outreach and messaging for the Branch. Will handle all media requests. Will develop and implement communication strategies and guide public information campaigns and strategies for the Branch. Will keep leadership apprised of adverse information or actions that may threaten the Branch image and takes effective steps to counteract and/or neutralize such information or actions. Will oversee the creation of agency publications and communication materials to assure consistency in such materials and that they are readily recognizable as originating with the agency. Responsible for live interviewing with local and national media. Responsible for agency social media presence and accounts, if any.

5. Education Coordinator – equivalent ETIN09 if creating content - \$71,000

This position will be responsible for creating and editing engaging learning content, as well as maintaining the learning management system (LMS) to allow for a streamlined and easily accessible repository for education information for the Branch. Will coordinate a variety of administrative support functions to assist the Education Division staff with daily tasks to include scheduling educational programs, coordinating travel, drafting agendas, taking meeting minutes, editing and proofreading documents, and calendaring events and meetings. Will work closely with subject matter experts to design, create, and maintain learning module content for the LMS and resource site in both print and video format.

6. Behavioral Health Services – equivalent SOLC11+ (up a level but there is no SOLC12) - \$91,000

This position will be responsible for planning, organizing, directing and supervising the mental health and substance abuse initiative for the Branch. This will include supervision of the Treatment Court position(s) and collaboration with the Executive Branch on programs to improve outcomes for defendants with mental health and substance abuse issues.

7. Treatment Court Position(s) equivalent BAGC08 \$60,000

This position will be responsible for providing technical support and coordination of the Court Supervised Treatment Program. It will monitor providers and assist with grant compliance and will work with providers to ensure project goals are achieved.

8. Court Services equivalent BAPM09 \$65,000 – BAPM12 \$92,000*

This position will manage the interpreter and court navigator programs and will perform duties that can be consolidated from the courts into a central location (possibilities could include ADA assistance, juror management, end of month processing, unclaimed property, county commissioner relations, committee support, etc). *This position would start out at approximately \$65,000 since it will take time to grow these services into a full division. Ultimately the division would need a manager with the higher salary.

9. Chief Information Officer equivalent CTEM14+ Should be up at least one level for the full enterprise responsibility \$103,000 - \$130,000

This position will consolidate the management of the Technology, Applications, and Data teams for the Branch, removing that load from Elisa and freeing up substantial time for her to focus on WJC directives. This position will lead the design, development, implementation, maintenance and support of the Branch's technology, applications and data plans, ensuring the efficient integration of all three divisions. Will act as chief consultant on information technology and projects by working with stakeholders to identify opportunities that will improve operating effectiveness and ensure accurate data reporting.

APPENDIX D

Wyoming AOC

Administrative Structure of the Wyoming Judicial Branch and Board of Judicial Policy & Administration



PROJECT DIRECTOR

David Slayton, Vice President, Court
Consulting Services

PROJECT TEAM

Kristen Trebil-Halbersma, Principal Consultant
Alicia Davis, Principal Consultant
Mandy Allen, Court Management Consultant
Shannon Roth, Court Management Consultant

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National Center for State Courts

This report was prepared for the Wyoming Judicial Branch. The Court's objective was to seek assistance from the National Center for State Courts to improve the governance of the Wyoming Judicial Branch, and to implement systemic improvements in the operation of the courts.

Consulting services were provided by the National Center for State Courts ("NCSC" or "National Center"). The NCSC is an independent, private nonprofit corporation, chartered in 1971, targeting the betterment of courts nationwide and around the world.

This project assessed the current governance structure of the Wyoming Judicial Branch, provided comparable data from other courts across the United States, and assisted with meeting planning and facilitation and strategic planning.

The points of view and opinions expressed in this report are those of the authors as agents of the National Center, and do not necessarily represent the official position or policies of the Wyoming Judicial Branch, the judges or staff.

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Hon. Nathaniel Hibben, Circuit Court Judge
Hon. Catherine Wilking, District Court Judge
Hon. Jason Conder, District Court Judge
Elisa Butler, Wyoming State Court Administrator

Disclaimer: The points of view expressed in this report are those of the authors and do not necessarily represent the official position or policies of the Wyoming Judicial Branch or the BJPA.

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National Center for State Courts

This Report was prepared for the Wyoming Judicial Branch. The study was funded primarily through a technical assistance grant awarded by the State Justice Institute (“SJI”), a federal Department of Justice program dedicated to improving the quality of justice in state courts and fostering innovative, efficient solutions to common issues faced by all courts.

Consulting services were provided by the National Center for State Courts (NCSC). The NCSC is an independent, private nonprofit corporation, founded in 1971, targeting innovation and the improvement of courts nationwide and internationally. This study assesses the governance of the Wyoming Judicial Branch and recommends certain improvements in the organizational structure and administration of the Judicial Branch.

The points of view and opinions expressed in this Report are those of the consultants, and do not necessarily represent the official position or policies of the SJI, the Wyoming Judicial Branch, or the judges and staff of the Wyoming Judicial Branch.

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Executive Summary

The Wyoming Judiciary has a non-unified governance and funding structure. While the Circuit Courts in all 23 counties are subject to the Supreme Court's administrative and fiscal control, the 26 District Courts are free from administrative and fiscal control of the Supreme Court. In addition, the Clerks of District Court are independently elected officials that report to the Board of County Commissioners in their respective counties.¹ They are considered county employees, and neither the Supreme Court nor the District Courts have supervisory control over the Clerks of the District Courts. To address the difficulties in governing in this decentralized structure, the Wyoming Supreme Court formed the Board of Judicial Policy and Administration (BJPA) in 2000 to assist in setting branch wide policies for Judicial Branch support and strategic planning. The BJPA is made up of the Chief Justice of the Supreme Court, two supreme court justices, three district court judges and three circuit court judges. The district court and circuit court judges are elected by their respective judicial conferences for three-year terms. Chief Justice Kate Fox, who became Chief Justice in July 2021, serves as the chair of the BJPA. State Court Administrator (SCA) Elisa Butler serves as the executive secretary, and the state court administrator's office is responsible for providing staff support for the BJPA.

At its Fall 2021 meeting, the BJPA discussed the role of the BJPA, coming to the consensus that the BJPA should focus its efforts on the significant challenges facing the courts. Some of the issues raised by the BJPA as areas of focus included: attracting and retaining qualified judges; well-being of judges and court staff; dealing with self-represented litigant needs; ensuring qualified counsel exist to resolve matters; and exploring the possibility of establishing specialty courts, including a family court. The BJPA has formed a task force to assist in this work by identifying issues to be addressed, studying those issues, and providing recommendations to the BJPA for consideration. The task force has been named the BJPA task force on Judicial Branch Innovation (JBI).

The JBI identified five (5) areas of concentration for this project: 1. Administrative Support at State and Local Levels of the Judicial Branch; 2. Funding; 3. Customer Support; 4. Employee and Judicial Officer Well-Being; and 5. Governance Structure. The Municipal Courts of Wyoming were not included in this project. Together with the NCSC project team, the JBI met monthly regarding the concentration areas. NCSC project staff developed the agendas, provided resources, and facilitated the meetings.

The NCSC project team made the following recommendations to the JBI:

- Adoption of a mission statement, vision statement, strategic plan and operational plan.
- Rebranding of the BJPA to the Wyoming Judicial Council.

¹ WY Const 1889, Art 5, § 13

- Adopting Rules and Procedures with specific language to convey adequate authority to the Wyoming Judicial Council.
- Adequate staffing the Courts (AOC), to fully support the Wyoming Judicial Branch

Scope of Work

Task Schedule

This twelve-month project was formally commenced on March 2, 2022, at the meeting of the BJPA. NCSC consultants organized the project around the

1. Project Initiation – Kickoff Videoconference

A kickoff meeting was held with the project liaison, the oversight committee, and consultants from the NCSC. At this meeting, the participants confirmed the scope of the project and the deliverables that would be produced, discussed best practices, data requirements and communication channels. In addition, the members present discussed the necessity to name the task force, prioritize issues and the idea of bringing additional stakeholders to the project.

2. Survey

A survey was developed and distributed to the judges in Wyoming to identify any areas of concern. The survey asked respondents questions pertaining to job satisfaction, demographic information, levels of satisfaction with the recruitment and retention processes, delivery of services, and the current structure of the Wyoming Judicial Branch. The survey also sought information regarding items such as administrative decision-making, resource allocation, time standards, and case management practices.

Results were tabulated and an overview of the results was provided to the task force on May 20, 2022. From the results of the survey, the task force established a focus of priorities including: Administrative support at the local and state level; Funding; Customer support and service delivery – statewide forms and competency; Employee and Judicial well-being; and Governance Structure.

3. Task Force Meeting Planning

It was anticipated that there would be at least ten (10) meetings of task force, with additional meetings of any committees formed. The NCSC project team assisted the Court with agenda planning, the determination of various research topics, coordinating research with consultants, analyzed and presented data/resources to the Court and secured presentations and presenters for meetings. The NCSC team followed up with meeting minutes after each meeting.

4. On-Site Meetings with BJPA and/or Task Force

The NCSC project team appeared in person and virtually for meetings of the BJPA to facilitate the presentation of the task force progress and areas of reform and recommendations.

5. Facilitate Meetings of the Task Force Committees (virtual)

The NCSC project team appeared in person and virtually for meetings of the JBI to obtain feedback from the JBI members and to facilitate discussion between the members. At these meetings, the NCSC project team led discussions on establishing mission and vision statements for the branch and development of an operational plan. In addition, the JBI was challenged to review the governance of the Judicial Branch, its structure, and the current structure of the BJPA. The NCSC project team provided the JBI members with agendas and meeting materials prior to each meeting.

6. Research Potential Reforms/Identify Practices in Other State Courts

The NCSC project team conducted research and presented information to the task force on the findings. Specifically, the team researched and provided options regarding administrative functions of the Administrative Office of the Court (AOC) and local circuits by comparing current structure of Wyoming with other structures around the country. Similar courts were evaluated, but other items were taken into consideration such as elected Clerks of Court, different administrative functions of the State Court Administrator and local administrators, and whether local administration should be by district, or by location.

The team also conducted research regarding the structure of judicial councils of several states. A range of comparisons was given, from the very formal and structured council to a less formal council. The research included information about the formation of each council, whether that be a constitutional, statutory, or administrative formation, and information about the tasks the various councils could undertake.

7. Identify Topical Experts or Other State Court Leaders on Selected Topics

The NCSC project staff provided comparative analysis of governance structure and court administration by comparing several state court systems in the United States. The NCSC also provided expert consultation regarding family courts, mental health for employees and court users, self-represented litigants, development of vision and mission statements, strategic planning and operational planning.

8. Analyze Potential Reforms, Determine Feasibility, and Identify Strengths/Weaknesses

Each of the five (5) concentration areas were fully examined, potential solutions were explored and the JBI and NCSC project team analyzed each solution for appropriateness for the Wyoming Judicial Branch.

9. Draft Task Force Report

A report was drafted by the NCSC project team which identifies and analyzes potential reforms and determines the feasibility of each recommendation. A thorough examination of the strengths and weaknesses was performed. The draft of the report was presented to the JBI on September 29, 2022.

10. Revise and Issue Final Report

Following presentation of the draft report to the JBI, the JBI provided feedback to the NCSC project team. The feedback was incorporated into the report and delivered to the JBI on October 27, 2022.

11. Presentation of Report to the BJPA

A formal presentation of the final report was made to the BJPA on December 12, 2022, to facilitate discussion about the final recommendations and to answer any questions of the Board members.

Tasks & Timeline

The proposed timeline composed at the beginning of the project is found below.

Task	Months from Project Start											
	1	2	3	4	5	6	7	8	9	10	11	12
Task 1. Project Initiation	X											
Task 2. Meeting Planning	X	X										
Task 3. On-Site Meetings			X			X			X			X
Task 4. Meeting Facilitation				X	X	X	X	X	X	X	X	
Task 5. Research Reforms			X	X	X	X	X	X	X	X		
Task 6. Identify Experts			X	X	X	X	X	X	X	X		
Task 7. Analyze Reforms				X	X	X	X	X	X	X	X	X
Task 8. Draft Report										X	X	
Task 9. Revise/Final Report											X	
Task 10. Present Report												X

REPORT OBSERVATIONS

Judicial Administration

Currently, the State Court Administrator is the administrative head of the branch, as delegated by the Chief Justice of the Supreme Court. Comparative analysis suggests that the Administrative Office of the Courts is understaffed. Locally, the District Court Judges and Circuit Court Judges are responsible for several administrative tasks. Some tasks are delegated to clerk's office staff, some tasks are completed by the AOC, and the rest are completed by the judges. There is a desire to shift the day-to-day administrative work from the judges to the State Court Administrator or to a local administrator. Administrative functions passed from judges to the AOC would require additional staffing at the AOC. The branch does not employ district or county administrators at present.

The AOC has some direct authority over the circuit courts, but not the district courts, although the AOC provides extensive support to the district courts. In addition, there is some tension between the district and circuit courts. The courts would like to maintain their autonomy.

The Clerks of the District Courts are elected officials which can present administrative challenges in a local administrative model, although, the issues exist in a state administrative model as well. The District Judges feel that there is no control that they may exert over the office of the Clerk. Circuit courts have appointed Chief Clerks who serve in a Clerk of Court capacity and are employees of the Judicial Branch.

BJPA

The BJPA² was established on May 24, 2000, by Order of the Chief Justice of the Wyoming Supreme Court.³ The Supreme Court delegated all administrative authority to the BJPA, except those items for which the Supreme Court had no authority, such as the elected Clerks of the District Courts and their staff. The District Courts also delegated their administrative authority, except for the District Court budget setting/planning, to the BJPA. Rules and procedures of the BJPA were adopted by the Chief Justice of the Wyoming Supreme Court, to supplement the order of authority.

In 2021, the BJPA recognized that the Judicial Branch is in a state of change due to many factors, including automation, technological advances, results of the Covid-19 pandemic and the number of self-represented litigants. These changes have perhaps caused issues surrounding the well-being of judicial officers and court staff, such as poor recruitment and retention surrounding both groups. The BJPA, in response, established a task force, applied for a grant from the State Justice Institute (SJI), to study these changes and the best reactions to the changing environment of courts. The Judicial Branch Innovation (JBI) task force of the BJPA contracted the services of the National Center for State Courts for assistance on this project.

² During this project, the BJPA was renamed the Wyoming Judicial Council.

³ A copy of the Order is found in the Appendix, together with the Rules of the of current BJPA.

Judicial Branch Innovation

The JBI adopted the motto, "Designing our future, honoring our past." The JBI, consisting of the Chief Justice, a Supreme Court Justice, two (2) Circuit Court Judges, two (2) District Court Judges, the State Court Administrator and a Retired Judge serving as Chair, met eight (8) times during the project. NCSC project staff were present for each meeting, either virtually or in person.

Meetings were facilitated surrounding the issues identified by the BJPA, with project staff preparing research materials and agendas for each meeting. The JBI made several decisions to take to the BJPA during the course of the project. The JBI identified five (5) key areas to examine:

1. Administrative Support at State and Local Levels of the Judicial Branch;
2. Funding;
3. Customer Support;
4. Employee and Judicial Officer Well-Being;
- and 5. Governance Structure.

The JBI investigated various forms of administrative support and governance structures by comparing other court systems in the United States. The comparisons provided insight to the task force, assisting them in final decision making regarding administrative support and structure.

Subsequent to the Covid-19 Pandemic, the Judicial Branch realized that the well-being of staff and judicial officers was suffering. The well-being of the economy and litigants also created an uptick in the number of people who have decided to represent themselves in court rather than hire counsel. The task force committed to researching the feasibility of more self-help resources being employed by the Judicial Branch and to also research the possibility of establishing a family court.

The JBI also committed to the establishment of mission and vision statements and an operational plan.

RECOMMENDATIONS

The NCSC offers the following recommendations to the State of Wyoming Judicial Branch.⁴

1. The NCSC recommends the adoption of the mission statement, vision statement, strategic plan and operational plan developed by the JBI.⁵
2. The NCSC recommends the rebranding of the BJPA to the Wyoming Judicial Council, by withdrawing the order establishing the former Wyoming Judicial Council, by ordering the change of name from the BJPA to the Wyoming Judicial Council, and then adopting Rules and Procedures of the Wyoming Judicial Council.⁶

⁴ Recommendations 4-6 will require appropriations by the Wyoming Legislative Branch

⁵ This recommendation was adopted by the Wyoming Judicial Council during the project.

⁶ This recommendation was adopted and implemented by the Wyoming Judicial Council during the project.

3. The NCSC recommends that the Rules and Procedures of the newly formed Wyoming Judicial Council, include language specific enough to afford adequate authority to the Council.⁷
4. The NCSC recommends that the Wyoming Judicial Branch adequately staff the Administrative Office of the Courts (AOC), to fully support the needs of the Judicial Officers, Court Staff, Special Programs, Human Resources, Applications, Education, and Auditing.⁸
5. The NCSC recommends that the AOC establish new positions within the AOC, namely, a Public Information Office, an ADA Coordinator, Security, Grant Manager/Writer, Treatment Courts, a Juvenile Division and Language Interpreter (including Deaf and Hard of Hearing).⁹

⁷ This recommendation was adopted and implemented during the project.

⁸ Based on comparative analysis, the Wyoming AOC is extremely understaffed to address the needs of the branch. The Wyoming AOC employs approximately 35 people in 5 divisions. In contrast is the Minnesota AOC which employs 330 people in 6 divisions and Washington AOC which employs 240 people over 4 divisions. The population of the state of Wyoming is approximately 579,495 according to [Wyoming Population 2022 \(Demographics, Maps, Graphs\) \(worldpopulationreview.com\)](#). The state of New Hampshire has a population of 1,389,741, [New Hampshire Population 2022 \(Demographics, Maps, Graphs\) \(worldpopulationreview.com\)](#), but their caseload is smaller than that of Wyoming. The AOC of New Hampshire employs 50 people in 9 divisions. The state of Vermont has similar population (643,077, [CSP STAT Overview | Court Statistics Project](#), and similar caseloads. However, the 2020 data indicates that the number of cases per 100K for Vermont is 15,192, while the number for Wyoming is 25,168. The AOC of Vermont employs approximately 64 people for trial courts.

⁹ The AOC requires a Public Information Office to adequately address the dissemination of information to the public and to the media. In addition, to stay compliant with ADA, it is imperative that the SCA have an office dedicated to this function, providing access to the courts for employees, judges, court users and the general public. The same is true for an office of language interpretation. Having a centralized language interpretation unit will assist the Judicial Branch with compliance with Executive Order 13166, Title VI of the Civil Rights Act of 1964, and Safe Streets Act of 1968.

Leadership and Governance

Recommendation: Adoption of the mission statement, vision statement, strategic plan and operational plan developed by the JBI.

Discussion: Mission and Vision Statements provide information to employees and judicial officers of the branch, as well as the public and court users. Such statements convey purpose and goals of the organization, while Strategic and Operational Planning outline key objectives and the roadmap to achieving the goals of the organization. Each stakeholder of the court benefits from access to this information because the stakeholders know their responsibilities to the organization and the standards by which it operates.

Recommendation: Rebranding of the BJPA to the Wyoming Judicial Council.

Discussion: The BJPA was established for the purpose of accepting the administrative authority of the Wyoming Judicial Branch. While the BJPA has been in operation for a number of years, there has been a lack of clarity of authority that would be held by the BJPA.

Over the course of time, the caseloads of the Judicial Branch, together with the people employed there and the people using it, have changed, creating the need to take an honest look at policies and procedures of the Branch. The possibility of making changes requires a robust body, with the authority to make needed changes. For this reason, it is important to build a new identity of the policy-making body.

Recommendation: Rules and Procedures of the newly formed Wyoming Judicial Council include language specific enough to afford adequate authority to the Council.

Discussion: Having clear language delegating authority to the Wyoming Judicial Council, allows the Council to set policy and procedure without question of authority.

Recommendation: Adequate staffing of the Administrative Office of the Court (AOC).

Discussion: The current AOC is quite understaffed for the role it has in the Wyoming Judicial Branch. Having additional staff available to undertake the business of the courts is necessary, particularly in the areas of Special Programs, Human Resources, Applications, Education and Auditing. There are positions to support each of these areas, however, staffing levels are not keeping up with the increase in work.

The Wyoming AOC employs approximately 35 people in 5 divisions. In contrast, the state of Vermont, with similar population and filing statistics, employs a

Recommendation: Establish new positions within the AOC, namely, a Public Information Office, an ADA Coordinator, Security, Grant Manager/Writer, Treatment Courts, a Juvenile Division and Language Interpreter (including Deaf and Hard of Hearing).

Discussion: While comparing other court systems, it was noted that many of the other court systems in the U.S. already have positions to deal with public information, ADA requests/complaints, security, treatment courts, juvenile divisions, language access and grant administration. Each of these positions are new concepts in court administration but are necessary to comply with local and federal legislation regarding access to the courts. Also subsequent to the establishment of the Wyoming Judicial Branch, we see specific grants available to state courts to assist with the business of the court, but no position to seek, make application for, and manage grant monies. Having this function will allow the Judicial Branch to secure grant funding for this branch of government.

Summary and Conclusion

The Wyoming Judicial Branch has expressed that the current operations of the Branch do not meet the existing needs. Recommendations contained within this Report will position the Wyoming Judicial Branch to begin changes in a manner which will take time to implement, but the results will improve overall governance, leading to increased court performance over time.

Thus far, the Judicial Branch, through the JBI, has accomplished a great deal with minimal resource allocation. This is due to the commitment of the JBI to effect changes needed to design a branch that serves the needs of the citizens of Wyoming and the judges and employees of the Judicial Branch.

Appendix A - Order Establishing the Wyoming Judicial Counsel

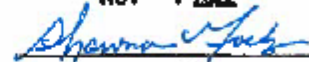
IN THE SUPREME COURT, STATE OF WYOMING

October 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)

IN THE SUPREME COURT
STATE OF WYOMING
FILED

NOV - 1 2022


SHAWNA GOETZ, CLERK

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

Appendix B - Rules and Procedures of Wyoming Judicial Council

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 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:

1. The Chief Justice of the Wyoming Supreme Court and two justices of the Wyoming Supreme Court;
2. Three district court judges; and
3. 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, serving staggered 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 the spring. 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 Executive Committee 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 Executive Committee 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:

1. Development and implementation of the mission statement and strategic plan of the Wyoming Judicial Branch;
2. Determination of budget priorities;
3. Develop and support legislative initiatives as permitted by the Code of Judicial Conduct;
4. Human Resources functions;
5. Technology and infrastructure for the effective operation of the Judicial Branch;
6. Education and organizational development for judicial officers and staff;
7. Programs including jury, guardian ad litem, interpreter, specialty courts; and
8. Core services, court performance measures and accountability.

Adopted this 1st day of November, 2022.

BY THE WYOMING JUDICIAL COUNCIL:



Kate M. Fox, Chief Justice
Chair, Wyoming Judicial Council

Appendix C - Wyoming Judicial Branch Operating Plan

Wyoming Judicial Branch STRATEGIC PLAN FY2023–2024



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 cohesive 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*

Advance the just and efficient resolution of people's disputes by:

Providing resources for self-represented litigants to assist in accessing and navigating the court system.

- Establish a court navigator program for the judicial branch.
- Create and maintain standardized forms that are fillable or take the litigant through a guided interview process.
- Make Access to Justice Commission a standing committee of the Wyoming Judicial Council.
- Ensure that indigent litigants have access to the courts through fee waiver or reduction for qualified applicants.

