

# WYOMING JUDICIAL COUNCIL

## MINUTES

Microsoft Teams

December 16, 2024

8:00 A.M. – 12:00 P.M.

**Members:** 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 Josh Eames, Judge Robert Sanford, Judge Sean Chambers, and Elisa Butler

### WJC BUSINESS

#### Welcome

Chief Justice Fox welcomed the members of the Wyoming Judicial Council and thanked them for attending the meeting.

#### 1. Administrative Office of the Courts

The Wyoming Judicial Council amended and approved the State Court Administrator Rules.

Attachment 1.1 – Order on State Court Administrator Rules

Attachment 1.2 – Draft State Court Administrator Rules (Redline)

Attachment 1.3 – Draft State Court Administrator Rules (Clean)

Attachment 1.4 – State Court Administrator Job Description

Elisa Butler opened the discussion by outlining the agenda item: restructuring the reporting, hiring, and termination processes for the State Court Administrator. Currently, the State Court Administrator is hired and terminated by the Chief Justice with input from the Supreme Court and is accountable to the Court. The proposed change would make the State Court Administrator accountable to the Judicial Council, reflecting the broader governance of the judicial branch. Chief Justice Fox noted that aside from this structural shift, the changes clarify and formalize current practices.

The Council discussed the Administrative Office of the Courts' (AOC) authority to approve contracts under \$1,000,000. Elisa Butler explained that while this threshold mirrors Executive Branch procedures, it could be adjusted if the Council wished. It was suggested lowering the amount to \$500,000, adding that the Chief Justice and Executive Committee would manage potential issues if the Council became disengaged. The Council agreed that this structural change aligns with broader governance reforms, ensuring accountability while maintaining flexibility.

Judge Prokos highlighted the need for collaboration between the AOC and circuit courts. Chief Justice Fox proposed clarifying the language to reflect collaboration, suggesting "facilitate procedural and administrative matters in the circuit courts." Judge Hibben asked about national practices, to which Butler responded that reporting to a judicial council is uncommon, with most states having varied governance models. Despite this, she believed the change reflected the Council's goals for broader accountability and support.

Judge Rogers raised concerns about how hiring would proceed if the position became vacant between quarterly meetings. Chief Justice Fox explained that the Executive Committee, empowered to act between meetings, could manage the process or consult judges before involving the full Judicial Council. Judge Bartlett noted that existing flexibility allows Human Resources to post the job, with the Executive Committee reviewing candidates and involving the Council as needed. Judge Snyder agreed,