Ensuring that the members of the bar are well trained and accessible.

- Explore incentives to promote practice in rural areas of Wyoming.
- Facilitate a mentoring program for attorneys.
- Explore opportunities for collaboration with the University of Wyoming and the Wyoming State Bar to enhance the skills of lawyers.

Providing resources for the courts to efficiently move cases to resolution.

- Investigate the possibility of expanding the role commissioners and magistrates play in the courts.
- Evaluate alternative approaches to resolving domestic relations cases and cases that involve families by:
 - Exploring family courts.
 - Investigating the shift of child support cases to the Office of Administrative Hearings.
 - Exploring a position to screen and triage domestic relations cases.
- Improve the reports Judges can use to manage their dockets.
- Investigate positions for circuit courts – circuit court judicial assistant and circuit court law clerk.

2 *Effective Operation of the Judicial Branch*

Establish branch wide priorities through the Wyoming Judicial Council.

Promote a quality workplace for judicial officers and employees.

- Develop secondary trauma and well-being programs and services for judicial officers, staff, and jurors.
- Formalize and fund the use of retired Justices and Judges to provide assistance as needed.
- Create formalized education opportunities for employees.
- Create a mentorship program and expectations for new employees and Judges.
- Provide a more robust and effective judicial orientation for new Judges.
- Create a new employee onboarding program.
- Increase workplace flexibility where possible.
- Maintain adequate compensation for judicial officers and Judicial Branch employees.

Enhance consistent technological infrastructure and associated education to ensure our increased reliance on technology is supported while maintaining strong cybersecurity standards.

- Conduct training with judicial officers and court staff on remote Interpretation software and Bizmerlin.
- Continue to provide routine security awareness training to all members of the branch.
- Upgrade or replace aging infrastructure hardware / software to ensure network security.
- Create uniform cybersecurity and technology standards for the branch.

Meet the needs of our courts by providing excellent branch wide administrative support.

- Centralize administrative functions of the circuit courts as appropriate.
- Create a court services office to better support the Judges and their staffs.

Enhance the use of problem-solving (drug) courts.

- Conduct training on problem-solving courts with judges, court staff and other stakeholders.

3 *Public Trust and Accountability*

Promote public confidence in the law, 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.

- Assess public expectations and obtain feedback.
- Publish annual State of the Judiciary.

Provide proactive communication to and from the public about the Judiciary.

- Educate the public on the accessibility of the Judicial Learning Center and the courts.
- Plan and implement Law Day activities statewide.
- Secure funding for a public information office for the AOC.
- Ensure media coverage of the State of the Judiciary.
- Create an outreach strategy.

Establish internal criteria, policy, and procedures to ensure data quality and integrity.

- Train judicial officers and court staff on procedures for entering data and the importance of data quality and integrity.
- Perform annual audit on data integrity.
- Consider a data access policy for internal and external customers.
- Create a data governance policy for the Branch.

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

Maintain sound budgeting principles and practices by application of data-driven information for forecasting, planning, and follow-up each biennium.

- Update 10-year budget need projection for IT support and hardware and long-term projection for other areas.
- Update the statistical workload model.

Establish and maintain relationships with legislative committees to promote understanding of the financial needs of the Judicial Branch.

- Develop informational resources to provide to legislators.
- Educate members of the Judicial Branch on operations of the Judicial Branch so they may convey a consistent message to members of the other branches of government.
- Provide civics for legislators course.
- Support court administration in its role as legislative liaison.



Wyoming Judicial Council/Judicial Branch Innovation Communications Plan DRAFT Outline

This draft plan will serve as the basis for communications strategies intended to advance the goals of the 2023 Wyoming Judicial Branch Innovation committee, as well as develop the first steps of a wholistic, multi-year communications plan for the entire branch. The plan is intended to raise awareness to make legislators, other justice-system partners, the media and the public more attuned to the ongoing hard work of the judicial branch.

The plan begins with the assumption that in the near term, staffing resources to support communications efforts are minimal. As staff support resources grow, this plan can be expanded to identify additional strategies and tactics. When a full-time resource joins the team, that person should immediately engage with the national Conference of Court Public Information Officers (CCPIO) to grow their own professional development and to “import” lessons learned from other court PR professionals. It is hard to understate the value of not reinventing the wheel.

This plan identifies five short-term goals. All goals are assumed to be given the same priority.

Goal 1: Articulate common messages, identify themes and develop branding to be used throughout the multi-year communications effort

- Develop fact sheets and talking points for common use by members of the judicial branch
- Prepare a basic toolkit of branding elements for use by a contract designer (or staff) to ensure consistency in the look and feel of products
- Develop messaging that focuses on the role of the courts, their critical role in our democracy, and mechanisms for providing fair, impartial and accountable justice. Clearly articulate that messaging should rarely (if ever) focus on individual cases

Goal 2: Support stronger internal communications amongst judges and court staff to build the identity of the branch and promote unification efforts

- Use technology like Zoom or Teams to host regularly scheduled briefings from the CJ
- Develop internal communications platform for email communications to all judges; funnel key messaging through this platform on an established, consistent schedule
- In an effort to issue-spot and head off conflict, provide opportunity for all members of the judicial branch to share opinions (online form) and feel heard
- Consider developing a database of cell phone numbers that be used to issue text messages for special notices or emergencies

- Begin a system of media monitoring, to note relevant media mentions, and circulate a periodic list of media clips to all members of the judicial branch

Goal 3: Build awareness of, and buy-in to, the work of JBI with other justice-system partners

- Identify key liaisons within state bar association and district court clerks association
- Encourage dissemination of JBI communications to these audiences; prepare special, targeted, “what’s in it for me” communications to these audiences as needed
- Identify additional opportunities for engagement following the July listening session

Goal 4: Enhance public trust and confidence in the state’s judicial system by reaching key target audiences

- Continue existing public engagement activities, such as traveling oral arguments
- Develop a social media presence that focuses on positive messages that builds awareness and puts human faces on the work of the courts (investiture and robing; anniversaries; professional accomplishments of judges; holidays and special events; etc.)
- Write plain language summaries to accompany Supreme Court opinions, and disseminate the summaries to the public and the media on a routine basis
- Communicate routine work of the courts and special events to local media
- Assist members of the media with locating primary source materials, such as orders, decisions and other records

Goal 5: Engage in public education about the state’s existing system of judicial selection

- Engage with in-state, regional and national partners to raise awareness of pitfalls of other systems of judicial selection, and to build allies who can be called upon at a later date if necessary
- Coordinate messaging with ongoing public trust (Goal 1) themes that focus on how the current system of judicial selection provides fairness, impartiality and accountability of the courts; avoid messages that focus on separation of powers or judicial independence, which are documented to be ineffective with the public

Attachment J



JUDICIAL INVESTIGATION COMMISSION

City Center East - Suite 1200 A
4700 MacCorkle Ave., SE
Charleston, West Virginia 25304
(304) 558-0169 • FAX (304) 558-0831

October 13, 2023

Re: JIC Advisory Opinion 2023-22

Dear _____ :

Your request for an advisory opinion to Counsel was recently reviewed by the Judicial Investigation Commission. The factual scenario giving rise to your request is as follows:

You have received several inquiries from judges about the use of emerging artificial intelligence (AI) technology and the potential use thereof in the performance of their duties. You believe the appropriate use of AI could be a “workflow gamechanger” that leads to “greater efficiency in the courts.” You acknowledge that much of the available technology is “new, still under development and largely untested.” You are concerned about the ethical implications concerning a judge’s use and application of AI. Specifically, you want to know if a judge can use AI to conduct legal research and to draft documents such as orders and opinions. You also want to know if a judge can use AI to reach decisions in cases? Lastly, you want to know whether there are other ethical issues a judge should consider before utilizing AI?

To address your question, the Commission has reviewed Rules 1.2, 2.1, 2.2, 2.4(B), 2.5(A) and 2.7 of the Code of Judicial Conduct which state:

Rule 1.2 – Confidence in the Judiciary

A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.

Rule 2.1 – Giving Precedence to the Duties of Judicial Office

The duties of judicial office, as prescribed by law, shall take precedence over all of a judge’s personal and extrajudicial activities.

Rule 2.2 – Impartiality and Fairness

A judge shall uphold and apply the law and shall perform all duties of judicial office fairly and impartiality.

Rule 2.4 – External Influences on Judicial Conduct

- (B) A judge shall not permit family, social, political, financial, or other interests or relationships to influence the judge’s judicial conduct or judgment.

Rule 2.5 – Competence, Diligence, and Cooperation

- (A) A judge shall perform judicial and administrative duties, competently and diligently.

Rule 2.7 – Responsibility to Decide

A judge shall hear and decide matters assigned to the judge, except when disqualification is required by Rule 2.11 or other law.

The Comments to the various Rules provide some instruction to the issues at hand. The Comments to Rule 1.2 state:

- [1] Public confidence in the judiciary is eroded by improper conduct and conduct that creates the appearance of impropriety. This principle applies to both the professional and personal conduct of a judge.
- [2] A judge should expect to be the subject of public scrutiny that might be viewed as burdensome if applied to other citizens and must accept the restrictions imposed by the Code.
- [3] Conduct that compromises or appears to compromise the independence, integrity and impartiality of a judge undermines public confidence in the judiciary. . . .

- [4] Judges should participate in activities that promote ethical conduct among judges and lawyers, support professionalism within the judiciary and the legal profession, and promote access to justice for all.
- [5] Actual improprieties include violations of law, court rules or provisions of this Code. The test for appearance of impropriety is whether the conduct would create in reasonable minds a perception that the judge violated this Code or engaged in other conduct that reflects adversely on the judge's honesty, impartiality, temperament, or fitness to serve as a judge.

Comment [1] to Rule 2.2 states that “[t]o ensure impartiality and fairness to all parties, a judge must be objective and open-minded. Comment [2] provides that “a judge must interpret and apply the law without regard to whether the judge approves or disapproves of the law in question.” Comment [3] notes that “a judge sometimes may make good faith errors of fact or law. Errors of this kind do not violate this Rule.” Comment [1] to Rule 2.4 states:

An independent judiciary requires that judges decide cases according to the law and facts without regard to whether particular laws or litigants are popular or unpopular with the public, the media, government officials, or the judge's friends or family. Confidence in the judiciary is eroded if judicial decision making is perceived to be subject to inappropriate outside influences.

Comment [1] to Rule 2.5 provides that “[c]ompetence in the performance of judicial duties requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary to perform a judge's responsibilities of judicial office.” Comment [2] states that “[a] judge should seek the necessary docket time, court staff, expertise and resources to discharge all adjudicative and administrative responsibilities.” Comment [3] states that “[p]rompt disposition of the court's business requires a judge to devote adequate time to judicial duties . . . and expeditious in determining matters under submission.”

Black's Online Law Dictionary 2nd Edition defines “AI” as “a software used to make computers and robots work better than humans. The systems are rule based or neutral networks. It is used to help make new products, robotics, [and] human language understanding.” Webster's Online Dictionary gives two definitions for the term “AI” The first is “a branch of computer science dealing with the simulation of intelligent behaviors in computers.” The second definition, which is the most instructive, states that AI is the “capability of a machine to imitate intelligent human behavior.”

Whether you realize it or not, you already use some form of artificial intelligence in your everyday life: facial recognition on your cell phone; smart email categorization; suggestions from Facebook of new friends; recommendations for what to watch on streaming apps; and navigation sites such as Google Maps. The list is endless. AI has even taken hold within the legal community. In April 2023, it was announced that GPT-4, an AI component, took and passed all parts of the Uniform Bar Exam. The pass rate was in the 90th percentile. Legal search engines like Westlaw, LexisNexis or casetext use AI to let lawyers find more relevant case law for their briefs or correct case sites. The use of E-discovery is just another example of AI encroachment in the law.

So, what does the use of AI mean for judges? Judges have a duty to remain competent in technology, including AI. The duty is ongoing. A judge may use AI for research purposes. Judges must realize though that no AI program is perfect. Older models that rely on keywords to conduct a search only produce results that include the keyword itself. It does not consider concepts or context. Such searches may also fail to produce some relevant results. Keyword searches, while proper and useful, can result in false positives (irrelevant documents flagged because they can contain a search term) or false negatives “relevant documents not flagged since they do not contain a search term. Newer models which rely on concepts instead of words fall into two categories, general use AI and specific use AI. General use AI may produce inaccurate or offensive information. Specific use AI is much better. It reads and understands domain-specific content and usually has verifiable responses. It also tends to be private and secure while general use AI is not. However, specific use AI may have downsides if used for other than its intended purpose.

A judge should **NEVER** use AI to reach a conclusion on the outcome of a case. This is because of perceived biases that may be built into the program. Judges should think of AI as a law clerk, who is often responsible for doing a judge’s research. Importantly, the law clerk never decides the case. The judge alone is responsible for determining the outcome of all proceedings. At the end of the day if the judge somehow violates the Code of Judicial Conduct in reaching a conclusion on the case, he/she cannot say, “the law clerk made me do it” nor can he/she say, “AI made me do it.” The responsibility for the finished product rests solely with the judge. Therefore, just as a judge would do with a law clerk’s work, he/she must check the final draft of any written decision to make sure it contains the most current case law and is error free.

The gray area revolves around the use of drafting AI to prepare an opinion or order. It is one thing to use a product like Microsoft Word that corrects spelling, punctuation, grammar, maintains a built-in thesaurus and provides an editor’s score for the finished document. Those products are perfectly acceptable. However, the use of an AI product to actually draft the findings, conclusions and ultimate decision should be met with extreme caution. The drafting product may have built in biases or over time may

develop perceived biases based on the judge's thought process. AI should never decide the conclusion. As he/she would with a law clerk, the judge must decide which way he/she wants to rule and let the program know in advance to ensure that the product conforms with the decision rendered by the judge. Like the final draft of the law clerk, the judge must review it to ensure that it is what the judge wishes to convey to the parties in any given case and make changes where needed.

Ongoing ethical concerns involve confidentiality pertaining to certain cases like juvenile or abuse and neglect matters. Judges are responsible for ensuring confidentiality and should research the AI product with that in mind and refrain from inputting information that may retain and/or disclose private information. The potential for plagiarism is another possible concern when using AI, so again, it is important to use AI cautiously when drafting documents and to double check the finished product. The time saved by using AI may be non-existent if the judge must spend hours ensuring appropriate attribution has been given.

Based upon the foregoing, the Commission is of the opinion that a judge may use AI for research purposes but may not use it to decide the outcome of a case. The use of AI in drafting opinions or orders should be done with extreme caution. The Commission hopes that this opinion fully addresses the issues which you have raised. Please do not hesitate to contact the Commission should you have any questions, comments or concerns.

Sincerely,



Alan D. Moats, Chairperson
Judicial Investigation Commission



Workload Assessment Study for the Wyoming Circuit Courts Judicial Officers and Clerical Staff

Final Report

DATE

July 2023

PROJECT STAFF

Suzanne Tallarico
John Douglas

PREPARED FOR

Wyoming
Administrative Office of
the Courts

PREPARED BY

National Center for
State Courts
Court Consulting Services
Laurie Givens, Vice President

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We also extend a special note of thanks to Elisa Butler, Claire Smith, Brenda Reedy, and Shane McCreary for all of their time and attention to this project.

Judicial Needs Advisory Committee Members

Hon. Nathaniel S. Hibben, Goshen County
Hon. Jefferson Coombs, Fremont County (Lander)
Hon. Sean C. Chambers, Laramie County
Hon. Susan Stipe, Carbon County

Clerical Needs Advisory Committee Members

Lydia Wagstaff, Chief Clerk, Uinta County
Nichole Lyman, Chief Clerk Washakie County
Judy Heidel, Deputy Clerk, Campbell County
Kayleen Keeler, Deputy Clerk, Converse County

Staffing Task Force Staff

Elisa Butler, State Court Administrator
Claire Smith, Deputy Administrator/ CFO
Brenda Reedy, Human Resources Manager
Shane McCreary, Data and Quality Assurance Analyst

EXECUTIVE SUMMARY

Introduction

The Wyoming Administrative Office of the Courts (AOC) has relied on staffing needs models based on time studies for many years; however, the case weights, or average case processing times, have not been updated since 2012.

Recognizing the need to update the weighted caseload model, the AOC contracted with the National Center for State Courts (NCSC) in 2022 to conduct an evidence-based assessment of the workload for circuit court judicial officers and clerical staff. The AOC selected the NCSC to conduct the assessment because its senior consultants assigned to the project are national experts in the development of weighted caseload models for judicial officers, court staff, and staff in other justice system agencies.

Two advisory boards, circuit court judicial officers and clerical staff, were convened to serve as the Judicial Needs Advisory Committee (JNAC) and the Clerical Needs Advisory Committee (CNAC) respectively, which served as an advisory body for each project. The JNAC and the CNAC each included four members from the circuit courts with support from the AOC. Guided by the JNAC and CNAC, the NCSC consultants designed and conducted a study to produce

weighted caseload models for judicial officers and clerical staff in the circuit courts.

The current study conducted by the NCSC included collection of three types of data: (1) actual worktime data recorded by judicial officers and clerical staff during an eight-week time study in all 23 counties; (2) a statewide survey of participating judicial officers and clerical staff in the circuit courts pertaining to their assessment of the extent to which they have adequate time to perform their duties to their satisfaction; and (3) collection of qualitative feedback from focus group discussions with judicial officers and clerical staff in the circuit courts identified by each respective committee.

In both studies the new case weights reflect the average number of case-related minutes judicial officers and clerical staff in the circuit courts spend per year processing each of the unique case types; they are based upon work time recorded by circuit court judicial officers and clerical staff in all 23 counties during the eight-week time study period. The case weights and other components of the weighted caseload model were reviewed and approved by both the JNAC and CNAC.

This 2023 study is a comprehensive and reliable study designed and conducted by NCSC consultants who are national experts in the development of weighted caseload models for courts and other justice system agencies. This study also includes the following for the circuit courts:

- The perfect participation rate by all judicial officers and clerical staff substantially enhanced the credibility and validity of the data collected.
- It included the use of a statewide survey of judicial officers and clerical staff to assess whether they have adequate time to achieve reasonable levels of quality in the performance of their duties; the “adequacy of time” survey data assisted in determining the adequacy of the case weights based solely on the worktime data.
- The NCSC consultants conducted one focus group meeting with all circuit court judicial officers and two with clerical staff. Each focus group reviewed and discussed the findings from the time study and the “adequacy of time” survey. They also provided feedback on other factors that might not have been adequately captured in the time study. This qualitative input from knowledgeable judicial officers and clerical staff informed the discussion and decisions by the individual committees regarding the weighted workload model.

NCSC consultants organized the project around the following primary tasks:

1. Development of the Research Design.

The JNAC and CNAC, individually met with the senior NCSC consultants in November

2022 to provide guidance during the new weighted workload assessment study. The members of the JNAC and CNAC were selected to ensure representation from both rural and urban counties. With guidance from the NCSC experts, the JNAC and CNAC provided advice and comment on the overall study design, the identification of the case types to be included in the weighted workload model, the methodology and content of the training sessions prior to the time study, the duration of the time study, and the approach and composition of the focus groups. The JNAC and CNAC also provided feedback and recommendations on key issues covered in the final report.

2. Judicial Officer and Clerical Staff Time Study.

One hundred percent of judicial officers and clerical staff in the circuit courts participated in the eight-week time study conducted between January 23 and March 16, 2023.¹ Before the time study began, a principal NCSC court consultant conducted four one-hour training webinars for each group to provide instructions on how judicial officers and clerical staff should record their work time. The NCSC also provided both written instructions and an on-line help link to participants who had questions

¹ One staff member resigned their employment during the time study, and that data was not included in the calculation of case weights.

about recording time, categorizing information, or identifying data entry errors that needed to be corrected. During the time study, judicial officers and clerical staff in the circuit courts kept records of all time spent on case-related and non-case specific activities and entered their worktime data in the Judicial Branch's timekeeping system.

3. Adequacy of Time Survey.

After the time study data collection period concluded, 81% of both circuit court judicial officers and 82% of clerical staff completed an online questionnaire regarding the sufficiency of time available during normal working hours to do their work. This survey revealed that while most of Wyoming's circuit court judicial officers indicated they "usually" have enough time to effectively handle their daily tasks, the clerical staff reported a high level of stress and a general inability to keep current with the work.

4. Focus Groups.

In May 2023, NCSC staff conducted one focus group session with circuit court judicial officers and two focus group sessions with circuit court clerical staff via Zoom. These sessions were conducted to review the project and discuss preliminary findings from the time study and "adequacy of time" survey.

5. Analysis of Data and Preparation of Preliminary Case Weights.

NCSC staff analyzed the data collected from the time study, "adequacy of time"

survey, and focus group discussions and then drafted reports, including tables and preliminary case weights for review and discussion by both the JNAC and CNAC.

6. JNAC and CNAC Review, Discussion, and Decision-making.

The JNAC and CNAC held two review meetings with the NCSC, and several additional internal meetings to review the data and various analytical case weighting options.

During meetings held on June 6 and 7, 2023, the CNAC and JNAC each reviewed and discussed preliminary findings from the time study, including preliminary case weights, and findings from the "adequacy of time" survey. At the request of the CNAC, NCSC staff conducted additional detailed analyses. Additional analyses were requested regarding a more in-depth inquiry of the non-case related category of "other" due to the relatively high number of hours submitted.

The JNAC discussed at length the composition of some case types and after considerable discussion, the JNAC agreed that the case weights were appropriate.

7. Preparation of the Final Report.

Given the final decisions made by the JNAC and CNAC during a meeting held on July 20, 2023, NCSC staff developed a draft report of findings for review by the JNAC and CNAC.

Findings

The final report explains in detail each step in the research and data analysis process for the judicial officer and clerical staff in the circuit courts workload assessment and the construction of the weighted workload model. The weighted workload model is sufficiently flexible to allow the Wyoming Judicial Branch to determine the approximate need for circuit court judicial officers and clerical staff in each county. Application of the new weighted workload model reveals that statewide the Wyoming circuit courts should have at least 26² full-time equivalent (FTE) circuit court judicial officers and 124 FTE circuit court clerical staff to effectively handle the current workload. Statewide, the circuit court judicial officers currently have 26 FTE circuit court judicial officers and only 117 circuit court clerical staff positions *allocated*. When looking only at locations in need of additional staff, the model suggests a statewide need for .49 circuit court judicial officers and a net need of 12.95 additional circuit court clerical staff positions.

Recommendations

The NCSC offers the following recommendations regarding the ongoing use of the workload assessment model.

Recommendation 1

The NCSC recommends updating the circuit court judicial officers and clerical staff

needs assessment model annually, using case filings from the most recent three-year average number of reliable filings.

Recommendation 2

The workload model presented in this report should be the starting point for determining the need for circuit court judicial officers and clerical staff in each county. There are some key factors not directly accounted for in this weighted caseload model including, but not limited to: differences in jury trial rates, possible variations in the proportion of civil and domestic cases involving self-represented parties, differences among counties in the percentage of persons who require court interpreting services (whose hearings require more time), and the need to establish minimum staffing levels to ensure court coverage and customer service needs are met. Court leadership may wish to weigh these qualitative factors when they consider the need to add judicial officers and clerical staff in the circuit court.

Many states have established workload thresholds in which additional resource needs can be identified and prioritized. The workload thresholds for six states are provided below. The thresholds listed below are for judicial officers only. NCSC has not identified any state using this

² The FTE staff figures in this paragraph are rounded to the closest whole number (see Figure 24).

technique for clerical staff. The numbers below demonstrate the workload of each staff member. The first number on the left-hand side indicates where a location might be in jeopardy of losing staff (generally through attrition) because the workload is less than the equivalent of one FTE position, the second number on the right is the threshold at which a need for additional judgeships may be considered since the workload is higher than one FTE position.

Florida	.9/1.1
Maryland	.9/1.1
Virginia	.9/1.15
Georgia	.8/1.1
Kentucky	1.4 (no lower limit)
Nebraska	.6/1.15

Recommendation 3

Over time, the integrity of any weighted caseload model may be affected by external factors such as changes in legislation, case law, legal practice, court technology, and administrative policies. NCSC recommends the AOC conduct a comprehensive review of the weighted caseload model every five to seven years. This review should include a time study in which all or most judicial officers and clerical staff participate. Between updates, if a major change in the law appears to have a significant impact on circuit court workload, a panel of experts can be convened to make interim adjustments to the affected case weight(s).

I. INTRODUCTION

Legislatures and the public increasingly call upon the courts and other government agencies to be more efficient – to “operate more like a business.” One of the challenges for courts in responding to this demand is determining the appropriate number of judicial officers and clerical staff required to provide high-quality services in the courts.

Since 2007, the Wyoming AOC has relied on a data-driven weighted caseload model to establish the baseline needs for circuit court judicial officers and clerical staff. The weighted caseload model was last updated in 2012. The current workload assessment study is similar to the prior study in basic design.

A clear measure of court workload is central to determining how many judicial officers and clerical staff are needed to process the cases filed in the Wyoming circuit courts. Adequate resources are essential if the Wyoming circuit courts are to effectively process court business without delay while also delivering quality service to the public. Meeting these challenges involves objectively assessing the number of judicial officers and clerical staff required to handle the caseload and whether those resources are being allocated appropriately. In response, court leaders around the country are increasingly turning to empirically based workload assessments to provide a strong foundation of resource needs.

Different types of cases create different amounts of judicial officer and clerical staff work; for example, a simple misdemeanor case typically requires more case processing time than a traffic case. Unlike methods of resource allocation that are based on population or raw, unweighted caseloads, the weighted caseload method explicitly incorporates the differences in both judicial officer and clerical staff workload associated with different types of cases, producing a more accurate and nuanced profile of the need for judicial officers and clerical staff in each county.

The current study of the circuit courts accomplished the following:

- Utilized a methodology that bases the development of case weights on all work recorded by judicial officers and clerical staff;
- Included participation from 100% of circuit court judicial officers and clerical staff;
- Included an eight-week data collection period to ensure sufficient data to develop valid case weights;
- Accounted for judicial officer and clerical staff work for all phases of case processing;³
- Accounted for non-case-related activities that are a normal part of judicial officer and clerical staff work; and
- Established a transparent and flexible model that can determine the need for judicial officers and clerical staff in each county.

³ Data was also recorded by magistrates for the circuit court judicial officer study.

NCSC also utilized a qualitative assessment tool or “adequacy of time” survey to further inform the JNAC and CNAC in the finalization of the workload model. NCSC received participation from 81% of circuit court judicial officers and 82% of circuit court clerical staff. This ensured the NCSC heard from the majority of time study participants regarding their work environment, the data they recorded, and their thoughts and opinions on their ability to get their respective jobs done.

This report provides a detailed discussion of the workload assessment methodology and results and offers recommendations for the ongoing use of the model.

The Weighted Caseload Model

The weighted caseload method of workload analysis is grounded in the understanding that different types of court cases vary in complexity, and consequently in the amount of judicial officer and clerical staff work they generate. The weighted caseload method calculates judicial officer and clerical staff needs based on the workload for each circuit court for judicial officers and clerical staff.⁴ The weighted caseload formula consists of three critical elements:

1. *Case filings*, or the number of new cases of each type filed each year.
2. *Case weights*, which represent the average amount of judicial officers and clerical staff time required to handle cases of each type during a one-year period.
3. The *judicial officer year value* and *clerk year value*, or the amount of time each judicial officer and clerical staff member are expected to work in a year.

Total annual workload is calculated by multiplying the annual filings for each case type by the corresponding case weight, then summing the workload across all case types. A standard amount of time is also allocated for non-case-related work; and a travel allowance is provided for judicial officers who travel between courts. Each court’s workload is then divided by the year value to determine the total number of FTE judicial officers and clerical staff needed to handle the workload.

The 2023 Weighted Caseload Study

The Wyoming Judicial Branch selected the NCSC to conduct the assessment because its senior consultants assigned to the project are national experts in the development of weighted

⁴ The judicial model includes a calculation of judicial need in each judicial district as well as in each court.

caseload models for judicial officers, court staff, and staff in other justice system agencies.

Four circuit court judicial officers and four circuit court clerical staff were selected to serve as members of the Judicial Needs Advisory Committee (JNAC) and the Clerical Needs Advisory Committee (CNAC) respectively. In addition to the committee members, four AOC members, including the state court administrator, deputy administrator/CFO, human resources manager and data and quality assurance analyst actively participated in the advisory committees. The NCSC consultants, with guidance from the JNAC and CNAC, designed and conducted a study to produce weighted caseload models for judicial officers and clerical staff in the circuit courts.

The current study conducted by the NCSC included collection of three types of data: (1) actual worktime data recorded by judicial officers and clerical staff in the circuit courts during an eight-week study in all 23 counties; (2) a statewide survey of participating judicial officers and clerical staff assessing whether there is adequate time to perform judicial and clerical staff duties; and (3) collection of qualitative feedback from focus group discussions with judicial officers and clerical staff identified by each respective committee.

In each study the new case weights reflect the average number of case-related minutes judicial and clerical staff in the circuit courts spend per year processing each of the unique case types; they are based upon work time recorded by circuit court judicial officers and clerical staff in all 23 counties during the eight-week study period. The case weights and other components of the weighted caseload

model were reviewed and approved by both the JNAC and CNAC with direction and advice from the NCSC experts.

II. CASE TYPES AND EVENTS

At the first meeting of the JNAC and CNAC in November 2022, the Committees' primary tasks were to establish the case type and event categories upon which to base the time study. Together, the case types, case-related events, and non-case-related events describe all the work required and expected of Wyoming's circuit court judicial officers and clerical staff.

Case Type Categories

The Committees were charged with establishing case type categories that satisfied the following requirements within the circuit courts:

- The case type categories are both mutually exclusive and collectively exhaustive, meaning any given case should fall into one, and only one, case type category;
- Categories are legally and logically distinct;
- There are meaningful differences among categories in the amount of judicial officer and clerical staff work required respectively to process the average case;
- There are enough case filings within the category to ensure that enough data can be collected for that case category for statistical analysis; and
- Filings for the case type category or its component case types are tracked consistently and reliably by the AOC.

Using the case type categories that were identified in the 2012 workload assessment study as a starting point, the JNAC and CNAC identified unique case type categories, which can be found in Figures 1 and 2, respectively.

Case-Related Activities

Circuit court judicial officers and clerical staff perform a variety of functions in and out of court that can be directly related to the processing of cases (case-related activities), as well as non-case-related activities. NCSC staff worked closely with the JNAC and CNAC to develop a comprehensive list and descriptions of these essential activities. The list of activities served as an organizing device to guide data collection during the time study, shown in Figures 3 and 4 below. A more detailed description of all activities can be found in Appendices A and B.

The weighted caseload models determine the annual amount of time judicial officers and clerical staff in the circuit courts have available to perform their work, including both case-related and non-case-related tasks, then subtracts the average amount of time spent on non-case-related activities to determine the average amount of time available for judicial officers and clerical staff to perform case-related work. This is a critical component of the weighted caseload model, knowing how much time judicial officers and clerical staff spend on both case-related and non-case-related work is important.

Non-Case-Related Events

Work not related to a particular case before the court, such as court management, committee meetings, travel, and judicial/court staff education, is also an essential part of the circuit court judicial officer and clerical staff workday. To compile a detailed profile of judicial officers' and clerical staffs' non-case-related activities and provide an empirical basis for the construction of the judicial officer and clerical staff day and year values, the JNAC identified ten non-case-related event categories and the CNAC identified 21 non-case-related event categories, which can be found in Figures 5 and 6 below.

Figure 1: Judicial Officer Case Types

Protection Order
Driving Under the Influence
Revocations
Domestic Battery
General Civil
Search Warrants
Collection
Forcible Entry & Detainer
Small Claims
Felony
Misdemeanor (Non-Traffic)
Traffic: Non-Jailable Offense
Traffic: Jailable Offense (including DUI)
Extradition
Game & Fish

Figure 2: Clerical Staff Case Types

Protection Order
Driving Under the Influence
General Civil
Forcible Entry & Detainer
Felony
Misdemeanor (Non-Traffic)
Traffic
Gam & Fish
Treatment Courts

Figure 3: Judicial Officer Case-Related Activities

Weekend Call Work
Pre-trial Court Activities
Signing Search Warrants
Jury Trial Activities
Bench Trial Activities
Non-Trial Disposition Activities
Post-Conviction/ Disposition Court Activities
Treatment Court Activities

Figure 4: Clerical Staff Case-Related Activities

Opening
Case Maintenance/Activity
Services to Case-Related Parties
Jury Selection & Related Work
Hearing & Trial Time
Judgment/Sentencing
Post-Judgment
Treatment Court Activities

Figure 5: Judicial Officer Non-Case-Related Activities

Non-Case Related Administration
Judicial education and training
Community activities, education, speaking engagements
Committees, other meetings, and related work
General legal research
Travel time – Inside District
Travel time- -Outside District
Leave time
Other
Time study data reporting & entry

Figure 6: Clerical Staff Non-Case-Related Activities

Non-Case Related Administration
Answering the phones and emails, serving public/media
Mail
Archiving
Court Operations
Bookkeeping
End of month reconciling
Record searches/ Requests
Education and training
Training new employees
Equipment maintenance and troubleshooting
Inventory, office supplies, purchasing.
Judge support
Non-Case-Specific Judicial Partners' Troubleshooting
Jury management
Meeting and related work
Personnel management/ Hiring
Search Warrants
Work-Related Travel
Time study data reporting/ Entry
Vacation/Illness/Other Leave
Other

III. TIME STUDY

The time study phase of the workload assessment measured current practice—the amount of time judicial officers and clerical staff in the circuit courts currently take to process cases of each type, as well as time spent on non-case-related work.

Data Collection

Time Study

During the eight-week period from January 23 through March 17, 2023, all judicial officers and clerical staff in the circuit courts were asked to track their working time by case type category and activity or by non-case-related event. Participants were instructed to record all working time, including time spent processing cases outside of normal working hours, if applicable, and all non-case-related work. Participants tracked their time in five-minute increments using Wyoming's in-house timekeeping system.

To maximize data quality, all time study participants were asked to attend a webinar training explaining how to categorize and record their time. In addition, participants were provided with web-based reference materials, and a Help Desk link that judicial officers and clerical staff could use to ask questions, when necessary. The in-house method of data collection allowed time study participants to verify that their own data were accurately entered and permitted real-time monitoring of participation rates, helping to maximize the quality and completeness of the time study data.

As shown in Figures 7 and 8, respectively, all circuit court judges (24) and magistrates (3) and all clerical staff (117) fully participated in the time study, for a 100% participation rate. This level of statewide participation ensured sufficient data to develop an accurate and reliable profile of current practice in Wyoming.

Figure 7: Time Study Judicial Officer Participation Rates by Circuit

Circuit	Expected (Count)	Actual (Count)	Participation Rate
1st Circuit	3	3	100%
2nd Circuit	2	2	100%
3rd Circuit	4	4	100%
4th Circuit	2	2	100%
5th Circuit	3	3	100%
6th Circuit	3	3	100%
7th Circuit	3	3	100%
8th Circuit	3	3	100%
9th Circuit	4	4	100%
Total	27	27	100%

Figure 8: Time Study Clerical Staff Participation Rates by County

	Expected (Count)*	Actual Count	Participation Rate
Albany	6	6	100%
Bighorn	2	2	100%
Campbell	10	10	100%
Carbon	6	6	100%
Converse	4	4	100%
Crook	2	2	100%
Fremont - L	3	3	100%
Fremont - R	5	5	100%
Goshen	2	2	100%
Hot Springs	2	2	100%
Johnson	3	3	100%
Laramie	12	12	100%
Lincoln	4	4	100%
Natrona	16	16	100%
Niobrara	2	2	100%
Park	6	6	100%
Platte	3	3	100%
Sheridan	6	6	100%
Sublette	2	2	100%
Sweetwater	10	10	100%
Teton	4	4	100%
Uinta	5	5	100%
Washakie	2	2	100%
Weston	2	2	100%
Total	119	119	100%

Note: Some positions are part-time, which is why staff counts are higher than FTE reported later in this report.

Caseload Data

To translate the time study data into the average amount of time expended on each type of case (preliminary case weights), it was first necessary to determine how many individual cases of each type are filed annually. The AOC

provided filing data for fiscal years 2020, 2021 and 2022.⁵ The caseload data for all three years provided an average annual count of filings within each case type category. The use of an annual average rather than the caseload data for a single year minimizes the potential for any temporary fluctuations in caseloads to influence the case weights. This process was utilized for both circuit court judicial officer and clerical staff models.

Preliminary Case Weights

Following the data collection period, the time study and caseload data were used to calculate preliminary case weights. A preliminary case weight represents the average amount of time circuit court judicial officers and clerical staff currently spend processing a case of a particular type, from initial filing activity to all post-judgment matters. The use of separate case weights for each case type category accounts for the fact that cases of varying levels of complexity require different amounts of judicial officer and clerical staff case processing time.

To calculate the preliminary case weights, the time recorded for each case type category was weighted to the equivalent of one year's worth of time for all circuit court judicial officers and clerical staff statewide. The total annual time for each case type was then divided by the average annual filings to yield the average amount of hands-on time circuit court judicial officers and clerical staff currently spend on each

⁵ Typically, case weights are built on the most recent three-year average of filings.

case. The preliminary case weights are shown in Figures 9 and 10.

Figure 9: Preliminary Case Weights – Judicial Officers

Case Type	Preliminary Case Weight
Protection Order	86
Driving Under the Influence	83
Revocations	17
General Civil	268
Collection	7
Forcible Entry & Detainer	38
Small Claims	18
Felony	64
Misdemeanor/Non-Traffic	34
Game & Fish	22
Domestic Battery	49
Search Warrant	21
Traffic: Non-Jailable Offense	1
Traffic: Jailable Offense	7
Extradition	31
Treatment Courts	8,663

Figure 10: Preliminary Case Weights – Clerical Staff

Case Type	Preliminary Case Weight
Protection Order	224
Driving Under the Influence	183
General Civil	136
Forcible Entry & Detainer	126
Felony	141
Misdemeanor (Non-Traffic)	219
Traffic	15
Game & Fish	28
Treatment Courts	4,048

IV. QUALITATIVE FEEDBACK

The preliminary case weights generated during the time study measure the amount of time circuit court judicial officers and clerical staff *currently* spend handling various types of cases, but do not necessarily indicate whether this is the amount of time they *should* spend on each case. In an effort to understand the day-to-day working experiences of judicial officers and clerical staff, the NCSC invited circuit court judicial officers and clerical staff to complete a web-based “adequacy of time” survey; additionally, one focus group session was held with all circuit court judicial officers and two focus group sessions were held with circuit court clerical staff to obtain additional feedback.

Adequacy of Time Survey

To provide a statewide perspective on any areas of concern related to current practice, all circuit court judicial officers and clerical staff were asked to complete a web-based “adequacy of time” survey in April of 2023. Participants were asked to respond to several questions related to the data collection period and their current workloads and working environment. Respondents were also asked to identify the case types and activities, if any, for which additional time would help to improve the quality of justice. The survey also included space for respondents to comment freely on their workload and any perceived obstacles in getting their work done to their satisfaction. Across the state, 81% of judicial officers and 82% of clerical staff completed the survey.

The survey data provided information to help the JNAC and CNAC determine whether the case weights derived from the worktime data were sufficient to allow circuit court judicial officers and clerical staff adequate time to complete work in a timely and high-quality manner. Select findings from the “adequacy of time” survey are presented below in tandem with the focus group findings.

Focus Groups and Adequacy of Time Survey Results

To gain an in-depth understanding of the issues circuit court judicial officers and clerical staff face in processing cases, the NCSC held one focus group with all circuit court judicial officers and two focus groups with circuit court clerical staff from varying sizes of counties.

The focus groups allowed the NCSC to understand the different issues facing circuit court judicial officers and clerical staff across the state, and to gain perspective on whether the time study adequately captured a clear picture of their work. The focus group and “adequacy of time” survey data were also presented to the JNAC and CNAC to analyze.

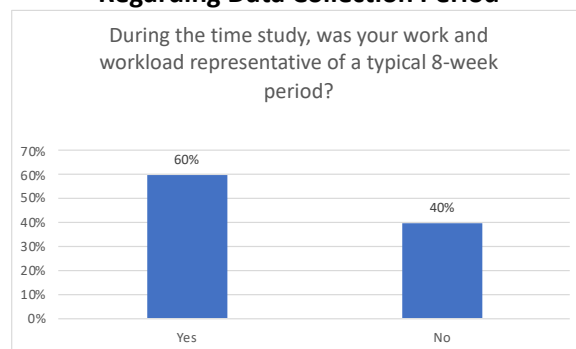
Judicial Officer Focus Group Themes and Adequacy of Time Survey Findings

Was the data collection period typical?

Focus Group: While most circuit court judicial officers reported that they were able to report all their work time during the study period, several indicated they did not have any jury trials and that work was slower during the data collection period than the present. It was reported that, in some locations, the weather

affected the number of cases filed due to the closure of the interstate, and unfilled law enforcement positions further impacted the numbers. Additionally, Game and Fish citations are lower in the winter months, compared to the summer and fall.

Figure 11: Judicial Officer Survey Responses Regarding Data Collection Period



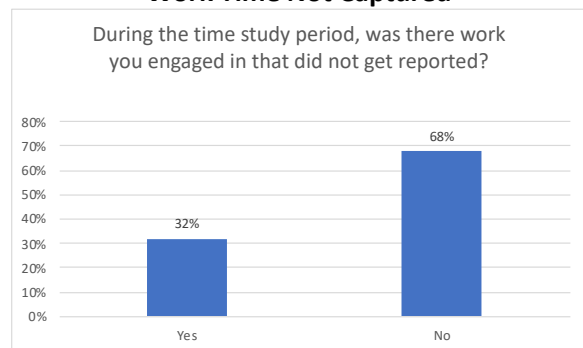
Adequacy of Time Survey: “Adequacy of time” survey results indicate 60% of circuit court judicial officers believed the data collection period was typical. The 40% of circuit court judicial officers who felt the data collection period was not typical cited reasons for the difference including lighter docket/no jury trials, fewer game and fish citations, and spending time performing administrative functions, which may have reduced case related time.

Work not reported.

Focus Group: During the focus groups, circuit court judicial officers reported they believed that all their work was reported during the data collection period. While this was reported in the focus group the more inclusive “adequacy of time” survey indicated different answers among circuit court judicial officers. Specifically, those who did not believe all work was captured indicated that small amounts of

work was unaccounted for, such as late-night search warrants, brief conversations with staff or other judicial officers, and similar work.

**Figure 12 Survey Responses
Work Time Not Captured**



Adequacy of Time Survey: In the “adequacy of time” survey results, 68% of circuit court judicial officers reported they were able to track and record all work in which they were engaged during the study period. The 32% circuit court judicial officers did not believe all their work was recorded stated that there were small amounts of time unaccounted for scattered throughout the study period, such as late-night search warrants or other minimal amounts of time that did not get reported.

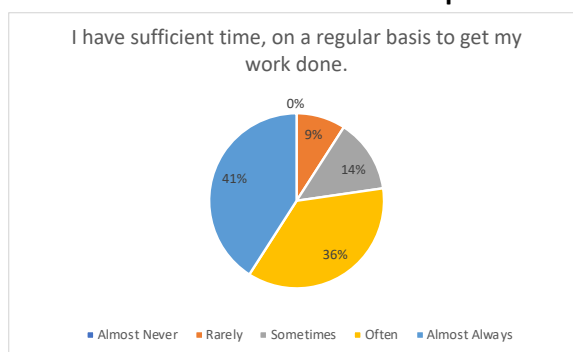
Sufficient time to complete all work?

Focus Group: Circuit court judicial officer focus group participants reported they generally have sufficient time to complete their work, but noted they often have to go beyond a normal workday to get the job done. Circuit court judicial officers indicated at the point at which focus groups were conducted, that the workload had increased, as compared to the data collection period. Circuit court judicial officers also reported that being on call causes additional stress. Circuit court judicial officers feel they

have limited ability to take time off without putting a burden on their colleagues and affecting due process.

Adequacy of Time Survey. Survey responses were similar to what participants reported in the focus groups regarding the perceived sufficiency of time. The majority of circuit court judicial officers (91%) indicated they “Sometimes,” “Often,” or “Almost Always” have enough time to complete their work; conversely, 9% of circuit court judicial officers indicated they “Rarely” have enough time, but no circuit court judicial officers indicated they “Almost Never” have enough time (see Figure 13).

Figure 13: Survey Responses Regarding Circuit Court Judicial Officers’ Time to Complete Work



Obstacles

Focus Group: Focus group participants were asked what obstacles prevented them from being more efficient in the performance of their jobs. Listed below without prioritization are the main themes discussed as obstacles in the circuit court judicial officer focus group; these obstacles are consistent with what was reported in the “adequacy of time” survey:

- Ability to take time off due to being on call;

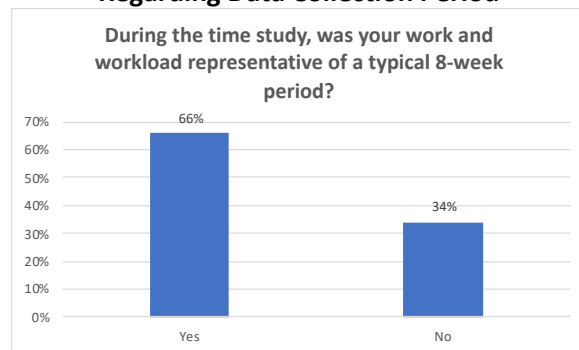
- Legal research time can substantially reduce a judicial officer’s ability to attend to in-court matters;
- Case processing is delayed when attorneys are not prepared;
- It is difficult to write a well-thought out decision when judicial officers are on the bench for most of the day;
- Lack of clerical staff prevents the ability to have written work reviewed and edited; and
- Insufficient tech resources.

Circuit Court Clerical Staff Focus Group Themes and Adequacy of Time Survey Findings

Was the data collection period typical?

Focus Groups: While most circuit court clerical staff reported that they were able to report all of their work time during the study period, several indicated that work was slower than normal. Game and Fish tickets were down during the study period.

Figure 14: Clerical Staff Survey Responses Regarding Data Collection Period



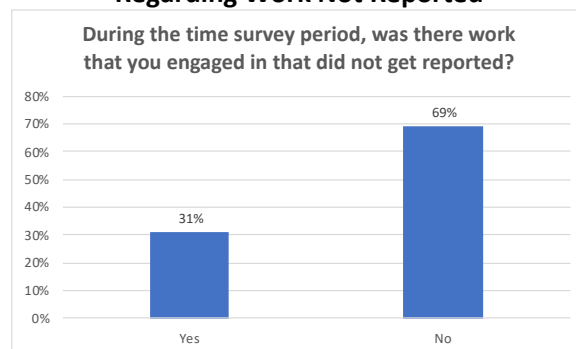
Work not reported.