	<p>emphasizing that rigid procedures could become outdated, while flexibility allows for evolving needs.</p> <p>The discussion broadened to highlight the philosophical shift toward shared governance. Judge Snyder praised the collaborative approach, noting it respects all court levels and ensures inclusivity in decision-making. She added that district courts welcomes this shift, as it balances historical administrative authority with modern governance needs.</p> <p>Chief Justice Fox addressed concerns about potential risks of disengagement, affirming that shared governance strengthens the Branch’s ability to act cohesively under pressure. Justice Boomgaarden agreed, emphasizing that unified governance enhances resilience against external scrutiny. Judge Bluemel requested explicit language ensuring district court support, prompting revisions to clarify that the AOC supports all courts equally. The Council settled on the language, “supports all courts, including active and retired judges and magistrates.”</p> <p>The Council then revisited Rule 4 on authority. Justice Boomgaarden suggested revising “create and implement policies that affect the AOC” to “create and implement internal AOC policies” to avoid broader interpretations. Butler confirmed this was the intent, and the amendment was unanimously approved.</p> <p>Concluding the discussion, Judge Hibben asked Elisa Butler whether the proposed changes reflected her current duties. Elisa Butler agreed, stating the changes mainly formalize existing responsibilities without altering day-to-day operations.</p> <p>Chief Justice Fox then asked for a motion to approve. Judge Bartlett moved to approve, with Justice Boomgaarden seconding the motion. There was no further discussion, and the motion passed unanimously.</p>
<p><b>2. Court Navigator</b></p> <p><a href="#">Attachment 2.1 – Wyoming Court Navigator Program Report</a></p> <p><a href="#">Attachment 2.2 – Wyoming Judicial Branch Court Navigator Program Manual</a></p> <p><a href="#">Attachment 2.3 – Wyoming Judicial Branch Court Navigator Inventory</a></p>	<p>Elisa Butler provided a comprehensive overview of the court navigator program, outlining its purpose, progress, and future potential. She emphasized the program’s role in guiding self-represented litigants through the judicial process, often assisting individuals multiple times as they navigate their cases. Elisa also highlighted the program’s collaboration with legal service providers, such as Equal Justice Wyoming, to ensure services are complementary and not duplicative.</p> <p>Recruitment and partnerships have been key to the program’s growth. One notable achievement is the externship program developed with Casper College, which offers paralegal students academic credit and tuition offsets for volunteering as court navigators. This partnership has strengthened the program while creating a pipeline of skilled navigators, with the paralegal professor for the Casper College even volunteering in the program. Despite these successes, resource limitations remain a challenge, as the program lacks a dedicated administrator and is currently managed alongside other responsibilities. Recommendations from the National Center for State Courts (NCSC), such as securing grants for navigator stipends, have been proposed to address these challenges. Some of the recommendations would require additional resources within the AOC.</p> <p>Elisa Butler also underscored the need for improved data collection to</p>

	<p>demonstrate the program’s impact on litigants and the courts. Although progress has been made, such as adding checkboxes on forms to indicate navigator assistance, significant gaps remain in measuring benefits to litigants and courts. Efforts are underway to integrate these metrics into the case management system, which will help generate reports and substantiate the program’s effectiveness. Addressing these data limitations, Elisa Butler noted, is essential to securing the program’s future and making a stronger case for its continued development.</p> <p>Justice Boomgaarden noted the challenge of scaling up or sustaining successful pilot programs due to resource constraints. She expressed appreciation for the progress of the program and the efforts of Elisa Butler, Victor Payne, and the others involved. Justice Boomgaarden suggested gathering anecdotal feedback from judges and clerks in participating districts while waiting for hard data. Additionally, she highlighted the importance of integrating the program with ongoing form development and automation efforts. She mentioned that future discussions could explore the feasibility of installing kiosks in courthouses to enhance accessibility.</p> <p>Judge Bluemel shared feedback from district courts in Natrona and Lincoln counties. He emphasized the usefulness of a checkbox to indicate whether a court navigator assisted a litigant. Judge Bluemel supported the idea of providing iPads or similar devices to facilitate communication with court navigators and raised questions about procedural logistics. Specifically, he asked whether pro se litigants should complete paperwork manually or digitally and whether printing capabilities should be included. While he did not advocate for a specific approach, he highlighted the need to address this procedural consideration. He expressed strong support for the program and commended the team’s efforts.</p> <p>Chief Justice Fox expressed gratitude for the program’s progress and emphasized the need for continued strategic discussions.</p>
<p><b>3. National Conferences – Cybersecurity Workshop</b></p> <p>The Wyoming Judicial Council approved for the Technology Committee to create a cybersecurity COOP for the Branch.</p> <p><a href="#">Attachment 3.1 – Cybersecurity Summit Overview and Recommendations</a></p> <p><a href="#">Attachment 3.2 – Tabletop Exercises</a></p>	<p>Judge Eames noted he and individuals from the AOC attended a cybersecurity workshop. The workshop was insightful, and the team came away with knowledge on current cybersecurity trends, along with ideas to help the Wyoming Judicial Branch bolster its defense against a cybersecurity attack. The resulting recommendation is for the Council to approve a project that would implement a cybersecurity driven Continuity of Operations Plan (COOP). Currently, the Supreme Court has a COOP; however, that plan primarily addresses physical issues and infrastructure as it relates to the Supreme Court building.</p> <p>Judge Eames proposed that a COOP template could be drafted and comprehensively cover cyber risks, emphasizing that in today’s environment, addressing cybersecurity is more critical than ever. This template would allow each court location to have a plan in place should a cybersecurity attack happen. He suggested that the AOC, in collaboration with the Technology Committee, be tasked with developing a COOP template. This template would serve as a foundational framework, allowing each courthouse to customize it according to its specific needs and relationships with local county officials. Judge Eames highlighted that these</p>