Focus Groups: Clerical staff reported they believed some of their work was not reported during the data collection period. There was an agreement that work performed after

regular business hours, including phone calls with law enforcement and subsequent time spent following up with law enforcement as well as some occasional weekend work was not captured.

Adequacy of Time Survey: “Adequacy of time” survey findings supported the focus group discussion regarding the non-reporting of some work, in which 31% of circuit court clerical staff indicated some work was unreported. The survey respondents identified additional work that was not reported, including scanning and emailing documents, phone calls, filing, and after-hours work time.

Figure 15: Clerical Staff Survey Responses Regarding Work Not Reported



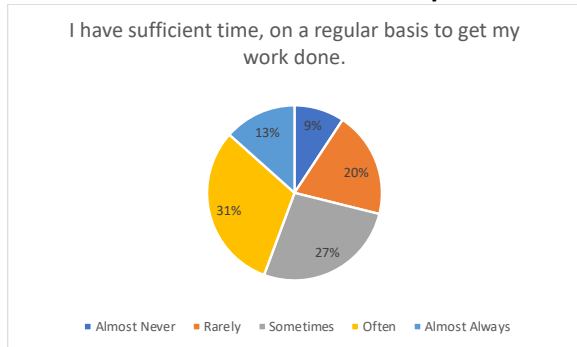
Sufficient time to complete all work?

Focus Groups: During the focus groups, all circuit court clerical staff agreed they are getting their work done; however, they are “struggling to stay afloat.” Several reported they lost or were short an employee during the data collection period, making it stressful to train staff and keep up with the workload.

One participant summed up the question in this way: “we work for the calendar! Multi-tasking is a constant because everything needs to be done right now!”

Adequacy of Time Survey. Survey responses reflected what participants said in the focus groups regarding the perceived sufficiency of time. Circuit court clerical staff indicated in their comments that they work under a persistent level of stress. Stress caused by the inability to clear back log and the perpetual necessity of reallocating resources within the office to offset vacant positions. This is further perpetuated by the inability to find qualified candidates.

Figure 16: Survey Responses Regarding Circuit Court Clerical Staffs' Time to Complete Work



- Time consuming pro se defendants.

Adequacy of Time Survey. Survey respondents also reported many of the same obstacles listed above.

The general conclusion from the focus groups and “adequacy of time survey” is that many, but not all, circuit court judicial officers and clerical staff are managing their workloads, but not without some level of overtime and stress. Those clerical staff who are not managing their workload have undeniable need for more resources to ensure continued effective case processing. This is highly dependent upon the court and location. All circuit court judicial officers and clerical staff share a high level of integrity and recognition of the importance of their assigned responsibilities and duties. There was conversation in every group articulating how important it is to get “things right.”

Obstacles

Focus Groups: Circuit court clerical staff focus group participants were asked what obstacles prevented them from being efficient in the performance of their jobs. The following themes were noted throughout their comments:

- Lack of staff to get everything done;
- Lack of training or the lack of time to train sufficiently;
- Constant interruptions from phone calls or people at the counter, many who are rude or aggressive;
- Slow processing and frequent crashing of the case management system;
- Overwhelming volume of work and multiple hats to do the job; and

V. JNAC AND CNAC REVIEW OF CASE WEIGHTS AND QUALITATIVE REVIEW

After completing the time study, the “adequacy of time” survey, and the focus group discussions, the NCSC staff conducted a third meeting with the JNAC and CNAC in person on June 6 and 7, 2023. The JNAC and CNAC members reviewed tables prepared by NCSC staff showing findings from the time study, the proposed final case weights, and the qualitative input from the “adequacy of time” survey and focus group feedback. After substantial discussion and the corrected alignment of assigned travel time, the JNAC committee accepted the draft case weights as final.

The CNAC worked through several issues. One of the primary issues discussed in the CNAC meeting was whether to collapse time submitted in civil case types due to reported confusion as to how certain work should have been reported in each case type. Because of this confusion, the CNAC decided on some minor changes to the case categories that maintained the integrity of the study but brought the data in line with the realistic time allocated to each case.

The CNAC asked for additional analysis regarding the time reported in the “Other” category (in non-case-related time). The analysis indicated this category was misused in couple of circumstances. Those circumstances were

corrected in the final workload numbers. The CNAC also determined that this category was likely used too often as a catch all when clerical staff didn’t know or didn’t have time to track the time spent within a specific case category. Often clerical staff will receive phone calls or talk with litigants, and clerical staff are unsure whether that conversation is related to a specific case or not. Clerical staff determined that the time should remain accounted for in the study.

The final case weights are shown in Figures 17 and 18. The case weights, along with the number of cases filed, are critical factors in the calculation of the need for circuit court judicial officers and clerical staff. Their calculation is the focus of the next section of this report.

**Figure 17: Final Judicial Officer
Case Weights**

Case Type	Final Case Weight
Protection Order	86
Driving Under the Influence	83
Revocations	17
General Civil	268
Collection	7
Forcible Entry & Detainer	38
Small Claims	18
Felony	64
Misdemeanor/Non-Traffic	34
Game & Fish	22
Domestic Battery	49
Search Warrant	21
Traffic: Non-Jailable Offense	1
Traffic: Jailable Offense	7
Extradition	31
Treatment Courts	8,663

Figure 18: Final Clerical Staff Case Weights

Case Type	Final Case Weight
Protection Order	224
Driving Under the Influence	183
General Civil	136
Forcible Entry & Detainer	126
Felony	141
Misdemeanor (Non-Traffic)	219
Traffic	15
Game & Fish	28
Treatment Courts	4,048

VI. CALCULATING THE NEED FOR JUDICIAL OFFICERS AND CLERICAL STAFF

In the weighted caseload model, three factors contribute to the calculation of resource need: caseload data (filings), case weights, and the year value. The year value is equal to the amount of time each full-time circuit court judicial officer or clerical staff member has available for case-related work on an annual basis. The relationship among the filings, case weights, and year value is expressed in Figure 19.

Figure 19: Needs Model Computation

$$\frac{\text{Filings x Case Weights (minutes)}}{\text{Year Value (minutes)}} = \text{Resource Need (FTE)}$$

Multiplying the filings by the corresponding case weights calculates the total annual workload in minutes. Dividing the workload by the year value yields the total number of FTE circuit court judicial officers and clerical staff needed to handle the workload.

Judicial Officer and Staff Year Value

To develop the working year values, it was necessary to determine the number of days each circuit court judicial officer and clerical staff employee have available for case-related work in each year (judicial officer year value/staff year value), as well as how to divide the workday between case-related and non-case-related work or the respective day value.

Circuit Judge and Staff Year Values

As shown in Figures 20 and 21, the circuit court judicial officer and clerical staff year value was constructed by beginning with 365 days per year, eight hours per day, then subtracting weekends, holidays, annual/sick leave, and training including continuing judicial education requirements for judicial officers. The JNAC and CNAC agreed to use the year 206 and 219 days respectively, representing the total work time average per year.

Figure 20: Circuit Court Judicial Officer Year Value

Year Value	Days	Minutes
Total Days per Year	365	164,250
Subtract Non-Working Days:		
Weekends	-104	-49,920
Holidays	-12	-5,760
Combined Leave & Professional Dev.	-43	-20,640
Total Work Time Available per year	206	98,880

Figure 21: Circuit Court Clerical Staff Year Value

Year Value	Days	Minutes
Total Days per Year	365	175,200
Subtract Non-Working Days:		
Weekends	-104	-49,920
Holidays	-12	-5,760
Vacation/Sick/Other Leave	-24	-11,520
Training & Staff Education	-6	-2,880
Total Work Time	219	105,120

Judicial Officer and Clerical Staff Day

The day value represents the amount of time each circuit court judicial officer and clerical

staff have available for case-related work each day. This value is calculated by subtracting time for lunch, and non-case-related work (e.g., administration, travel, training) from the total working day.

Time study data indicated circuit court judicial officers spend an average of 150 minutes per day on non-case-related work and clerical staff spend 176 minutes per circuit staff per day⁶. For circuit court judicial officers that time included attending meetings, addressing personnel and court administrative issues. For circuit court clerical staff this time included archiving, front counter work and daily contact with prosecution, defense, and law enforcement. The case related day for circuit court judicial officers equates to 5.5 hours while the clerical staff case related day equates to 5.07 ours per day.

Circuit Court Judicial Officer and Clerical Staff Year Values

To calculate the final year values for case-related work, the number of days in the working year was multiplied by the day value for case-related work. This figure is then expressed in terms of minutes per year. Figure 22 and 23 shows the calculation of the year value for circuit court judicial officers and clerical staff, respectively.

⁶ While designated as “non-case-related time” this category includes important work clerical staff engage in that *does* relate to a case, but where the case type is not easily identifiable, such as archiving,

bookkeeping, reconciling, record searches, etc. For judicial officers, this category includes administrative work, committee work and general legal research, among other activities.

Figure 22: Circuit Court Judicial Officer Case-Specific Year Value

Year (days)		Day (hours)		Minutes per hour		Year value (minutes)*
206	X	5.5	X	60	=	67,980

*Year value minutes are calculated based on judge day values with extended decimal points.

Figure 23: Circuit Court Clerical Staff Case-Specific Year Value

Year (days)		Day (hours)		Minutes per hour		Year value (minutes)*
219	X	5.07	X	60	=	66,620

Applying the computation shown in Figures 22 and 23, above, the circuit court judicial officer and clerical staff needs models indicate a net need for .68 additional circuit court judicial officers. The clerical staff need model indicates an overall need of 7.08 circuit court clerical staff, but when looking only at locations in which there is a staffing shortage, the need totals to 12.95 FTE, as shown in Figures 24 and 25 below.

Figure 24: 2023 Wyoming Circuit Court Judicial Officer Needs Model Summary

			Annual Workload Minutes by Court	Judicial Officer FTE Need by Court	Judicial Officer FTE Need by Circuit	Authorized Judicial Officer FTE per Court	Total Judicial Officer FTE per Circuit	Total Judicial Officer FTE Need by Circuit Surplus (+) / Deficit (-)
1st Circuit	Laramie	Cheyenne	232,884	3.43	3.43	3.00	3.00	-0.43
2nd Circuit	Albany	Laramie	93,513	1.38	2.70	1.00	2.00	-0.70
2nd Circuit	Carbon	Rawlins	90,070	1.32		1.00		
3rd Circuit	Lincoln	Afton	25,221	0.37	4.48	0.00	4.00	-0.48
3rd Circuit		Kemmerer	27,055	0.40		1.00		
3rd Circuit	Sweetwater	Rock Springs	168,993	2.49		2.00		
3rd Circuit	Uinta	Evanston	83,575	1.23		1.00		
4th Circuit	Johnson	Buffalo	35,755	0.55	2.02	0.54	1.54	-0.48
4th Circuit	Sheridan	Sheridan	100,243	1.47		1.00		
5th Circuit	Bighorn	Basin	22,295	0.33	2.37	0.36	2.36	-0.01
5th Circuit		Lovell	8,051	0.12				
5th Circuit	Hot Springs	Thermopolis	21,964	0.32		0.00		
5th Circuit	Park	Powell	16,771	0.25		1.00		
5th Circuit		Cody	43,620	0.67				
5th Circuit	Washakie	Worland	40,169	0.68		1.00		
6th Circuit	Campbell	Gillette	143,300	2.11	3.08	2.00	3.00	-0.08
6th Circuit	Crook	Sundance	28,025	0.47		1.00		
6th Circuit	Weston	Newcastle	34,028	0.50		0.00		
7th Circuit	Natrona	Casper	204,227	3.00	3.00	3.00	3.00	0.00
8th Circuit	Converse	Douglas	56,729	0.86	2.12	1.00	2.68	0.56
8th Circuit	Goshen	Torrington	26,949	0.46		1.00		
8th Circuit	Niobrara	Lusk	10,845	0.16		0.16		
8th Circuit	Platte	Wheatland	42,954	0.63		0.52		
9th Circuit	Fremont	Lander	50,339	0.76	3.06	1.00	4.00	0.94
9th Circuit	Fremont	Riverton	78,079	1.15		1.00		
9th Circuit	Sublette	Pinedale	29,599	0.44		1.00		
9th Circuit	Teton	Jackson	48,779	0.72		1.00		
Statewide Total			1,764,032	26.26	26.26	25.58	25.58	-0.68

*Includes judges and magistrates.

Figure 25: 2023 Wyoming Circuit Court Clerical Staff Needs Model Summary

			Annual Workload by Court	Staff Demand by Court	Staff Demand by County	Authorized Staff	Overall Clerical Surplus (+) / Deficit (-)	Net Need for Courts with Need Only	Workload per Clerk
1st JD	Laramie	Cheyenne	1,112,211	16.71	16.71	12.00	-4.71	-4.71	1.39
2nd JD	Albany	Laramie	425,924	6.40	6.40	5.50	-0.90	-0.90	1.16
2nd JD	Carbon	Rawlins	424,452	6.38	6.38	5.50	-0.88	-0.88	1.16
3rd JD	Lincoln	Afton	90,858	1.36	2.91	4.00	1.09		0.73
3rd JD		Kemmerer	102,759	1.54		0.00			
3rd JD	Sweetwater	Rock Springs	679,111	10.20	10.20	10.00	-0.20	-0.20	1.02
3rd JD	Uinta	Evanston	366,619	5.51	5.51	5.00	-0.51	-0.51	1.10
4th JD	Johnson	Buffalo	131,037	1.97	1.97	2.50	0.53		0.79
4th JD	Sheridan	Sheridan	478,204	7.18	7.18	6.00	-1.18	-1.18	1.20
5th JD	Bighorn	Basin	80,521	1.21	1.78	2.00	0.22		0.89
5th JD		Lovell	37,780	0.57		0.00			
5th JD	Hot Springs	Thermopolis	116,730	1.75	1.75	1.50	-0.25	-0.25	1.17
5th JD	Park	Powell	71,800	1.08	4.52	5.50	0.98		0.82
5th JD		Cody	229,338	3.44		0.00			
5th JD	Washakie	Worland	123,605	1.86	1.86	2.00	0.14		0.93
6th JD	Campbell	Gillette	735,371	11.05	11.05	9.50	-1.55	-1.55	1.16
6th JD	Crook	Sundance	146,455	2.20	2.20	2.00	-0.20	-0.20	1.10
6th JD	Weston	Newcastle	106,263	1.60	1.60	2.00	0.40		0.80
7th JD	Natrona	Casper	1,151,535	17.30	17.30	16.00	-1.30	-1.30	1.08
8th JD	Converse	Douglas	295,781	4.44	4.44	4.00	-0.44	-0.44	1.11
8th JD	Goshen	Torrington	151,727	2.28	2.28	3.00	0.72		0.76
8th JD	Niobrara	Lusk	65,349	0.98	0.98	1.50	0.52		0.65
8th JD	Platte	Wheatland	203,302	3.05	3.05	3.00	-0.05	-0.05	1.02
9th JD	Fremont	Lander	193,693	2.91	2.91	3.00	0.09		0.97
9th JD	Fremont	Riverton	385,140	5.78	5.78	5.00	-0.78	-0.78	1.16
9th JD	Sublette	Pinedale	147,480	2.22	2.22	3.00	0.78		0.74
9th JD	Teton	Jackson	207,866	3.12	3.12	3.50	0.38		0.89
Statewide Total			8,260,915	124.08	124.08	117.00	-7.08	-12.95	

VII. RECOMMENDATIONS

The final weighted caseload models provide an empirically grounded basis for analyzing circuit court judicial officer and clerical staff workload and need across Wyoming. The following recommendations are intended to ensure the effective use of the weighted caseload models and to preserve the model's integrity and utility over time.

Recommendation 1

The NCSC recommends updating the circuit court judicial officer and clerical staff needs assessment model annually, using case filings from the most recent three-year average number of reliable filings.

Recommendation 2

The workload model presented in this report should be the starting point for determining the need for circuit court judicial officers and clerical staff in each county. There are some key factors not directly accounted for in this weighted caseload model including, but not limited to: differences in jury trial rates, possible variations in the proportion of civil and domestic cases involving self-represented parties, differences among counties in the percentage of persons who require court interpreting services (whose hearings require more time), and the need to establish minimum staffing levels to ensure court coverage and customer service needs are met. Court leadership may wish to weigh these qualitative factors when considering the need to add circuit court judicial officers and clerical staff.

Many states have established workload thresholds in which additional resource needs can be identified and prioritized. The workload thresholds for six states are provided below. The thresholds listed below are for judicial officers only. NCSC has not identified any state using this technique for court clerical staff. The numbers below demonstrate the workload of each staff member. The first number on the left-hand side indicates where a location might be in jeopardy of losing staff (generally through attrition) because the workload is less than the equivalent of one FTE position, the second number on the right is the threshold at which court administration may consider a need for additional judgeships since the workload is higher than one FTE position.

Florida	.9/1.1
Maryland	.9/1.1
Virginia	.9/1.15
Georgia	.8/1.1
Kentucky	1.4 (no lower limit)
Nebraska	.6/1.15

Recommendation 3

Over time, the integrity of any weighted caseload model may be affected by external factors such as changes in legislation, case law, legal practice, court technology, and administrative policies. NCSC recommends the AOC conduct a comprehensive review of the weighted caseload model every five to seven years. This review should include a time study in which all or most circuit court judicial officers and clerical staff participate. Between updates, if a major change in the law appears to have a significant impact on circuit court workload, a panel of experts can be convened to make

interim adjustments to the affected case weight(s).

APPENDIX A: CASE-RELATED ACTIVITY DEFINITIONS

Circuit Court Judicial Officer Case-Related Activities

1.	Weekend Call Work Record weekend time during which you are called into service, such as making probable cause findings, setting bond, responding to questions from jail/DA, others. Does not include reviewing or signing search warrants
2.	Pre-trial Court Activities Includes all court activities that occur in a case prior to a trial or non-trial disposition, such as: determination of probable cause, initial appearance/arraignment, pretrial hearings & motions, writing decisions and orders following pretrial motions, pretrial conferences, calendar call, settlement conferences, pretrial management conferences, administrative activities occurring pre-trial, etc.
3.	Signing Search Warrants All time spent signing search warrants, including signing warrants at home, in which case the time begins when you receive the call and ends after you have reviewed and signed the warrant.
4.	Jury Trial Activities All activities associated with a jury trial once the trial date has arrived.
5.	Bench Trial Activities All activities associated with a bench trial once the trial date has arrived.
6.	Non-Trial Disposition Activities Includes all disposition activities that result outside of a trial, such as: pleas, nolle pros, and dismissal.
7.	Post-Conviction/Disposition Court Activities All in-court case-related activities occurring once a disposition has been entered on a case, such as sentencing, and other post disposition judgments.
8.	Treatment Court Activities All activity associated with treatment courts, including in-court activity and other work, including administrative work.

Circuit Court Clerical Staff Case-Related Activities

1. Opening	
	Including, but not limited to processing citations, indictments, informations, petitions, complaints and filing fees, file stamping, entering in system, creating file, scanning documents, making copies, distributing to parties (mail, email, or pick up), preparing and delivering for service, coordinating with jail on inmates.
2. Case Maintenance/Activity	
	Including, but not limited to, managing files and filings – motions, bonds, orders, bench warrants, summonses, subpoenas, citation amendments, scheduling, overdue, inactivity, evaluation-related settings, correspondence.
3. Services to Case-Related Parties	
	Including, but not limited to telephone or counter inquiries, payments, bonds, copies, certifications, interactions/troubleshooting with justice partners when directly related to a case.
4. Jury Selection & Related Work	
	Includes all work related to juries for a specific case. Does not include jury term/questionnaires. Pull jury pool, send messages for appearance, mail jury information to attorneys, excuses, inquiries from jurors, schedule bailiff, check-in and seat jurors, prepare juror forms, jury set up (food, supplies, notebooks, etc.).
5. Hearing and Trial Time	
	Including, but not limited to set up Teams/KUDO, setup/clean up courtroom, schedule interpreters, locate attorneys, prepare court calendars, prepare traffic court files, Liberty recorder setup and bookmarks/hub setup, coordinate with jail for scheduling.
6. Judgment/Sentencing	
	Including, but not limited to orders, disposition, fines, closing, setting hearings, probation and parole payment plans.
7. Post Judgment	
	Including, but not limited to fine collection, motions and filings, executions/garnishments (filing, maintenance and payments), violations, hearings, orders, bench warrants, order to show cause/ non-payment, bonds, pulling reminders, file and document management, close files, prepare restitution checks.
8. Treatment Courts	
	Include any case-specific time associated with treatment courts, such as checking participants in for court, setting up Teams calls, or other associated work.

APPENDIX B: NON-CASE-RELATED ACTIVITIES

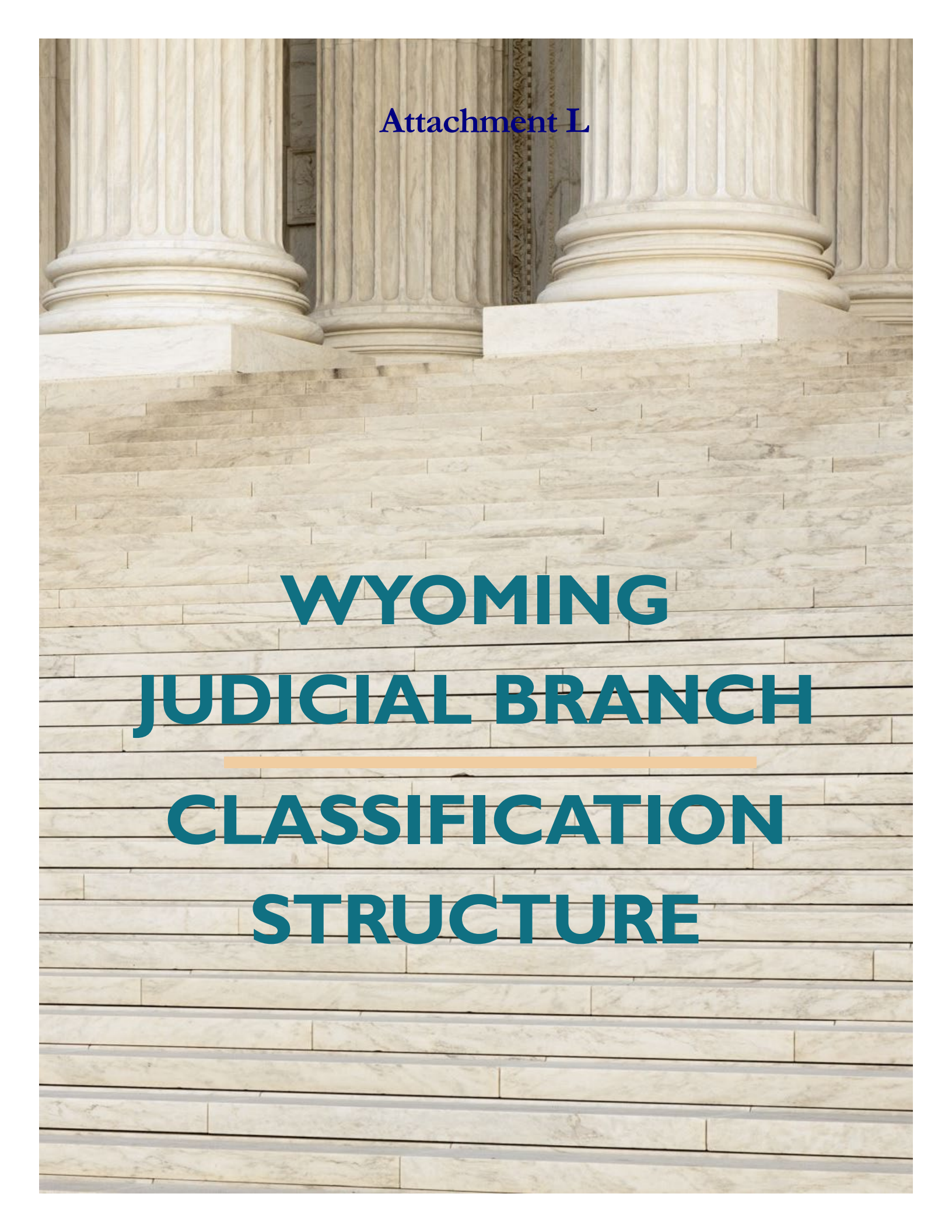
Circuit Court Judicial Officer Non-Case-Related Activities

a) Non-Case-Related Administration - Includes work directly related to the <i>administration or operation</i> of the court.
• Personnel issues • Case assignment • Calendaring • Management issues • Internal staff meeting • Facilities • Budget • Technology
b) Judicial education and training - Includes continuing education and professional development, reading advance sheets, statewide judicial meetings, and out-of-state education programs permitted by the state. <i>Include both receiving training and providing training.</i>
c) Community activities, education, speaking engagement - Includes time spent on community and civic activities in your role as a judicial officer, e.g., speaking at a local bar luncheon, attendance at rotary functions, or Law Day at the local high school. This activity also includes preparing for or officiating at weddings.
d) Committees, other meetings, and related work - Includes time spent in state, local or other work-related committee meetings, staff or other meetings that are job-related, and legislative activity. Also include any work done (prep or post-meeting) for these meetings outside of the actual meeting time.
e) General Legal Research – includes keeping up on legal decisions and other legal research and/or policy issues that is pertinent to your job.
f) Travel time – Inside District - Includes any reimbursable travel inside the judicial officer’s district.
g) Travel time – Out of District – Includes any reimbursable travel inside the judicial officers’s district, including traveling outside of district for meetings.
h) Vacation/Illness/Military Leave - Includes any non-recognized holiday/military leave time. DOES NOT include recognized holidays as they have already been accounted for in the determination of the Judge Year Value.
i) Other - Includes all other work-related, but non-case-related tasks that do not fit in the above categories. Includes signing bench, search and arrest warrants and <i>active working time when serving as the administrative judge if that work cannot be recorded elsewhere.</i>
j) Time Study Data Reporting & Entry - Time spent each day to record and log the time for the weighted caseload study.

Circuit Court Clerical Staff Non-Case-Related Activities

a)	Answering Phones and Emails, Serving the Public and Media Including responding to general phone and email inquiries/correspondence, addressing questions from the public and media, copying and distributing forms, help with appeals.
b)	Mail Sorting, opening and otherwise attending to mail received and sent, verifying case number before file stamping, verifying payments payable to circuit court, if there are multiple cases on check, verifying amount is the total.
c)	Archiving Include all work associated with archiving files and other material, including consolidating files, travel to off-site storage, pulling files to be archived, updating location in the Case Management System, sorting between permanently archived and disposable files, prepare for transport.
d)	Bookkeeping Includes all aspects of bookkeeping, such as initiating and maintaining accounts, reconciling escrow and revenue accounts, maintaining accounting records and petty cash fund, preparing financial reports, retrieving deposit slips, verifying daily totals of cash drawers, depositing at bank, etc.
e)	End of Month (EOM) Reconciling Record this end of month work as separate from ongoing bookkeeping work. Process bank reconciliation, generate/review/create worksheets, process checks, get signatures, mail checks, complete EOM spreadsheet, print appropriate reports for check disbursements.
f)	Record Searches/Requests Search names, receipt fees, pull files (off-site if applicable), copy documents, certify documents, exemplification, email, mail, or fax results.
g)	Education and Training Including any court-approved education, security training videos, training classes, seminars, or conferences, attended for the purpose of professional development.
h)	Training New Employees Includes all time spent on staff training new employees. The new employee being trained will record that time as case-specific or non-case specific time, depending on what they are doing. Training includes the time spent guiding new hire through civil or criminal processes, time in court and reviewing files the new employee processed.
i)	Inventory, Office Supplies, Purchasing Include any time engaged in physical inventory verifications, ordering and purchasing office supplies or other products, follow-up on purchases, sending documentation to Fiscal Office, verifying invoices to monthly budget reports, tagging new equipment and reporting to AOC.
j)	Judicial Officer Support Includes any non-case-specific assistance provided to or interactions with judicial officers, such as emailing documents, maintaining calendars for unavailable time, scheduling magistrates, scanning documents, drafting document, editing documents, assisting/ coordinating with other court clerical staff for the scheduling/sending/receiving of cases judicial officer handling.
k)	Non-Case-Specific Judicial Partners' Troubleshooting Includes working with justice and other partners, such as law enforcement, prosecutors, public defenders, probation and parole, and others to identify and reconcile problems.
l)	Jury Management Send jury qualification notices, scan and enter additional juror information into jury management system, verify second addresses, mail second notices to non-respondents, review and sort

	returned qualification notices, send monthly letters for jury service, prepare order to show cause for failure to appear, and related jury management activities.
m)	Meetings and Related Work Include time spent in meetings (staff meetings or other) that are job-related; also include any time spent prepping for meetings or attending to post-meeting work.
n)	Personnel Management/Hiring Includes all management-related work, such as meeting with employees, verifying and approving timesheets and leave requests, and all work related to hiring, including posting job descriptions, interviews, background checks, etc.
o)	Search Warrants Processing search warrants, file stamping, copying, scanning, and searching for files (if applicable), preparing log, return timely.
p)	Work-Related Travel Includes time spent on reimbursable work-related travel (such as travel to the post office, jail, bank or other work-related travel time).
q)	Time Study Data Reporting & Entry Record time spent each day taken to record and log time for the workload assessment study.
r)	Other Include time spent on any non-case-related task not otherwise listed, includes creating, printing, and distributing weekly court docket

The background of the entire page is a photograph of a classical building's exterior. It features several large, fluted columns made of light-colored stone. In the foreground, a wide set of stone steps leads up towards the columns. The lighting is bright, casting soft shadows and highlighting the texture of the stone.

Attachment L

WYOMING
JUDICIAL BRANCH

CLASSIFICATION
STRUCTURE



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INTRODUCTION

Job evaluation is one of the basic building blocks of the Wyoming Judicial Branch classification plan because it provides a systematic tool for analyzing the content of a job and grouping it into a classification with other jobs of similar job content. It is also a means by which to establish the relativity of one classification to another. The Wyoming Judicial Branch assigns positions to a classification based on an evaluation of the content of each job.

- Class families are jobs that consist of similar work.
- Grade is the range of points for a specific level of responsibility and job content. A class family will have multiple grades for varying levels of responsibility.

Job evaluation begins with a description of the duties and responsibilities of a given position to measure its relative value. To ensure objectivity, the focus of job evaluation is the nature and requirements of the job itself, not the person performing the job. The evaluation is based on the job's requirements assuming that job standards are fully met.

To evaluate our jobs, we use the *Hay Method of Job Evaluation*, which is the most widely used job evaluation system in the world. This evaluation method measures each job's requirements against the three key job content factors found in every job -- Know-How, Problem Solving, and Accountability.

- Know-How: The sum of every kind of skill, however acquired, required for fully competent job performance.
- Problem Solving: The original, self-starting thinking required by the job to identify, define, and resolve problems.
- Accountability: The measured effect of the job on end results.

Job descriptions are measured using the factors above and points are assigned based on various components within each of these factors. The total of all points then determines the appropriate grade for the position. Pay ranges for each grade are assigned based on the market pay ranges used by the State of Wyoming Executive Branch.

1. CLASS FAMILY: JUDICIAL SERVICES AND OPERATIONS

This family of positions provides a variety of services to promote access to justice through timely, fair, and impartial resolution of legal disputes. Housed in the Supreme, District, Chancery and Circuit Courts, these positions perform legal research; prepare and process court documents; create court records; and manage documents in the court case management systems.

Attorneys

- Positions in this group support a Supreme Court justice, a District Court judge, or a Chancery Court judge. These positions prepare memoranda, opinions, jury instructions, and/or orders. They also support decision-making processes by ensuring information and facts are presented for various legal questions. Work is performed under general to limited supervision. These positions exercise considerable legal judgment and reasoning. A Juris Doctor (JD) is required for this position group as well as admission to the Wyoming Bar.

Job Title	Pay Grade	Pay Range	
Senior Staff Attorney	S	\$103,626	\$129,521
Staff Attorney III	R	\$94,640	\$118,290
Staff Attorney II	Q	\$86,424	\$108,035
Staff Attorney I	P	\$78,915	\$98,654
Law Clerk	O	\$72,093	\$90,106

Court Operations

- Positions in this group perform judicial procedures as well as assist with the accounting and financial records of the court. Positions in this group may require secondary education in legal studies or work experience as a paralegal, legal assistant, or executive assistant. Work is performed under limited to direct supervision of a justice/judge or court clerk.

Job Title	Pay Grade	Pay Range	
Supreme Court Clerk of Court	O	\$72,093	\$90,106
Circuit Court Chief Clerk II	O	\$72,093	\$90,106
Chief's Judicial Assistant	N*	\$65,832	\$82,285
Chancery Clerk of Court	N	\$65,832	\$82,285

Judicial Assistant	N	\$65,832	\$82,285
Circuit Court Chief Clerk I	N	\$65,832	\$82,285
Supreme Court Deputy Clerk of Court	M	\$60,112	\$75,150
Official Court Reporter	M*	\$60,112	\$75,150
Circuit Court Deputy Clerk	M	\$60,112	\$75,150
Circuit Court Senior Clerk	L	\$54,912	\$68,640
District Court Legal Assistant	K	\$50,149	\$62,691
Circuit Court Clerk	K	\$50,149	\$62,691

*Denotes a premium or add-on pay position

2. CLASS FAMILY: ADMINISTRATIVE OFFICE OF THE COURTS

This family of positions performs a variety of professional activities and oversees specific Branch programs. Housed in the Administrative Office of the Courts (AOC), these positions are responsible for the coordination, planning, implementation, and completion of program initiatives. Positions in this family require secondary education or work experience in the specific area of expertise. Work is performed under limited to general supervision.

Accounting/Finance

- Positions in this group perform a variety of functions to ensure financial accountability within the Branch, complete accounting activities associated with processing fiscal transactions for the Branch, and ensure proper internal controls are in place. Positions in this group require secondary education or work experience in accounting, finance, or auditing. Work is performed under general supervision.

Job Title	Pay Grade	Pay Range	
Senior Accounting Analyst	N	\$65,832	\$82,285
Internal Auditor	M	\$60,112	\$75,150
Accounts Payable/HR Clerk	K	\$50,149	\$62,691

Business Software

- Positions in this group coordinate and implement new software applications and business processes to include configuration, communication, process analysis and training of various applications. These positions are responsible for a busy help desk.

Job Title	Pay Grade	Pay Range	
Chief Applications Officer	S	\$103,626	\$129,521
Applications Project Team Lead	N	\$65,832	\$82,285
Applications Configuration Specialist	M	\$60,112	\$75,150
Applications Project Support Specialist	L	\$54,912	\$68,640
Applications Project Coordinator	L	\$54,912	\$68,640

Court Services

- Positions in this group direct or support programs focused on access to justice throughout the State of Wyoming in accordance with the directives of state statute or a board of directors.

Job Title	Pay Grade	Pay Range	
EJW Program Director	R	\$94,640	\$118,290
CJP Program Coordinator	N	\$65,832	\$82,285
EJW VISTA Supervisor	K	\$50,149	\$62,691
EJW Administrative Assistant	K	\$50,149	\$62,691

Education

- Positions in this group coordinate, design, plan, and execute staff development and education while furthering the initiatives of the Supreme Court, the AOC, and the District, Chancery, and Circuit Courts throughout the state. Positions in this group require secondary education or work experience in adult education. Work is performed under general supervision.

Job Title	Pay Grade	Pay Range	
Chief Education Officer	R	\$94,640	\$118,290
Court Processes Education Specialist	N	\$65,832	\$82,285
Applications Training Specialist	M	\$60,112	\$75,150
Training Coordinator	M	\$60,112	\$75,150

Executive Leadership

- Positions in this group provide leadership for all aspects of Branch operations with an emphasis on long-term goals and implementing practices and/or programs to carry out the strategic initiatives of the Branch. Positions in this group require secondary education or work experience in a related field and require skill and ability in leading and managing large programs or projects. Professional licensing or certification is preferred. Work is performed under limited supervision.

Job Title	Pay Grade	Pay Range	
State Court Administrator	EX18	\$139,069	\$173,826
Deputy State Court Administrator/CFO	U	\$124,218	\$155,272

Human Resources

- Positions in this group provide human resource services for the Branch to include managing personnel matters, recruitment, retention, timekeeping, and payroll. These positions ensure compliance with policies, rules, and state and federal employment laws. Positions in this group require secondary education or work experience in human resources management or processing. HR Certification is preferred. Work is performed under limited to general supervision.

Job Title	Pay Grade	Pay Range	
Human Resources Manager	R	\$94,640	\$118,290
Human Resources Specialist	K	\$50,149	\$62,691

Information Technology

- Positions in this group provide a variety of professional services and oversees Branch IT programs. These positions support the infrastructure, network, security, and digital information of the Branch. Positions in this family require secondary education or work experience in the specific area of expertise or applicable IT certification. Work is performed under limited to general supervision. Positions are organized by technical area of expertise.
 - **Data Management:** Positions in this group are responsible for the performance, integrity, accuracy, and security of the Branch's data and database environment. These positions provide technical expertise in the design, implementation, and maintenance of database systems as well as audit procedures to ensure data integrity.

Job Title	Pay Grade	Pay Range	
Chief Technology Officer	S	\$103,626	\$129,521
Database Administrator	O*	\$72,093	\$90,106
Data & Quality Assurance Analyst	N	\$65,832	\$82,285
SQL Developer	N	\$65,832	\$82,285
Data Management Coordinator	N	\$65,832	\$82,285

- **Infrastructure:** Positions in this group are responsible for managing the operations, maintenance, and service of the IT systems including network operations as well as the architecture processes and technical documentation of the IT infrastructure.

Job Title	Pay Grade	Pay Range	
IT Infrastructure Manager	O	\$72,093	\$90,106
IT Infrastructure Administrator	M	\$60,112	\$75,150

- **IT Services:** Positions in this group are responsible for managing the operations, maintenance, and service of the IT systems including applications, hardware and software products, audio, and video systems used for court operations.

Job Title	Pay Grade	Pay Range	
IT Services Manager	N	\$65,832	\$82,285
Audio/Visual Manager	M	\$60,112	\$75,150
IT Services Administrator	L	\$54,912	\$68,640

Legal Services

- Housed in the Administrative Office of the Courts (AOC), positions in this group provide legal and policy assistance to the members of the Branch and further the initiatives of the Supreme Court, the AOC, and the District, Chancery, and Circuit Courts throughout the state.

Job Title	Pay Grade	Pay Range	
Chief Legal Officer	U	\$124,218	\$155,272
Senior Counsel	R	\$94,640	\$118,290
AOC Staff Attorney	P	\$78,915	\$98,654
EJW Attorney/IT	N	\$65,832	\$82,285

Library Services

- Positions in this group are responsible for acquiring and maintaining appropriate legal resources that contribute to the process of providing just and timely resolution of all matters before the courts.

Job Title	Pay Grade	Pay Range	
Law Librarian	N	\$65,832	\$82,285
Library Technician	G	\$34,320	\$42,890

Support Services

- Positions in this group provide a variety of services in support of Branch initiatives to include public information, court security, and administrative assistance. Positions in this group require secondary education or work experience in the specific area of expertise. Work is performed under general or direct supervision.

Job Title	Pay Grade	Pay Range	
Project Manager	N	\$65,832	\$82,285
Court Security Officer	N	\$65,832	\$82,285
Archiving Specialist	K	\$50,149	\$62,691
Administrative Assistant	J	\$45,802	\$57,262

*Denotes a premium or add-on pay position

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Classification Review Request

Purpose

Classification reviews are requested when the duties and responsibilities of a position change due to major additions of job duties or responsibilities. A classification review can also be requested when the employee, Judicial Officer, or supervisor believes the employee is performing work at a classification level above their current classification.

Definitions

- (a) "Employee's Supervisor or Supervisor" means the person who oversees a group of people or an area of work and who makes sure that the work is done correctly and according to the rules. This includes Judicial Officers, the State Court Administrator, Division Heads, Chief Clerks, and others as assigned.
- (b) "Judicial Officer" means a Justice of the Wyoming Supreme Court, a District Court Judge, a Circuit Court Judge, or a full-time Magistrate.

Steps in the process

1. A request may be made to review the duties assigned to and performed by an employee AFTER the incumbent has been in the position for at least twelve (12) months.
2. A Classification Review request form is submitted to Human Resources by the Judicial Officer, or employee's supervisor.
3. A desk audit is scheduled and conducted by HR with the employee and supervisor/Judicial Officer. In the desk audit, the HR staff person will explain the job audit procedure and will be gathering information regarding the position duties for a job analysis. HR will ask for detailed explanations and examples, if applicable.
4. HR will conduct a job analysis, as necessary. It is important to remember that this process is relative and is based on know-how, problem-solving, and accountability.
5. The results of the desk audit are shared with the Judicial Officer/supervisor first to review the results and discuss any concerns with the audit findings. The final decision is shared with the employee within 30 days after the audit is conducted. The findings could be that the position should be retained in its current class, reallocated to a different classification, or reclassified to a lower or higher level within the same promotional line. If the position is upgraded to one of a higher level, a promotional increase may be applied.
6. If the employee does not agree with the classification decision, the employee has a right to appeal the determination. If an employee doesn't agree with the desk audit results, the employee may

appeal the decision to the Human Resources Manager in writing within 20 working days. The HR Manager will refer the matter to the Human Resources Committee for final decision.

Other important information

1. The audit is conducted based on the job duties and responsibilities and not how they are performed.
2. The type of work being done is the key, but not the volume of work.
3. Current job duties and expectations can be evaluated, but not anticipated future duties or temporary work.
4. The incumbent's job performance is not relevant. We are looking at the position itself and not who the employee is occupying it.



Classification Review Request Form

Employee Name _____
Job Title _____
Supervisor's Name _____
Supervisor's Job Title _____

Purpose of request

Outline changes to the job duties

Additional information

Employee Signature

Date

Supervisor Review

I approve consideration of this request. Yes No

Additional comments

Supervisor Signature

Date

Judicial Officer Review (if applicable)
I approve consideration of this request. Yes No
Additional comments

Judicial Officer if applicable	Date
--------------------------------	------

Human Resources Acknowledgement

This request was received on: _____

Attachment N

Edits starting on page 8

AUGUST 2022

THE GUIDE TO JUDICIAL BRANCH EMPLOYMENT

WYOMING SUPREME COURT, DISTRICT COURTS,
CHANCERY COURT AND CIRCUIT COURTS

WYOMING JUDICIAL BRANCH

AUGUST 2022

WELCOME

Welcome to the Judicial Branch! We are delighted that you have chosen to join our organization. You are joining an organization that has a reputation for outstanding leadership and expertise. Our employees use their creativity and talent to formulate solutions, meet new demands, and offer the most effective services to the citizens of the State of Wyoming. We sincerely hope you will take pride in being an important part of our team.

Please take time to review the information contained in this Guide. If you have questions, feel free to ask your supervisor or to contact the Fiscal and Human Resources Office at the Supreme Court.

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DISCLAIMER

ANY INDIVIDUAL MAY VOLUNTARILY LEAVE EMPLOYMENT OR MAY BE DISMISSED BY HIS/HER EMPLOYER AT ANY TIME FOR ANY REASON. ANY ORAL OR WRITTEN STATEMENTS OR PROMISES THAT ARE CONTRARY TO AT-WILL EMPLOYMENT ARE HEREBY EXPRESSLY DISAVOWED AND SHOULD NOT BE RELIED UPON BY ANY PROSPECTIVE OR EXISTING EMPLOYEE.

THIS EMPLOYEE INFORMATION IS SUBJECT TO CHANGE AT ANY TIME AT THE SOLE DISCRETION OF THE JUDICIAL BRANCH. THE JUDICIAL BRANCH RESERVES THE RIGHT TO MODIFY, CHANGE, ADD OR DELETE ANY PROVISIONS IN THIS GUIDE AT ANY TIME. EMPLOYEES SHALL RECEIVE NOTICE OF CHANGES TO EMPLOYEE INFORMATION AND AN UPDATED COPY OF THIS GUIDEBOOK SHALL REMAIN AVAILABLE ON THE WYOMING JUDICIAL BRANCH WEBPAGE.

PURSUANT TO WYO. STAT. ANN. § 5-3-102(b) EACH DISTRICT COURT JUDGE IS AUTHORIZED TO ADOPT AND APPLY POLICIES AND PROCEDURES DIFFERENT THAN THOSE OUTLINED IN THIS GUIDE. THEREFORE, EACH JUDICIAL BRANCH EMPLOYEE EMPLOYED IN A DISTRICT COURT SHALL CONSULT WITH THEIR DISTRICT COURT JUDGE REGARDING THE APPLICABILITY OF ANY OF THE POLICIES AND PROCEDURES IN THIS GUIDE.

EMPLOYMENT AT-WILL

Employment at the Judicial Branch is on an at-will basis. This means that either the employee or the Judicial Branch may terminate the employment relationship at any time, for any reason, with or without notice.

This Guide does not create an employment agreement, express or implied. Nothing contained in this or any other document provided to the employee is intended to be, nor should it be, construed as a contract that employment or any benefit will be continued for any period of time. In addition, no Judicial Branch representative is authorized to modify this policy for any employee or to enter into any agreement, oral or written, that changes the at-will relationship.

Any salary figures provided to an employee in annual or monthly terms are stated for the sake of convenience or to facilitate comparisons and do not create an employment contract for any specific period.

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AT-WILL EMPLOYMENT ACKNOWLEDGEMENT

You have been hired as an at-will employee. That means you can be terminated at any time for no given cause. No information contained in this Guide gives you any right to continued employment or to any progressive discipline. You may be terminated with or without cause, with or without any notice.

Before you begin your employment, you must sign the acknowledgment below indicating your understanding of your employment status.

I UNDERSTAND THAT I AM AN AT-WILL EMPLOYEE WHICH MEANS MY EMPLOYMENT CAN BE TERMINATED AT ANY TIME FOR NO GIVEN CAUSE OR REASON. I UNDERSTAND THAT MY SUPERVISOR HAS THE RIGHT TO TERMINATE MY EMPLOYMENT AT ANY TIME WHETHER OR NOT I HAVE VIOLATED ANY POLICY AND REGARDLESS OF THE QUALITY OF MY WORK PERFORMANCE.

(SIGNED ORIGINAL IS IN PERSONNEL FILE AT THE FISCAL AND HUMAN RESOURCES OFFICE.)

SIGNATURE _____

SIGNED THIS _____ DAY OF _____, _____.

Section 1. Definitions.