	<p>local partnerships are essential since counties often provide emergency management support and alternative facilities in case of physical disruptions.</p> <p>Chief Justice Fox then asked for clarification on whether the focus of the proposed COOP template was primarily on cybersecurity rather than physical infrastructure. Judge Eames acknowledged that while the immediate priority should be cybersecurity, it would be beneficial to create a unified plan encompassing both aspects. He elaborated that although counties already have established emergency management plans for physical issues, coordination between the Judiciary and county officials would be necessary to ensure alignment and readiness for various scenarios.</p> <p>Elisa Butler interjected, stressing the importance of maintaining statewide consistency in the cybersecurity component of the COOP. She pointed out that while individual courthouses could adapt the template to fit their local circumstances for physical continuity, the priorities and protocols related to cybersecurity must remain uniform across the state. This consistency is vital to ensure that the AOC can manage risks and recovery efforts efficiently, without discrepancies in approach between different jurisdictions.</p> <p>Chief Justice Fox summarized the request by noting that Judge Eames and the Technology Committee were seeking approval to begin developing the COOP template. She emphasized that this would be an ongoing process with several checkpoints along the way where the Council could provide feedback and guidance.</p> <p>Judge Bluemel seconded the motion. There was no further discussion, and the motion passed unanimously.</p>
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## WJC AND PRAC COMMITTEES

### 4. HR Committee

The Wyoming Judicial Council approved the recommendation of the HR Committee to adopt the proposed special pay requests policy.

Attachment 4.1 – Draft Special Pay Requests Policy

Judge Chambers presented the recommendation of the HR Committee regarding the process for special pay requests, referencing Attachment 4.1. Judge Chambers explained that the HR Committee had amended the language of the policy in accordance with the Council’s direction at the September meeting. He noted that during the prior discussion, the Council requested an appeal process for final decisions made by the HR Committee to be included.

Judge Chambers clarified that the new appeal process is outlined in Section 7 on page three of the policy document. He requested the Council’s approval of the updated policy, including the appeal provision.

Chief Justice Fox opened the floor for questions or discussion regarding the proposed revisions. Judge Snyder moved to approve the proposed special pay request policy as proposed by the HR Committee, seconded by Judge Prokos. There was no further discussion by the Council. The motion passed unanimously on voice vote.

## 5. Equal Justice Wyoming Committee

Attachment 5.1 – EJW and EJWF Grants Awarded by Source

Attachment 5.2 – Notice RFP

Attachment 5.3 – Evaluator Workbook

Attachment 5.4 – Current Grants

Attachment 5.5 – EJW Case Reporting Guide

Attachment 5.6 – Example of Case Outcomes

Cathy Duncil, the Wyoming State Bar's Admission Director, updated the Council on the process for awarding Equal Justice Wyoming (EJW) and EJW Foundation grants. She explained that, since 2021, a structural change redefined the Equal Justice Wyoming Board of Commissioners as the Equal Justice Wyoming Advisory Committee, prompting the integration of grant processes for greater coordination. This resulted in a streamlined approach, with a standardized request for proposals (RFP) and a scoring matrix for evaluating and allocating funds. Supporting documents, such as the grants and awards list and a case reporting guide, were shared to enhance transparency.