- (a) “Applicant” means a person who has submitted a Judicial Branch application for consideration of a vacant position.
- (b) “At-Will” means a legal doctrine where an employer has the right to terminate an employee at any time and for any or no reason. It also means that the employee has the right to terminate his or her own employment at any time and for any or no reason. There are no predefined legal requirements in terms of notice periods either. This means the termination can be done without any prior notice.
- (c) “Base Pay” means a predetermined amount constituting all or part of the employee's compensation each monthly pay period. This monthly salary is referred to as the employee's base pay or base salary and paid on the last business day of the month. Salary paid employees can be non-exempt or exempt.
- (d) “Child” means a biological, adopted, or foster child, stepchild, or legal ward who is either under the age of 18, or age 18 or older and incapable of self-care because of a mental or physical disability.
- (e) “Civility” means the act of showing regard for others by being polite.
- (f) “Compensatory Time” means time which may be taken with pay for overtime worked by a non-exempt employee.
- (g) “Confidential Information” means information obtained through the course of professional duties that is protected by law from disclosure or is otherwise intended to be held in confidence.
- (h) “Conflict of Interest” means a situation in which a person can derive personal benefit from actions or decisions made in their official capacity.
- (i) “Courtesy” means a polite remark or respectful act.
- (j) “Deferred Compensation” means a deferred compensation plan that is a promise from the employer to pay the deferred funds, plus any investment earnings, to the employee at the time specified, usually upon retirement.
- (k) “Disability” means the following as defined by the ADA as a disability: (1) a physical or mental impairment that substantially limits one or more major life activities; (2) and/or the employee having a record of having such impairment (such as an employee who is in recovery from cancer); or (3) being regarded as having an impairment.
- (l) “Discrimination” means disparate treatment in a term or condition of employment of any individual not based on legitimate factors but based on a protected class. A term or condition of employment includes but is not limited to hiring, work assignments,

promotion or promotion opportunities, classification, transfers, granting or denying privileges, compensation, or performance reviews.

- (m) “Dismissal” means involuntary separation from Judicial Branch service.
- (n) “Diversity” means the practice or quality of including or involving people from a range of different social and ethnic backgrounds and of different genders, sexual orientations, etc.
- (o) “Employee” means a person working in and compensated by the Judicial Branch of State Government, over which management has the right to direct and control the way the person works, both as to the results and as to the details of when, where, and how the work is done.
- (p) “Employee’s Supervisor” means the person who oversees a group of people or an area of work and who makes sure that the work is done correctly and according to the rules. This includes Judicial Officers, the State Court Administrator, Division Heads, Chief Clerks, and others as assigned.
- (q) “Essential Job Functions” means those job activities that are determined by the Judicial Branch to be essential or core to performing the job.
- (r) “Exempt” Means an employee who is not required to receive overtime in accordance with the Fair Labor Standards Act.
- (s) “Harassment” means the unwelcome conduct that is based on a protected class and the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.
- (t) “Healthcare Provider” means physicians, physician assistants, nurses, nurse practitioners, dentists, mental health professionals and others who by virtue of their education, credentials and experience are permitted by law to evaluate and care for patients
- (u) “Immediate Family Members” means individuals related by blood, marriage or adoption constituting the relationship of spouse; child; brother; sister; parent; grandparent; grandchildren; grandparent-in-law; father-in-law; mother-in-law; son-in-law; daughter-in-law; sister-in-law; brother-in-law; stepfather; stepmother; stepson; stepdaughter; stepbrother; stepsister; half-brother; half-sister; aunt; uncle; niece; nephew; any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship; or other person upon approval of the employee’s supervisor.
- (v) “Judicial Branch” means the branch of government responsible for interpreting and enunciating the meaning of the law through the adjudication of disputes. The Wyoming Judicial Branch consists of the Wyoming Supreme Court, District Courts, Chancery Court, Circuit Courts, and the Administrative Office of the Courts.

- (w) “Judicial Officer” means a Justice of the Wyoming Supreme Court, a District Court Judge, a Circuit Court Judge, or a full-time Magistrate.
- (x) “Leave” means an authorized absence from work during normally scheduled working hours.
- (y) “Nepotism” means the practice among those with power or influence of favoring relatives, especially by giving them jobs.
- (z) “Non-Exempt” means an employee who is required to receive overtime, compensated as compensatory time, in accordance with the Fair Labor Standards Act.
- (aa) “Parent” means, for FMLA use purposes, a parent is a biological, adoptive, step or foster father or mother. For sick leave purposes, parent also includes parents-in-law.
- (bb) “Pension” means a regular payment made during a person's retirement from an investment fund to which that person or their employer has contributed during their working life.
- (cc) “Political Activity” means any activity related to political campaigns and elections, which includes doing something in active support of or opposition to a political party, a candidate for partisan political office (e.g., President, senator, representative, state or local legislature or office), or a partisan political group (e.g., "Historians for Anderson").
- (dd) “Protected Class” means the following are considered protected classes: race, color, religion, sex (including pregnancy), national origin, ancestry, age, disability, or sexual orientation.
 - (1) Sexual orientation includes the coverage of lesbian, gay, bisexual, and transgender individuals.
 - (2) Title II of the Genetic Information Nondiscrimination Act of 2008 prohibits genetic information discrimination in employment. Title II of GINA prohibits the use of genetic information in making employment decisions, restricts employers from requesting, requiring, or purchasing genetic information, and strictly limits the disclosure of genetic information.
- (ee) “Qualified Individual” means an individual who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires.
- (ff) “Reasonable Accommodation” means any modification or adjustment to a job, an employment practice, or the work environment that makes it possible for an individual with a disability to enjoy an equal employment opportunity. The Judicial Branch is not required to provide the “best” or most desired accommodation but is obligated to

sufficiently accommodate so the individual can perform the essential job functions, unless the accommodation poses an undue hardship.

- (gg) “Reduction in Force” means an involuntary termination of an employee from State employment because of a shortfall of funding, lack of work, organizational changes requiring a reduction in the number of positions in state employment.
- (hh) “Resignation” means the voluntary separation from Judicial Branch service.
- (ii) “Retaliation” means the act of seeking revenge upon another.
- (jj) “Serious Health Condition” means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical facility; or continuing treatment by a health care provider.
- (kk) “Social Media” means blogs, forums, and social networking sites, such as Twitter, Facebook, LinkedIn, YouTube, Instagram, SnapChat, and TikTok, among others.
- (ll) “Spouse” means a husband or wife as defined or recognized in the state where the individual was married and includes individuals in a common law marriage or same-sex marriage.
- (mm) “Supervisor” means an employee having statutory or properly delegated authority to hire, promote, dismiss, demote, assign work, reward, or direct Judicial Branch employees; or to effectively recommend such actions if the exercise of such authority requires the use of independent judgment and is not routine in nature.
- (nn) “Termination” means the act of ending employment.
- (oo) “Undue Hardship” means a term used in the ADA which describes an action that would require significant difficulty or expense, or that would fundamentally alter the nature or operation of a program, service, or activity. “Significant difficulty” does not include the accommodation’s impact on morale.

Section 2. Payroll and Work Hours.

(a) Payroll.

Payday. Judicial Branch employees are paid on the last working day of the month for hours worked within that month. Newly hired employees may experience some delay if complete information is not received by Human Resources or if the day of hire is after submission of the payroll for a given month.

Direct Deposit. Employees are encouraged to use direct deposit. Any employee who receives a check, rather than using direct deposit, may experience some minor delay in the receipt of the check.

(b) Payroll deductions.

Payroll deductions will be taken in accordance with Wyoming State Auditor's Office direction. Payroll deductions include but are not limited to Federal Income Taxes, Medicare, and Social Security, as well as health insurance premiums, retirement contributions and approved charity donations. Any court ordered or federally mandated payroll deductions will be processed in accordance with the order or mandate.

Improper Deductions. If an employee believes that an improper deduction has been taken from his or her pay, the employee should immediately report the deduction to Human Resources. The report will be promptly investigated and if it is found that an improper deduction has been made, the employee will be reimbursed accordingly.

~~(a)~~(c) Employment classification.

To determine eligibility for benefits and overtime status, and to comply with federal and state laws and regulations, the Judicial Branch classifies its employees as indicated below. The Judicial Branch may review or change employee classifications at any time.

Exempt. Exempt employees are paid on a salaried basis and are not eligible to receive overtime compensation.

Nonexempt. Nonexempt employees are paid on a salary basis and are eligible to receive compensatory leave for overtime hours worked.

Regular, Full-time. Employees who work a minimum of forty (40) hours weekly and maintain continuous employment status. Generally, these employees are eligible for the benefits package and are subject to the terms, conditions, and limitations of each benefits program.

Regular, Part-Time. Employees who are regularly scheduled to work fewer than forty (40) hours weekly, ~~but at least twenty (20) hours weekly,~~ and who maintain continuous employment status. Part-time employees are eligible for benefits offered by the Judicial Branch at a pro-rated rate and are subject to the terms, conditions, and limitations of

each benefits program.

~~(b)~~(d) *Work week, hours of work and work schedules.*

The standard workweek is from Saturday 12:00 a.m. until Friday 11:59 p.m. and generally consists of forty (40) work hours. Office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday.

Individual work schedules may vary depending on the needs of each court/division. Supervisors will advise employees of each employee's work schedule. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be worked each day and week.

(a) ~~Compensation.~~

~~Judicial Branch employees are paid a monthly salary on the last working day of the month for hours worked within that month. Newly hired employees may experience some delay if complete information is not received by Human Resources or if the day of hire is after submission of the payroll for a given month.~~

~~Employees are encouraged to use direct deposit. Any employee who receives a check, rather than using direct deposit, may experience some minor delay in the receipt of the check.~~

~~Longevity Pay. Judicial Branch employees are eligible for longevity pay of forty dollars (\$40) per month for each sixty (60) months (five (5) full years) of continuous State of Wyoming service. Longevity payments shall begin the month following the completion of sixty (60) months continuous service and will increase after each consecutive sixty (60) months of continuous service.~~

~~Any judge or employee whose salary is fixed by Wyoming Statute or by any other specific act of the legislature shall not receive longevity pay.~~

(b) ~~Overtime.~~

~~The Judicial Branch fully complies with the minimum wage and overtime requirements of the Fair Labor Standards Act (FLSA). Employees of the Judicial Branch who are not exempt from the overtime provisions of the FLSA are entitled to be compensated in the form of compensatory time for hours physically worked more than forty (40) hours per workweek at a rate of one and one half (1½) hours for each overtime hour worked.~~

~~Prior Approval Required. All overtime for nonexempt staff must be approved in advance and in writing by the Chief Fiscal Officer and Judicial Officer for Supreme Court and circuit court employees or by the District Judge for district court employees, in accordance with the written overtime policy of each District Judge. Any paid leave such as sick leave, annual leave, administrative leave, an inclement weather day, or time off without pay does not apply toward hours worked. The employee must have phys-~~

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~~really worked forty (40) hours before being entitled to overtime. Supervisors are strongly encouraged to alter a non-exempt employee's work schedule to avoid overtime.~~

~~Compensatory Time. Compensatory time is paid time off and is provided to non-exempt employees in lieu of overtime when the employee physically works more than 40 hours in the workweek. Compensatory time may also be earned on an hour for hour basis for non-exempt employees who work more hours than scheduled for a particular work week but work less than 40 hours. This must be approved in advance.~~

~~If circumstances arise concerning overtime compensation, which are not specifically addressed by this guidance, the employee should consult with his/her supervisor, the Human Resources Manager, or the Chief Fiscal Officer for clarification.~~

Commented [BE1]: These subsections are now included in subsection 3(d) - Compensation Structure below.

~~(e)~~(c) *Breaks and rest periods.*

An employee may be allowed one (1) fifteen (15) minute break (also referred to as a rest period) for each four (4) hour work period. Breaks shall be scheduled with approval of the employee's supervisor to ensure adequate coverage of job functions. Breaks shall be counted towards hours worked. Breaks will be scheduled when possible. Missed breaks are forfeited.

Breaks shall not be:

- (1) Included in starting/ending workday periods;
- (2) Taken consecutively or included in the computation of meal periods; or
- (3) Extended beyond fifteen (15) minutes. Taking off more than the allotted break time, fifteen (15) minutes, is not allowed. If an employee takes an extended break, and the extended break was not authorized, he/she will not be paid for the additional time taken off for the break and will use leave as appropriate for the circumstances.

Breaks for Nursing Mothers. Nursing mothers may be allowed additional breaks as needed in accordance with the Fair Labor Standards Act (FLSA) and the PUMP Act. Additional breaks or breaks longer than twenty (20) minutes may be unpaid or require leave usage.

~~(f)~~(f) *Meals.*

Meal periods should be scheduled with approval of the employee's supervisor to ensure adequate coverage of job functions. Employees shall take at least a half (1/2) hour meal period unless other work schedule has been agreed to by the employee's supervisor.

Meal periods are unpaid and shall not be included in the computation of the start or end of the workday. Meal periods shall be considered hours worked when a non-ex-

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empt employee performs any duties, whether active or inactive, while eating. It is not necessary that an employee be permitted to leave the premises if otherwise completely freed from duties during the meal period.

~~(e)~~(g) *Reimbursement for travel to and from work.*

If an employee is required to travel away from his/her normal work area, such employee may be reimbursed for mileage regarding such travel. However, an employee will not be reimbursed for mileage for normal travel between a residence and work location, which is considered commuting time, nor will such time be considered hours worked.

(h) *Travel Time.*

In accordance with the Portal-to-Portal Act, non-exempt employees are eligible for compensation for the time they spend traveling from the usual work location to another location, including time spent as a passenger during their normal work hours. Nonexempt employees must record any time spent traveling as hours worked on their timesheet. Meal periods, sleeping periods and time spent on non-work-related activities is not work time and cannot be included as hours worked.

~~(f)~~(i) *Out-of-state travel.*

Reimbursement for out-of-state travel shall comply with Wyo. Stat. Ann. §§ 9-3-102 and 9-3-103. ~~Advanced written approval is required as follows for out-of-state travel:~~

~~By the Chief Justice for the Senior Staff Attorney, the Court Administrator, and the Supreme Court Clerk;~~

~~By the Justice for employees within his/her own chambers;~~

~~By the State Court Administrator for Court Administration, Chancery Court, and Circuit Court employees; or~~

~~By a District Judge for his/her staff.~~

Out-of-state travel is limited to individuals who are in positions that would derive job-related benefit from such travel, and the purpose of travel must be directly related to, and benefit, that position.

~~In accordance with the Portal-to-Portal Act, non-exempt employees are eligible for compensation for the time they spend traveling from the usual work location to another location, including time spent as a passenger during their normal work hours. Non-exempt employees must record any time spent traveling as hours worked. Meal periods, sleeping periods and time spent on non-work-related activities is not work time and cannot be included as hours worked.~~

Commented [BE2]: This language is now included in subsection 2(i) - Travel Time, above.

Exceptions to these policies must be approved in writing by the Chief Justice for Su-

preme Court, Chancery Court, and Circuit Court employees and by a District Judge for exceptions applicable to his/her staff.

~~(g) Annual training/continuing education.~~

~~Staff attorneys at the Supreme Court may annually attend either the Wyoming State Bar Meeting or another continuing education program. Conference fees and travel cost for attending a program other than the Wyoming State Bar Meeting shall not exceed the cost of attending the Wyoming State Bar Meeting. During any year that the Wyoming State Bar Meeting is held in Cheyenne, no travel costs will be allowed for attending an alternative program. Other Supreme Court positions requiring certification shall be reimbursed for continuing education if the certification is a requirement of the employee's position. District Court law clerks must request approval from their judge for continuing education reimbursement, in accordance with that judge's policy. Non-exempt employees must have approval for reimbursement and must record time spent at training or continuing education programs as hours worked.~~

Commented [BE3]: This subsection is now included in subsection 3(g) - Annual training/continuing education, below.

~~(e) Payroll deductions.~~

~~Payroll deductions will be taken in accordance with Wyoming State Auditor's Office direction. Payroll deductions include but are not limited to Federal Income Taxes, Medicare, and Social Security, as well as health insurance premiums, retirement contributions and approved charity donations. Any court ordered or federally mandated payroll deductions will be processed in accordance with the order or mandate.~~

~~**Improper Deductions.** If an employee believes that an improper deduction has been taken from his or her pay, the employee should immediately report the deduction to Human Resources. The report will be promptly investigated and if it is found that an improper deduction has been made, the employee will be reimbursed accordingly.~~

Commented [BE4]: This subsection is now included in subsection 2(b) - Payroll deductions, above.

Section 3. Compensation and Benefits.

(a) Compensation Philosophy.

The Wyoming Judicial Branch (WJB) believes in paying employees a competitive salary based on relevant labor markets and service to the WJB over time. Our compensation philosophy is guided by principles of equity and fairness. Economic conditions, budget, and other practical considerations will necessarily affect the extent to which these principles can be applied.

(b) Job Evaluation.

Job Evaluation. The Judicial Branch uses the Hay Method of Job Evaluation. This evaluation method measures each job's requirements against the three key job content factors found in every job -- Know-How, Problem Solving, and Accountability.

- Know-How: The sum of every kind of skill, however acquired, required for fully competent job performance.
- Problem Solving: The original, self-starting thinking required by the job to identify, define, and resolve problems.
- Accountability: The measured effect of the job on end results.

Job descriptions are measured using these factors and points are assigned based on various components within each of these factors. The total of all points helps determine the appropriate pay grade for each position.

Request for Review. Classification reviews are requested when the duties and responsibilities of a position change due to major additions of job duties or responsibilities. A classification review can also be requested when the employee, Judicial Officer, or supervisor believes the employee is performing work at a classification level above their current classification. Requests are processed as specified in the Classification Review Request form. Employees must complete the Classification Review Request Form to start the review process.

(c) Salary Ranges.

Pay Ranges. Pay ranges for each pay grade are assigned based on the market pay ranges used by the State of Wyoming Executive Branch.

Hiring Rate. The Judicial Branch will establish a hiring range for each position starting at 90% of market, depending on budget availability, so long as the hiring range will not create pay inequities with existing employees. When determining a hiring rate, the Judicial Officer, or State Court Administrator (SCA) should consider the applicant's education, training, and/or work experience as it relates to the job.

Premium Pay. There may be some positions for which the market is paying a premium over others in the same job grade. Premium Pay is used to establish an appropriate pay range for a position where the market is paying above the established pay range for that grade level, as determined by the Hay Methodology.

(d) Compensation Structure.

Base Pay. Judicial Branch employees are paid a monthly salary based on a full-time or part-time status. Non-exempt employees receive additional compensation, which may be earned in the form of compensatory time, when they work more than their scheduled work hours.

Longevity Pay. Judicial Branch employees are eligible for longevity pay of forty dollars (\$40) per month for each sixty (60) months (five (5) full years) of continuous State of Wyoming service. Longevity payments begin the month following the completion of sixty (60) months continuous service and will increase after each consecutive sixty (60) months of continuous service.

Housing Allowance. The Judicial Branch provides a housing allowance to areas of need as determined annually by the State of Wyoming Department of Administration and Information. Any adjustments to the housing allowance are effective July 1 of each year.

Overtime. The Judicial Branch follows the minimum wage and overtime requirements of the Fair Labor Standards Act (FLSA). Employees of the Judicial Branch who are not exempt from the overtime provisions of the FLSA are entitled to be compensated in the form of compensatory time for hours physically worked more than forty (40) hours per workweek at a rate of one and one-half (1½) hours for each overtime hour worked:

Prior Approval Required. All overtime for nonexempt staff must be approved in advance by the Chief Fiscal Officer and Judicial Officer or SCA for Supreme Court, chancery court, circuit court, and AOC employees or by the District Judge for district court employees, in accordance with the written overtime policy of each District Judge. Any paid leave such as sick leave, annual leave, administrative leave, an inclement weather day, or time off without pay does not apply toward hours worked. The employee must physically work forty (40) hours in the week before overtime is earned. Supervisors are strongly encouraged to alter a nonexempt employee's work schedule to avoid overtime.

Compensatory Time. Compensatory time is paid time off and is provided to nonexempt employees in lieu of overtime when the employee physically works more than 40 hours in the workweek. Compensatory time may also be earned on an hour-for-hour basis for nonexempt employees who work more hours than scheduled for a particular work week but work less than forty (40) hours. This must be approved in advance.

If circumstances arise concerning overtime compensation, which are not specifically addressed by this guidance, the employee should consult with his/her supervisor, the Human Resources Manager, or the Chief Fiscal Officer for clarification.

Special Pay.

Special pay includes bonuses and add-on pay. Requests must be approved by the WJC HR Committee, unless specified otherwise. These requests are subject to budget

availability.

Bonuses. Regular pay increases may not be available to employees for exceptional performance or as an incentive for their continued employment with the Judicial Branch. As such, bonuses may be offered in varying amounts instead of additional salary. Types of bonuses approved include:

- Hiring bonuses. Offered to new hires as an incentive to join the Judicial Branch.
- Discretionary bonuses. Given to a particular employee at the discretion of a Judicial Officer or SCA to acknowledge efforts beyond the employee's normal responsibilities.
- Retention bonuses. Branch-wide bonuses approved by the WJC given as an incentive to retain Judicial Branch employees.

Add-on Pay. At times, employees may be asked to do additional work outside their normal job duties for an extended period (one (1) or more months). Judicial Officers or the SCA may recommend additional monthly pay on a temporary basis to acknowledge these extra duties.

(e) Pay Adjustments.

Legislative Approved Adjustments. Each legislative session, the legislature may appropriate funds to the Judicial Branch for pay increases. Allocation of these funds will be decided by the WJC, upon the HRC's recommendation, in accordance with the Judicial Branch pay philosophy.

Promotion. Employees moving to a job in a higher pay grade may receive a pay increase. Judicial Officers or the SCA should consider the employee's education, training, and/or work experience as it relates to the job as well as equity with other employees in the classification.

(f) Moving Expenses.

Judicial Officers or the SCA may pay for the actual expenses or a portion of the actual expenses of transporting household goods and effects, not to exceed \$5,000. Employees moving to accept a position with the Judicial Branch or employees relocating to another court are eligible for this reimbursement. Judicial Officers or the SCA should consider moving distance and other factors that affect the cost of a move when determining an appropriate amount to offer. The moving expense will be deducted from the applicable court's budget.

The employee shall reimburse the court in full for all moving expenses if the employee does not remain employed by the Judicial Branch for one year. Reimbursements may be deducted from the employee's final paycheck.

(g) Annual training/ continuing education.

Law clerks and staff attorneys may annually attend either the Wyoming State Bar Meeting or another continuing education program upon Justice or Judge approval. Conference fees and travel cost for attending a program other than the Wyoming State

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Bar Meeting shall not exceed the cost of attending the Wyoming State Bar Meeting. During any year that the Wyoming State Bar Meeting is held in the position's local community, no travel costs will be allowed for attending an alternative program.

Other Supreme Court positions requiring certification may be reimbursed for continuing education if the certification is a requirement of the employee's position. Non-exempt employees must have approval for reimbursement and must record time spent at training or continuing education programs as hours worked.

(h) Professional Organization Fees.

Employees in positions requiring membership in a professional organization, such as membership in the Wyoming State Bar, will receive payment of dues annually to maintain membership. Employees are responsible for submitting invoices for dues payment to the Branch Fiscal office at least thirty (30) days prior to the due date.

(a)(i) Worker's compensation.

Judicial Branch employees are covered by workers' compensation. Any on-the-job injury that an employee suffers should be immediately reported to a supervisor, and the supervisor shall assist the employee in submitting any ~~required resulting~~ workers' compensation claim. The supervisor to whom an on-the-job injury is reported will then report that matter to Human Resources for payroll purposes and to provide assistance with the workers' compensation process. Information and guidance on filing a workers' compensation claim is available from the Workers' Compensation Division.

(b)(i) Insurance coverage.

Eligible Judicial Branch employees may participate in term life insurance, retirement plans, and group health and accident insurance in accordance with the established State policies for employees. Optional dental insurance, vision insurance, short-term or long-term disability insurance, and additional life insurance are also available. Employees may opt for pre-tax payment of premiums and may establish a pre-tax medical expense and/or childcare account.

(c)(k) Consolidated Omnibus Budget Reconciliation Act (COBRA).

The Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the State's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours, or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements. Under COBRA, the employee or beneficiary pays the full cost of coverage at the State's group rates plus an administration fee. Employees' Group Insurance provides each eligible employee with a written notice describing rights granted under COBRA when Employees' Group Insurance receives notice from the employee that they may be eligible for coverage under the State's health insurance plan. The notice contains important information about the employee's rights and ob-

ligations.

~~(d)~~(1) Retirement.

Eligible employees are enrolled in the Wyoming Retirement System's (WRS) pension and Deferred Compensation plans.

Pension Plan. The WRS pension plan is a lifetime monthly retirement benefit upon vesting and meeting the age and service requirements of a particular plan. Vesting represents the length of service required before a member is entitled to a monthly benefit. Vesting and other requirements vary with each plan. A retirement benefit is calculated by applying the multiplier specific to a given plan to a member's earned service credit and highest average salary. In other words, this number multiplied by the member's highest average salary and years of service will approximate the member's annual benefit at retirement. The multiplier for each plan is set by state statute.

Deferred Compensation. The WRS 457 Plan is a powerful savings tool for retirement. Judicial Branch employees are automatically enrolled in the WRS 457 Plan upon hire. If an employee does not want to participate, they must opt out of the plan. Judicial Branch employees receive twenty dollars (\$20) per month added to their 457 account if they contribute twenty dollars (\$20) or more a month.

Section 4. Time off and leaves of absence.

The Wyoming Judicial Branch recognizes that employees have diverse needs for time off from work and has established various leave policies to assist employees with managing their professional and personal life. Employees are accountable and responsible for managing their own leave hours to allow for adequate reserves if there is a need to cover vacation, illness or disability, appointments, emergencies, or other situations that require time off from work. Employees shall request leave in writing, to their supervisor, as early as possible. Processes for requesting leave may vary by court. There is no assurance that any specific dates for leave will be granted. Time elapsed while an employee is on any authorized leave, except a leave without pay or educational leave, shall be considered paid time for purposes of this section.

(a) *Annual leave.*

Annual leave may be used by an employee for any purpose. Employees must receive prior approval from their supervisor to use annual leave. The supervisor who approves annual leave shall consider the needs of the employee and staffing requirements in approving annual leave. Annual leave must be used in thirty (30) minute increments.

Accrual. Annual leave accrual rates are determined by the length of completed continuous State service as follows (Some District Court staff such as court reporters and some law clerks do not accrue annual leave. District Court law clerks and court reporters should check with their judge regarding the court's accrual policy):

0 months through 48 months	10 hours per month
49 months through 108 months	12 hours per month
109 months through 168 months	14 hours per month
169 months or more	16 hours per month

Proration. Employees accrue annual leave according to the number of hours worked in the month, as follows:

160 or more hours	100% of accrual
120-159 hours	75% of accrual
80-119 hours	50% of accrual
40-79 hours	25% of accrual
39 or less hours	0% of accrual

Maximum Accrual of Annual Leave. On December 31st of each year, accrued unused annual leave more than the carry-over maximum will be reduced to the maximum and the employee shall forfeit the right to use this excess leave. The carry-over maximum, which depends upon completed State service, is as follows:

Zero through 108 months	240 hours (30 days)
109 through 168 months	288 hours (36 days)

169 through 228 months	336 hours (42 days)
229 or more months	384 hours (48 days)

Service Credits to Rehired Employees. Service credits for non-continuous service shall be immediately granted to a rehired employee claiming prior Executive, Judicial or Legislative Branch service followed by a separation in service. Prior service shall be on record with the Wyoming Retirement System or may be otherwise verified by the employing department. Service credits shall be given for any calendar month during which work was actually performed.

Carry over from Executive or Legislative Branch. An employee transferring to the Judicial Branch from the Executive or Legislative Branches may transfer any unused or unpaid annual leave. Judicial Branch employees transferring to the Executive or Legislative Branches shall be allowed to transfer unused annual leave.

(b) *Sick leave.*

Sick leave is available for use when an employee is ill, injured, or disabled; has scheduled medical, mental health, dental, or optical exams or procedures; where the employee needs to provide care for a spouse, parent, child or someone in the employee's direct care due to illness, injury, or disability; or where the employee needs to assist a spouse, parent, child or someone in the employee's direct care with medical, mental health, dental, or optical exams or procedures; for death or illness of a member of the employee's or the employee's spouse's family and such other persons as approved by supervisor or Judicial Officer, when bereavement leave has been exhausted or does not apply; or when an employee has been exposed to a contagious disease such that attendance at work could jeopardize the health of others. Sick leave is not eligible for use with absences associated with the illness or care of pets.

Sick leave must be used in not less than thirty (30) minute increments.

Accrual. Employees accrue sick leave according to the number of hours worked in the month, as follows:

160 hours or more	8 hours per month
120-159 hours	6 hours per month
80-119 hours	4 hours per month
40-79 hours	2 hours per month
39 or less hours	no accrual

Sick leave may be accrued without limit, excepting some District Court employees that do not accrue time.

Notification. An employee shall notify a supervisor as soon as possible when using sick leave. Requests for sick leave must be approved by the employee's supervisor. A supervisor with authority to approve sick leave may at any time require verification of

the basis for the leave. Employees may also be required to provide a return-to-work authorization from their health care provider.

Donation of Sick Leave. Any Judicial Branch employee who has accrued a minimum of eighty (80) hours of sick leave may donate up to sixteen (16) hours accrued sick leave per calendar year to an employee of the Judicial Branch or another branch of State government. Immediate family members may donate an unlimited amount of sick leave. Employees must be employed with the State of Wyoming for at least six (6) months to be eligible to receive sick leave donations. In extreme emergency situations, this minimum employment requirement may be waived with Chief Justice or District Court Judge approval, as applicable.

Advance Sick Leave. An employee who has used all accrued sick leave, compensatory time, and annual time, and who has an immediate and reasonable need for sick leave, may, at the discretion of the employee's supervisor, be advanced sick leave not to exceed eight (8) hours for each year of continuous service with the State up to fifteen (15) years, and twelve (12) hours for each year beyond fifteen (15) years continuous service. Advanced sick leave will result in a negative leave balance. Upon return to work, the employee's monthly accrual will offset the negative balance until the leave account equals zero. The employee will be ineligible to use additional sick leave until the balance returns to a positive accrual amount. If employment is terminated with a negative leave balance, the employee will be required to repay the remaining leave used in advance of accrual.

Carryover from Executive or Legislative Branch. An employee appointed without a separation from the State Executive or Legislative Branch shall be allowed to transfer unused sick leave. The employee shall accrue sick leave according to established policies. Judicial Branch employees transferring to another Branch of State Government shall be allowed to transfer unused sick leave.

(c) *Compensatory time.*

Employees who request to use compensatory time shall be permitted to use such time if the request does not unduly disrupt the operation of the court/division. Compensatory time may not be used for a length of time that would unduly disrupt the operations of the employee's court/division.

Requirements for Use of Compensatory Time. Compensatory time shall be used before taking any annual leave. Compensatory time must be used in thirty (30) minute increments. Compensatory time must be used no later than December 31st of each calendar year.

Prior Approval. All compensatory time must be approved and scheduled by the employee's supervisor. When requesting use of compensatory time, sufficient notice must be given to allow management to make informed decisions based upon operational considerations, including expected absences and unplanned vacancies.

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Unused Compensatory Time. All employees will be required to use compensatory time or receive the pay equivalent for earned compensatory time as follows;

- (1) Unused compensatory time balances as of December 31st of each year shall be paid off during the first available payroll cycle following verification of the leave balance;
- (2) Upon separation from State service;
- (3) As of one (1) day prior to a promotion effective date;
- (4) Upon transfer to another agency of State Government; or
- (5) As deemed appropriate by the Chief Justice for Supreme Court, Chancery Court, and Circuit Court employees and by a District Judge for his/her staff.

(d) *Leaves of absence/leaves without pay/education leave.*

Leaves of absence, leave without pay or educational leave may be granted upon such terms as are approved by the employee's supervisor and the State Court Administrator for Supreme Court, Chancery Court, and Circuit Court employees and by the District Judge for District Court employees.

(e) *Holiday leave.*

The following are holidays recognized by the Judicial Branch:

New Year's Day (January 1)
Martin Luther King, Jr./Wyoming Equality Day (third Monday in January)
President's Day (third Monday in February)
Memorial Day (last Monday in May)
Independence Day (July 4)
Labor Day (first Monday in September)
Veteran's Day (November 11)
Thanksgiving Day (fourth Thursday in November)
Christmas Day (December 25)

Additional Paid Holidays. At times, County buildings are closed for holidays not authorized by the Judicial Branch. It is at the Judge's discretion whether court employees will work on those days.

The Branch may also recognize additional holidays as follows:

Upon declaration of the Chief Justice of the Wyoming Supreme Court, any date declared by the President of the United States as an occasion of national mourning, rejoicing, or observance or national emergency.

Such other days as the Chief Justice of the Wyoming Supreme Court may declare to be paid court holidays.

Observed Holidays. Whenever a holiday falls on a Saturday, the preceding Friday shall be the observed holiday, and whenever one falls on a Sunday, the following Monday shall be the observed holiday.

Eligibility for Holiday Leave. Employees who work twenty (20) hours or more per week are eligible for Holiday Leave. Employees shall receive eight (8) hours of holiday leave with pay for all recognized holidays. Employees who work less than eight (8) hours per day receive a pro-rated amount.

Employees must work or use available paid leave on the day before and the day after a holiday or observed holiday to be eligible for paid Holiday Leave.

Holiday Premium Time Accrual. A nonexempt employee required to work on an official State holiday will be given compensatory time at a rate of one and one-half (1½) hours off for each hour worked during the holiday. District Court policies regarding holiday premium pay may vary. District Court employees should check with their judge regarding the court's holiday premium pay policy.

Holiday Base Time Accrual. A nonexempt, full-time employee required to work more than thirty-two (32) hours during a week that includes a holiday will receive additional compensatory time on an hour for hour basis for each hour worked above thirty-two (32) hours up to forty (40) hours in the week. Any hours worked over forty (40) hours will be earned as compensatory time at a rate of one and one-half (1½) hours off for each hour worked over forty (40). Part-time employees may also earn compensatory time during a holiday week if they work more than their regularly scheduled hours. District Court policies regarding holiday pay may vary. District Court employees should check with their judge regarding the court's holiday pay policy.

(f) *Jury/ witness duty.*

An employee subpoenaed as a witness, except as a witness in their own case, or summoned for jury duty shall be on administrative leave with pay. Each supervisor shall require appropriate documentation prior to the start of jury duty. The employee may retain any witness or juror fees received. Employees are expected to report for work whenever the court schedule permits.

(g) *Military leave.*

The Judicial Branch conforms to the leave and other requirements set out by Wyo. Stat. Ann. §§ 19-11-106, 19-11-107, and 19-11-108. Employees in need of military leave should contact Human Resources to discuss the leave available.

(h) *Bereavement leave.*

Employees receive up to forty (40) hours of bereavement leave upon the death of an immediate family member as defined in Section 1, Definitions of this Guide. Employees may use leave time immediately following the death or at another time within twelve (12) months should memorial services be delayed.

An employee may be required to submit substantiating evidence of the need for leave. Bereavement leave is not authorized for absences related to the death of a pet(s).

(i) *Inclement weather leave.*

If the Chief Justice or other Judicial Officer declares that inclement weather, or any other unanticipated work interruption, requires the closure of a court or courts, the employees' time away from work is treated as paid administrative leave. Employees who are on approved leave when the court closes for inclement weather are not eligible for administrative leave. Their time will be treated as the leave already approved. Employees who are unable to work due to inclement weather when the Chief or other Judicial Officer has not declared inclement weather leave will be required to use annual leave.

(j) *Voting leave.*

Each employee is allowed one (1) hour away from work to vote in any statewide or local election if the employee's work schedule does not provide for a three (3) hour window while voting polls are open (Wyo. Stat. Ann. § 22-2-111(b)).

(k) *Administrative review leave.*

A Judicial Officer may place an employee on administrative review leave with or without pay. Circuit Court Judges and Magistrates must consult with the State Court Administrator prior to placing an employee on administrative review leave. An employee may be placed on leave for no more than thirty (30) days, subject to extension as provided below, when:

- (1) The employee is charged with or is under investigation for the commission of a crime which would raise reasonable doubt concerning the employee's suitability for continued employment;
- (2) Allegations of misconduct have been made and, if confirmed, the employee's presence on the job may be detrimental to the operation of the court/division;
or
- (3) A formal workplace investigation has commenced and removing a witness or complaining party from the workplace is needed to conduct a full investigation.

Employees placed on administrative review leave will receive written notice of such leave. Employees are not entitled to administrative review leave. Administrative review leave will be granted at the discretion of the employee's supervisor **and does not affect the employee's at-will status.**

Extension. The Chief Justice or Judicial Officer may extend an administrative review leave beyond thirty (30) days if the circumstances warrant such an extension. Circuit Court Judges and Magistrates must consult with the State Court Administrator prior to extending administrative review leave.

Return to Work. If the reason for Administrative Review Leave is resolved and it is determined the employee can return to work, the employee shall be granted pay for any lost wages incurred during the leave.

(1) *Family and Medical Leave Act (FMLA).*

The Family Medical Leave Act (FMLA) provides unpaid, job-protected leave to assist eligible employees when they are unable to work because of a qualifying reason. All terms of this section shall be interpreted in accordance with the Family and Medical Leave Act of 1993 (FMLA) of the United States.

Qualifying reasons include the following:

- (1) An employee's own serious health condition;
- (2) A need to care for a parent, spouse, or child with a serious health condition;
- (3) The birth of a child and to bond with the newborn child;
- (4) Adoption of a child or foster care placement to bond with the child;
- (5) For certain qualifying exigencies when an employee's spouse, child, or parent is on covered active duty or called to covered active duty in the Armed Forces, including the National Guard or Reserves; or
- (6) In certain situations, to care for a current service member or veteran of the employee's family with a serious injury or illness, in which case twenty-six (26) weeks of unpaid leave will be allowed.

Employees who are absent for more than three (3) days due to illness, injury, disability or to care for a parent, spouse or child may qualify for FMLA. Please contact Human Resources to discuss.

Use of FMLA Leave. Leave may be taken all at once, intermittently or on a reduced schedule for health conditions, if needed. Intermittent or reduced schedule leave is determined based upon health needs as specified by the healthcare provider. For planned health treatments or procedures, the employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt business operations. Leave for

birth, bonding or placement of a child shall not be taken intermittently or on a reduced leave schedule unless the employee and his/her supervisor agree or unless it is medically necessary.

Advance Notice. To take FMLA leave, employees must provide their supervisor with advance notice in writing. Planned events such as surgery or childbirth require at least thirty (30) days advance notice. If an employee learns of a need for leave less than thirty (30) days in advance, the employee must notify their supervisor as soon as possible (generally either the day they learn of the need or the next workday). When the need for FMLA leave is unexpected (for example, if a family member is injured in an accident), the supervisor must be informed as soon as possible.

Notice of FMLA. When a supervisor is put on notice that an employee is experiencing an issue that could qualify for leave under the FMLA, the supervisor must notify the Human Resources Manager. Employees may also notify Human Resources directly of the need for FMLA leave. Once a supervisor is aware an employee may be eligible for FMLA, even if the employee does not request it directly, Human Resources is required to provide the employee with FMLA information and request completion of FMLA forms.

Eligibility. The Human Resources Manager will verify the employee is eligible for leave under the FMLA. To be eligible, the employee must:

- a. Be employed by the State of Wyoming for twelve (12) months prior to the need for FMLA leave (this time is not required to be consecutive);
- b. Have worked a minimum of one thousand two hundred fifty (1,250) hours within the last twelve (12) months; and
- c. Have a qualifying reason for the leave as defined by the FMLA.

FMLA Forms. Human Resources must provide the employee with a Notice of Eligibility and Rights and Responsibilities form within five (5) working days of notification of the need for leave. Employees will be required to return an appropriate medical certification form completed by a health care provider or, in the instance of military or child placement reasons, documentation of the need for leave. Employees who fail to return certification or documentation may be denied FMLA. Once all forms are received and FMLA is approved, Human Resources will provide a Designation Notice form to the employee informing them of their placement on FMLA.

Employees are responsible for providing information regarding the reason for FMLA leave. While employees do not have to provide a diagnosis, they do need to provide information indicating that the leave is due to an FMLA-qualifying condition. If enough information is not provided to know that the leave may be covered by the FMLA, the employee may not be entitled to job-protected leave.

FMLA leave shall not exceed twelve (12) weeks (or four hundred eighty (480) hours for intermittent leave) in a twelve (12) month period for family and health reasons or twenty-six (26) weeks for military-related health reasons.

Use of Paid Leave. The Judicial Branch requires employees to use any earned sick leave, annual leave, compensatory time, or other available leave while on FMLA leave, unless the medical condition is a result of a workers' compensation injury or illness. Paid leave is used along with FMLA leave so the employee continues to receive a paycheck.

Employees with Short Term Disability benefits may choose unpaid FMLA leave after all sick leave is exhausted to use those benefits. Employees may also request sick leave donations once all available paid leave is exhausted, upon approval by the employee's supervisor.

Health Insurance Coverage. An employee will be retained on the State's health plan under the same conditions that applied before the FMLA leave commenced. To continue health coverage, the employee must continue to make any contributions that he/she made to the plan before taking leave. If the employee has used all leave and is currently on unpaid leave while under FMLA protection, the employee must independently contribute to his/her health insurance. This payment will not be made by the employer or Human Resources on behalf of the employee. Failure of the employee to pay the required share of the health insurance premium may result in loss of coverage.

If the employee fails to return to work after the expiration of the leave, the employee will be required to reimburse the State of Wyoming for payment of health insurance premiums during the FMLA leave, unless the reason the employee fails to return is the existence of a serious health condition which prevents the employee from performing the employee's job or other exigent circumstances beyond the employee's control.

Return to Work. Once the employee no longer needs FMLA leave, the employee must notify Human Resources or the employee's supervisor on the ability to return to work. If an employee wishes to return to work prior to the expiration of an FMLA leave of absence, notification must be given to the employee's supervisor at least five (5) working days prior to the employee's planned return. Employees who return to work prior to exhausting FMLA leave will be returned to their previous position or to a position with equivalent pay, benefits, and other terms and conditions of employment. Employees on leave for their own health condition will be required to submit a release to return to work from their healthcare provider to Human Resources or the employee's supervisor. The release should also indicate if the employee has any work-related restrictions. The failure of an employee to return to work upon the expiration of an FMLA leave of absence may result in the termination of employment.

Unable to Return to Work. Employees unable to return to work after using all available FMLA leave must contact Human Resources and the matter will be reviewed to

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determine available options with the employee depending on the specific circumstances of their need for continued leave. An employee may request an extension of unpaid leave due to the continuation, recurrence, or onset of the employee's own serious health condition, or of a serious health condition of the employee's spouse, child, or parent, and must submit a request for an extension, in writing, to the employee's supervisor, who will report that matter to Human Resources. This written request shall be made as soon as the employee realizes that he/she will not be able to return at the expiration of the leave period.

If circumstances arise concerning FMLA, which are not specifically addressed by this policy statement, the employee should consult with his/her supervisor or the Human Resources Manager for clarification.

Section 5. Conduct of Judicial Employees.

It is essential that all Judicial Branch employees observe high standards of conduct to maintain professionalism in the workplace and public confidence in the integrity and independence of the judicial system. Judicial Branch employees must discharge their duties in a manner that creates confidence ensuring the judicial system is fair and impartial; court decisions, rules, and policies are made through established procedures; Judicial Branch employees will be discreet and maintain confidentiality of information when required by rule or statute; and Judicial Branch employees will not misuse their positions to obtain unauthorized benefits. The Code of Judicial Conduct prohibits bias or prejudice and harassment based upon race, sex, gender religion national origin, ethnicity, disability, age, sexual orientation marital status socioeconomic status, or political affiliation.¹ Each employee is expected to read and understand the Wyoming Code of Judicial Conduct. Questions related to the Code should be directed to the employee's supervisor.

It is also important that Judicial Branch employees foster respect and credibility within their communities by adhering to high standards of conduct in the areas of customer service, job performance, personal integrity, professional responsibility, and by avoiding not only impropriety, but the appearance of impropriety. As public servants, Branch employees are expected to be approachable, professional, non-discriminatory, respectful, and courteous.

(a) *Equal employment opportunity.*

All employees and applicants shall be recruited, selected, trained, promoted, retained, and terminated without regard to race, national origin, religious creed, age, gender, or disability, unless such is related to a bona fide occupational qualification.

(b) *Commitment to diversity.*

The Judicial Branch is committed to creating and maintaining a workplace in which all employees have an opportunity to participate and contribute to the success of the Branch and are valued for their skills, experience, and unique perspectives.

(c) *Americans with Disabilities Act (ADA).*

The Judicial Branch fully complies with the Americans with Disabilities Act (ADA). To ensure equal employment opportunities to qualified individuals with a disability, the Judicial Branch will make reasonable accommodations for the known disability of an otherwise qualified individual, unless undue hardship on the operation of the business would result. Employees who may require a reasonable accommodation should contact Human Resources.

¹ Code of Judicial Conduct, Rule 2.3.

(d) *Harassment and discrimination.*

It is the Judicial Branch's policy to provide a work environment free of sexual and other harassment or discrimination. To that end, harassment of employees by management, supervisors, coworkers, or nonemployees who are in the workplace is absolutely prohibited. Further, any retaliation against an individual who has complained about sexual or other harassment or retaliation against individuals for cooperating with an investigation of a harassment complaint is similarly unlawful and will not be tolerated. The Judicial Branch will take all steps necessary to prevent and eliminate unlawful harassment.

Unlawful Harassment. "Unlawful harassment" is conduct that has the purpose or effect of creating an intimidating, hostile, or offensive work environment; has the purpose or effect of substantially and unreasonably interfering with an individual's work performance; or otherwise adversely affects an individual's employment opportunities because of the individual's membership in a protected class.

Unlawful harassment includes, but is not limited to, epithets; slurs; jokes; pranks; innuendo; offensive comments; written or graphic offensive material; stereotyping; or other threatening, hostile, or intimidating acts based on race, color, ancestry, national origin, gender, sex, sexual orientation, marital status, religion, age, disability, veteran status, or other characteristic protected by state or federal law.

Sexual harassment is unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of employment; (2) submission to or rejection of such conduct is used as a basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonable interference with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Discrimination. "Discrimination" is disparate treatment in a term or condition of employment of any individual, not based on legitimate factors, but based on a protected class. A term or condition of employment includes but is not limited to hiring, work assignments, promotion or promotion opportunities, classification, transfers, granting or denying privileges, compensation, or performance reviews.

Complaint Procedure. Although staff members can file complaints at any time with the HR Manager, they are encouraged to file their complaints as quickly as possible following the act. Complaints of discrimination or harassment may be made verbally or in writing. Whenever possible, employees are encouraged to report allegations of harassment or discrimination in writing. Complaints shall include the following:

- (1) Name of the complainant;
- (2) Name(s) of person(s) alleged to have engaged in prohibited conduct; and

- (3) A specific and detailed description of the conduct which the staff member believes violates this policy to include when the conduct occurred.

Perceived violation(s) of the Harassment and Discrimination policy may be reported to the complainant's immediate supervisor, other management personnel, or Human Resources. If a person reports a perceived violation of this policy to a supervisor, the supervisor is required to report it to a Judicial Officer or Human Resources and does not have the discretion to keep the matter confidential, even if requested to do so by the reporting party.

Use of the chain of command is encouraged when the staff member is comfortable reporting to their immediate supervisor. However, staff may report to Human Resources or the State Court Administrator and need not observe any particular chain of command.

The Human Resources Manager shall review all complaints of harassment, discrimination, and retaliation at the time of receipt. The Human Resources Manager shall promptly notify the Chief Justice, the appropriate District Court Judge or the Chairman of the District Court Judges Conference, a Chancery Court Judge, or the appropriate Circuit Court Judge of the complaint. The Human Resources Manager shall ensure the complaint is addressed.

Each complaint shall be reviewed by the Human Resources Manager to determine whether any alleged violations of policy occurred. Following review of the complaint, an investigation may be recommended to determine the facts of the matter. A full investigation of the complaint may not be necessary but instead referred to appropriate management staff to resolve the concerns. The employee filing the complaint will be notified of any conclusions.

Confidentiality. All complaints and investigations are confidential to the extent possible, and information is disclosed strictly on a need-to-know basis. The identity of the complainant(s) is usually revealed to the party involved during the investigation, and steps will be taken to ensure the complainant is protected from retaliation during and after the investigation. All information pertaining to a complaint or investigation under this policy will be maintained in secure files with Human Resources.

Nothing in this policy precludes a person from filing a formal complaint with the Wyoming Department of Workforce Services Division of Labor Standards or the Federal Equal Employment Opportunity Commission (EEOC).

- (e) *Conflicts of interest.*

Every employee shall avoid conflicts of interest. A conflict of interest exists when the employee's objective ability or independence of judgment in the performance of the employee's duties is impaired or may reasonably appear to be impaired, or when an employee, or the employee's immediate family or business interest would derive financial gain because of the employee's position within the court system.

Even though misuse or abuse of office is not involved, a conflict of interest can undermine the community's confidence and trust in the court system. Therefore, every employee is required to exercise diligence in becoming aware of conflicts of interest, disclosing conflicts to the appropriate judicial authority, and ending them when they arise.

Employees shall not enter into any financial or other relationship with another entity of State government, private business, or other organization, which would constitute a conflict of interest with Judicial Branch employment. Employees shall not permit themselves to be placed under any personal or other obligation, which could lead any person, group, or organization to expect favors.

(f) *Personal/ romantic relationships.*

The Judicial Branch strongly supports a work environment where employees maintain clear boundaries between personal and professional interactions. Although this policy does not prevent the development of friendships or romantic relationships between co-workers, it does establish boundaries as to how relationships are conducted within the work environment.

Employees are expected to conduct themselves in an appropriate workplace manner that does not interfere with others or with overall productivity. Employees are strictly prohibited from engaging in physical contact that would in any way be deemed inappropriate while at work. If a personal relationship between employees becomes romantic, intimate, or sexual in nature, and impacts the workplace or causes a conflict of interest, then it is the responsibility and obligation of the employees involved to disclose the existence of the relationship to their supervisor and/or Human Resources.

Judges, Supervisors and Managers. Employees in supervisory or managerial roles, and those with authority over others are subject to more stringent requirements due to their status as role models, their access to sensitive information, and their ability to affect the terms and conditions of employment of individuals in subordinate positions.

Section 6. Workplace Expectations.

(a) *Use of state property.*

Employees shall protect and conserve State property, equipment, and supplies entrusted or issued to them. Employees can use office telephones for personal, non-commercial, non-political communications on their personal time, as long as such use does not involve any additional cost to the State (e.g., long-distance charges) or interfere in any way with office business. This same policy applies to the personal use of fax machines. Fax machines may be used to send local call faxes but may not be used to send long distance faxes.

(b) *Use of computer and court-provided technology.*

The Judicial Branch provides a wide variety of communication tools and resources to employees for use in running day-to-day business activities. Whether it is the computer, telephone, voice mail, fax, scanner, Internet, intranet, e-mail, text messaging, or any other Court-provided technology, use should be reserved for business-related matters during working hours. All communication using these tools should be handled in a professional and respectful manner.

Office telephones, Judicial Branch supplied cell phones, and other electronic resources provided by the Judicial Branch are intended for business purposes. Use of electronic resources provided by the Judicial Branch 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.

Employees do not have any expectation of privacy in their use of Court computer, phone, or other communication tools. All communications made using Court-provided equipment or services including email and internet activity, are subject to inspection by the Judicial Branch. Employees should keep in mind that even if they delete an email, voicemail or other communication, a copy may be archived on the Court's systems.

Employee use of State-provided communication systems, including personal e-mail and internet use, that are not job-related have the potential to drain, rather than enhance, productivity and system performance. 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.

The Judicial Branch encourages use of Judicial Branch e-mail accounts for work-related communication only. Internal and external e-mails are considered business records and may be subject to federal and state recordkeeping requirements as well as to discovery in the event of litigation. Be aware of this possibility when sending e-mails within and outside the Court.

Data on the Judicial Branch'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. 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 (Statewide Court Information Store (SCIS)) resources, etc.

Information Technology (IT) Division employees may periodically audit, inspect, and monitor any user's network activity, and all data stored on state issued equipment for the purpose of safeguarding the Judicial Branch's network or in the performance of their duties. 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 IT Division may limit or block access to specific online resources not required for conducting court business, such as streaming audio or video. Investigating specific inappropriate employee access to, or use of, electronic resources by the IT Division must be explicitly requested and approved by the State Court Administrator or District Judge and if evidence of abuse is identified by the IT Division, it shall be furnished to the appropriate Judicial Officer and the Chief Justice.

Inappropriate Conduct or Use of Court Technology. Any of the following activities will be considered inappropriate:

- (1) Use of Internet or electronic mail that violates federal or state laws, including the unauthorized storage or distribution of copyrighted material;
- (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;
- (6) Using Judicial Branch 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 Judicial Branch resources for viewing or distributing content, which is considered violent, offensive, graphic, or sexually explicit;

- (9) Using Judicial Branch 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 Internet service provided by the Judicial Branch for running a private business, operating a personal web site, or actions to avoid or side-step violations of this policy; and
- (11) Using the Internet service provided by the Judicial Branch to participate in partisan political activities.

(c) *Confidentiality.*

No employee shall disclose to any unauthorized person, for any purpose, confidential information acquired in the course of employment, or through the unauthorized disclosure by another. Confidential information includes, but is not limited to, information on pending cases that is not already a matter of public record, as well as information concerning the work product of any Judge, law clerk, staff attorney or other employee. However, in assuring the integrity of the judicial system, employees are not prohibited from reporting confidential information to the appropriate authority when the employee reasonably believes that the information is, or may be, evidence of a violation of law or of unethical conduct.

(d) *Nepotism.*

The Judicial Branch supports administrative appointments based on merit and avoids nepotism, favoritism, and unnecessary appointments. As such, no applicant may be appointed, or employee remain in a position in the Judicial Branch if a member of his/her immediate family is employed under the direction of the same supervisor or will supervise an immediate family member.

(e) *Courtesy and civility.*

Employees shall always be courteous, civil, considerate, and impartial in dealing with one another, as well as with the public and users of the court system. Behavior that violates this guideline is detrimental to morale, as well as harmful to a safe and stable work environment free of hostility and animosity.

(f) *Professional appearance.*

Employees of the Judicial Branch are expected to dress appropriately in accordance with their court's expectations. Business casual attire is preferred and includes suits, pants, jackets, shirts, skirts, and dresses that, while not formal, are appropriate for the business environment. Maintaining well-kept hair, good personal hygiene, and general neat grooming is expected.

(g) *Legal advice.*

Employees are not authorized to give legal advice or recommend the names of private attorneys to the public or users of the court system.

(h) *Political activity.*

It is important for public confidence in the Judicial Branch that our Judicial Officers are perceived as independent and impartial. This is eroded if the judiciary is perceived as being subject to political influence. As such, employees of the Judicial Branch must understand the need to ensure their own political views do not influence the public perception of the judiciary.

Each employee retains the right to vote as the employee chooses. Employees wishing to participate in political campaigns during non-working hours must discuss their activities with their Judicial Officer or supervisor to ensure there is no violation of the Code of Judicial Conduct regarding political and campaign activities. Such activity includes, but is not limited to, membership and holding office in a political party, campaigning for a candidate in a partisan election by making speeches and making contributions of time or money to individual candidates, political parties or other groups engaged in political activity. An employee who is approved to participate in political activity during off-duty hours shall not use the employee's position or title within the court system in connection with such political activities.

Employees shall not use any office or courtroom equipment including but not limited to phones, computers, copiers, scanners, fax machines or supplies to assist in political activities or campaigns. Employees shall not use official authority or influence to interfere with or influence the result of an election or nomination for office; directly or indirectly coerce a State officer or employee to pay, lend or contribute anything of value to a party, committee, organization, agency, or person for political purposes; or conduct any political activity on State time.

An employee serving as a member of a partisan or non-partisan, elected or appointed office shall be required to take leave without pay for the performance of all such duties. However, an employee's participation as a member of a partisan or non-partisan elected or appointed office shall not conflict or reasonably give the appearance of conflicting with the interests of the Judicial Branch, and satisfactory job performance must be maintained by such employee.

Discrimination against any person in recruitment, examination, appointment, retention, discipline, or any other aspect of personnel administration because of political opinion or affiliation is prohibited. No questions shall be asked on any application, examination or interview which would directly or indirectly require the disclosure of a person's political affiliation, preferences, or opinions. Applicants and employees are prohibited from using political influence as an advantage in securing or making appointments or for other personal benefit for themselves or others in personnel matters.

(i) *Outside employment.*

Each full-time employee's position with the Judicial Branch must be the employee's primary employment. Outside employment is permissible only if it can be accomplished outside of the normal working hours, does not require the practice of law, does not conflict, or reasonably give the appearance of conflicting with interests of the Judicial Branch, does not bring undue attention to the Branch, satisfactory job performance is maintained, and the outside employment has been approved in writing by the supervisor.

(j) *Social media.*

Social media provides inexpensive, informal, and timely ways to participate in an exchange of ideas and information. However, information posted on a website is available to the public and, therefore, the Judicial Branch has established the following guidelines for employee participation in social media.

Off-duty use of Social Media. Online communication may be perceived by court litigants, vendors, and the public generally as a representation of a person'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. Employees may maintain social media profiles, personal websites or weblogs on their own time using their own facilities. Employees must ensure that social media activity does not interfere with their work. In general, the Judicial Branch considers social media activities to be personal endeavors, and employees may use them to express their thoughts or promote their ideas.

When posting on a social media network an employee shall not post information or express opinions regarding employees, managers, judges, court cases, policies, or procedures of the Judicial Branch.

Employees are responsible for regularly viewing the social media they create or host and promptly removing third-party posts that: (1) compromise court security or the safety of judges, employees, attorneys, or litigants; (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.

Employees should keep in mind the risks of social media activity. Social media posts should be presumed public and permanent. Social Media posts can be copied, forwarded, and subpoenaed. Posts are easily reproduced, can be difficult to eradicate, and may be seen by wide and unintended audiences. 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. Employees should be especially careful when posting or sharing photographs and personal information, and be similarly cautious when sharing political, religious, or social opinions.

Employees are personally responsible for comments posted on social media and can expose themselves to personal liability or work-related consequences for comments that are defamatory, obscene, discriminatory, or otherwise offensive or unlawful.

On-duty use of Social Media. Employees may engage in social media activity during work time provided it is directly related to their work and approved by their supervisor. The IT Division monitors employee use of Branch computers and the Internet, including employee blogging and social networking activity.

Prohibited Activities. Judicial Branch 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:

- (1) 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 is prohibited;
- (2) Comment about Public Information: Posting about a case or matter before the courts; making statements which create, or give the appearance of, a conflict of interest; and making comments 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 is prohibited;
- (3) Political Activities: Making statements on social media which violate the Judicial Branch's restrictions on political activities is prohibited;
- (4) 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;
- (5) 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;
- (6) 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 username to create an account or make a posting, provided the username is not misleading or deceptive in the context used or would not otherwise violate any provision of this Guide had the employee's true identity been disclosed;

- (7) Harassment: Employees must not engage in harassing or discriminatory behavior that targets other employees or individuals. Even if a message is posted anonymously, it may be possible to trace it back to the sender; and
- (8) Applicable Laws: Employees must comply with all applicable laws, including but not limited to, Federal Trade Commission (FTC) guidelines, copyright, trademark, and harassment laws, and follow the rules of the social network site.

The Judicial Branch reserves the right to visit and monitor public social media sites to ensure employees are not violating this Guide or other Judicial Branch policies. As a condition of continued employment, the Judicial Branch may request employees to cooperate in any investigation regarding the alleged violation of this policy.

(k) *Law enforcement contact.*

Any employee who is arrested and/or formally charged with any criminal offense, including driving while intoxicated or under the influence, shall notify his/her supervisor (or appropriate Judicial Officer) of the charges by the next business day (i.e., Monday through Friday, excluding holidays). The supervisor shall advise Human Resources of any such charges within a reasonable time thereafter but no later than forty-eight (48) hours after receipt of initial notification.

- (a) Minor traffic violations received in a personal vehicle are not required to be reported, minor traffic violations include but are not limited to parking, speeding, and moving violations.
- (b) Minor traffic violations received while in a state-owned vehicle shall be reported to the employee's supervisor.
- (c) Offenses related to reckless driving, and other serious misdemeanors must be reported.
- (d) The employee shall notify his/her supervisor upon final disposition of the case as to whether he/she was convicted in a court of law. Such notice shall be made by the next business day after the final disposition.

Criminal Charges. Formal charges may constitute grounds for administrative action or dismissal. An employee may be placed on administrative review leave pending disposition of formal charges.

Incarceration. Employees who are incarcerated are not eligible to use any form of paid leave to cover the absence. Absences from work due to incarceration are unexcused and the employee is subject to dismissal from employment.

Criminal Convictions. A conviction may constitute grounds for dismissal.

Section 7. Workplace Safety.

(a) *Commitment to safety.*

Protecting the safety of our employees and visitors is imperative. All employees have the opportunity and responsibility to contribute to a safe work environment by using commonsense rules and safe practices and by notifying their supervisor when any health or safety issues are present.

In the event of an emergency, notify the appropriate emergency personnel by dialing nine (9) for an outside line, then dial 911 to activate the medical emergency services.

The Courts and their respective justices or judges may enact policies, at their discretion, or in accordance with public health directives, to protect employees and the public related to public health matters. Employees shall comply with any orders or their respective judicial officer(s).

(b) *Drug-free and alcohol-free workplace.*

The Judicial Branch supports a drug- and alcohol-free work environment that is safe and productive for employees as well as the citizens we serve.

The unlawful use, possession, purchase, sale, distribution of any illegal drug and/or misuse of legal drugs while on State or County premises or while performing services for the Judicial Branch is strictly prohibited. The Judicial Branch also prohibits reporting to work or performing services under the influence of alcohol or consuming alcohol while on duty or during work hours.

(c) *Smoke-free workplace.*

Smoking is not allowed in State or County buildings or work areas at any time. Smoking includes the use of any tobacco products (including chewing tobacco), electronic smoking devices, and e-cigarettes.

Smoking is only permitted during break times in designated outdoor areas. Employees using these areas are expected to dispose of any smoking debris safely and properly.

(d) *Workplace violence prevention.*

The Judicial Branch is committed to providing a safe, violence-free workplace for our employees. Due to this commitment, we discourage employees from engaging in any physical confrontation with a violent or potentially violent individual or from behaving in a threatening or violent manner. Threats, threatening language, or any other acts of aggression or violence made toward or by any employee will not be tolerated. A threat may include any verbal or physical harassment or abuse, attempts to intimidate others, menacing gestures, stalking, or any other hostile, aggressive, and/or destructive actions

~~AUGUST 2022~~ DECEMBER 2023

taken for the purposes of intimidation. This Guide covers any violent or potentially violent behavior that occurs in the workplace.

All Judicial Branch employees bear the responsibility of keeping the work environment free from violence or potential violence. Any employee who witnesses, or is the recipient of, violent behavior shall promptly inform their supervisor, manager, or the Human Resources Manager. All reported violence or threats of violence will be promptly investigated. No employee will be subject to retaliation, intimidation, or discipline because of reporting in good faith under this Guide.

Section 8. Separation and Reduction in Force.

(a) *Resignation.*

An employee intending to voluntarily separate from Judicial Branch service shall submit written notification to the employee's supervisor specifying the effective date of the intended resignation. Notification is requested as far in advance as possible and should provide no less than fourteen (14) days' notice prior to the date of intended resignation. A copy of any notice of resignation immediately shall be forwarded to Human Resources. An employee who has provided a resignation notice and wishes to change the effective date or rescind the notification may be allowed to do so with the written approval of the Judicial Officer or division supervisor.

(b) *Retirement.*

Employees separating from Judicial Branch service due to retirement shall follow procedures established by the Wyoming Retirement System and shall give at least fourteen (14) days written notice of the intent to retire to an immediate supervisor who immediately shall forward a copy of the notice to Human Resources.

(c) *Reduction in force.*

A reduction in force is an involuntary termination of an employee from State service due to a legislative mandate, shortage of funds, lack of work, organizational changes, or other reasons of business necessity which require a reduction in staff. Separation by reduction in force shall not be used to discipline an employee for unsatisfactory work performance or undesirable conduct.

Procedures - Supreme Court, Chancery and Circuit Courts. If a reduction in force is deemed necessary, the Supreme Court in collaboration with the Circuit Court Conference shall determine the court where reductions will be made. The State Court Administrator shall notify, in writing, the supervisor and the affected employee at least thirty (30) days in advance of the separation date.

Procedures - District Courts. If a reduction in force is deemed necessary, the judge shall determine who is to be separated within the court affected.

Rehiring of Employees Separated through a Reduction in Force. If an employee who was separated due to a reduction in force is rehired within twelve (12) months by the court from which the employee was originally separated, the employee shall retain rights to employee status, anniversary date, leave accrual rates, longevity benefits, and continuous service credits held at the time of separation.

(d) *Compensation upon termination.*

Annual Leave. A separated employee or the beneficiary of a deceased employee shall receive payment for the current balance of unused annual leave. Such payments shall be computed using the employee's hourly compensation rate. Court reporters do not accrue leave. Some district court law clerks do not accrue leave, in accordance with individual district judge policies.

Sick Leave. A separated employee or the beneficiary of a deceased employee shall receive payment for one-half of the current balance of unused sick leave not to exceed four hundred eighty (480) hours, for those employees who accrue leave. Such payments shall be computed using the employee's hourly compensation rate.

Compensatory Time. A separated employee or the beneficiary of a deceased employee shall receive payment for the current balance of unused compensatory time. Such payments shall be computed using the employee's hourly compensation rate. District Court court reporters and law clerks balances would be according to the applicable court's policies.

Restrictions. A separated employee who has been paid for accumulated annual and/or sick leave, and who is rehired by the State of Wyoming within thirty-one (31) days of the separation, shall reimburse the State for all sick or annual leave payments within thirty-one (31) days after being rehired. Accumulated balances of sick or annual leave at the time of separation shall be restored to the employee. Any employee failing to reimburse the State for such payments may be subject to termination.

The Guide to Judicial Branch Employment
Acknowledgement of Receipt

I, _____, hereby acknowledge that I have received a full and complete copy of The Guide to Judicial Branch Employment employee handbook. I understand and agree that it is my responsibility to read and comply with the information in The Guide.

Signed: _____

Date: _____

Witness: _____

Date: _____

Copy for employee

Original in Personnel File

Attachment O

Participation in Legislative Committees

This policy shall govern judicial officer and Administrative Office of the Courts staff participation on legislative committees.

1. Judicial officers and AOC staff shall only participate in legislative committees as non-voting members.
2. Judicial officers and AOC staff can share their knowledge and experience, but shall not participate in making policy decisions.
3. The Wyoming Judicial Council must approve any judicial officer or AOC staff member sitting on a legislative committee.

Attachment P

Sixth judicial district-number of district judges.

A BILL

for

1 AN ACT relating to the judiciary; providing for an additional
2 district court judge in the sixth judicial district;
3 providing an appropriation; authorizing additional
4 positions; and providing for an effective date.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8 **Section 1.** W.S. 5-3-102(a) is amended to read:

9

10 **5-3-102. Number of judges; distribution among districts;**
11 **concurrent jurisdiction; judicial conference to adopt rules.**

12

13 (a) There shall be two (2) judges of the district
14 court in the second, fourth, fifth and eighth judicial
15 districts, three (3) judges of the district court in the
16 ~~sixth and~~ ninth judicial districts and four (4) judges of the
17 district court in the first, third, sixth and seventh judicial

Attachment P

1 districts. In the second judicial district, one (1) judge
2 shall reside in Albany county and one (1) shall reside
3 in Carbon county. In the third judicial district two
4 (2) judges shall reside in Sweetwater county. In the fourth
5 judicial district, one (1) judge shall reside in Sheridan
6 county and one (1) shall reside in Johnson county. In
7 the ninth judicial district one (1) judge shall reside in
8 Fremont county, one (1) judge shall reside in Teton county
9 and one (1) judge shall reside in Sublette county. All
10 **district judges in the state shall have concurrent**
11 **jurisdiction throughout the state and for purposes of**
12 **assignment, shall have concurrent jurisdiction throughout the**
13 state with all circuit court judges.

Section 2.

17 (a) There is appropriated one million, two hundred, forty
18 thousand, seven hundred twenty-eight dollars (\$1,240,728.00)
19 from the general fund to the sixth judicial district court
20 for the biennium beginning July 1, 2024 and ending June
21 30, 2026. This appropriation shall only be expended for
22 salaries, benefits, office equipment, supplies and fees
23 necessary to implement the office of the sixth judicial

Attachment P

1 district court judge in the sixth judicial district authorized
2 in section 1 of this act. This appropriation shall not be
3 transferred or expended for any other purpose and any
4 unexpended, unobligated funds remaining from this
5 appropriation shall revert as provided by law on June 30,
6 2026.

7
8 (b) There are authorized four (4) full-time equivalent
9 positions, one of which shall be the judge authorized in
10 section 1 of this act, for the sixth judicial district court
11 for personnel necessary to staff and support the additional
12 district judge for the sixth judicial district authorized by
13 this act for the biennium beginning July 1, 2024 and
14 ending June 30, 2026.

15
16 (c) Suitable facilities for the additional district
17 Judge for the sixth judicial district authorized in section
18 1 of this act shall be provided in the sixth judicial district.
19 Suitable facilities shall include a suitable courtroom to
20 accommodate a twelve (12) person jury, offices and other
21 necessary auxiliary facilities.

22
23 **Section 5.** This act is effective July 1, 2024.

Attachment P

24

25 (END)