Cathy Duncil highlighted the committee's commitment to equitable grant processes while noting the Council's ultimate decision-making authority. The current system uses a two-year grant cycle, with annual contracts simplifying the process. Cathy Duncil also acknowledged challenges in data collection for measuring program outcomes, paralleling issues discussed with the Court Navigator Program, and welcomed the Council's guidance on future adjustments.

Katie Hogarty, CEO of Climb Wyoming, supported maintaining the existing funding structure through the current cycle to provide stability for grantees and operational continuity during the restructuring. She emphasized the alignment of grant funding objectives with the Council's upcoming strategic planning process and stressed the importance of data collection to demonstrate program effectiveness, cost savings, and return on investment. Katie Hogarty noted the proposed system aims to strengthen data insights while minimizing administrative burdens for grantees.

Katie Hogarty also encouraged using this period to evaluate grant system efficacy and explore alternative models, such as program expansions. She highlighted the Council's unique statewide perspective in guiding restructuring efforts, while Angie Dorsch emphasized the need for a new needs assessment to identify gaps in system navigation resources.

Chief Justice Fox provided context on Equal Justice Wyoming's integration under Council oversight, noting the inclusion of Judges Cooley and Stebner on the Advisory Committee to ensure judicial involvement. She acknowledged past frustrations with limited reporting and commended the increased transparency and metrics now being implemented. Recognizing the complexities of measuring success in legal aid programs, she stressed the importance of collecting meaningful data to inform decision-making.

Justice Boomgaarden echoed the importance of evaluating data and assessing the system's effectiveness. She encouraged exploring models that expand geographic reach or enhance services while aligning with broader strategic goals.

Katie Hogarty reiterated the value of tying decisions to higher-level strategies and ensuring services yield optimal outcomes. Cathy Duncil supported this, advocating for exploring options beyond grants during the current cycle to align with the strategic plan. Angie underscored the importance of identifying specific needs to improve system navigation.



	<p>Chief Justice Fox summarized the team’s intent to reassess their approach before the next grant cycle and consider potential changes. She thanked the group for their innovative thinking and expressed optimism for Equal Justice Wyoming’s future.</p>
<p><b>6. Legislative Relations Committee</b> Chief Justice Fox</p> <p>The Wyoming Judicial Council approved the legislative talking points document.</p> <p>The Wyoming Judicial Council approved the draft Judicial Council report, as amended, to be distributed to legislative members.</p> <p><a href="#">Attachment 6.1 – Draft Wyoming Judicial Council Report</a></p>	<p>Chief Justice Fox provided an update on the Legislative Relations Committee, emphasizing the importance of continued outreach between judges and legislators. She noted that while these connections have always been valuable, they are particularly crucial now. Even if these interactions simply allow legislators to put a face to a name, that alone represents progress. However, if judges can also take the opportunity to educate legislators about the Judicial Branch, the impact would be even greater.</p> <p>To assist in these efforts, Chief Justice Fox announced that she would be distributing updated talking points and a handout. She conveyed that the Legislative Relations Committee had previously approved them, though she had made some recent additions. Specifically, she incorporated updated information on merit selection, noting that there is growing momentum to shift to a Senate confirmation process. Many legislators are unfamiliar with how judges are currently selected, making it critical to provide education on the existing merit selection system.</p> <p>Additionally, she highlighted concerns about judicial pay, explaining that Wyoming ranks 37th and 40th nationally in judicial compensation. Although judges received a cost-of-living increase within the past two (2) years, inflation has already eroded those gains. While there is no active request for a pay raise, Chief Justice Fox emphasized that judicial salaries should not be subject to cuts, as they are already falling behind national benchmarks.</p> <p>Chief Justice Fox also shared insights from her discussions with incoming legislative leadership, stating that traditional arguments about the Judiciary protecting the rule of law and democracy do not always resonate with legislators. Instead, she suggested framing the Judiciary’s role in more tangible terms—emphasizing that courts provide essential constitutional functions, resolve citizens’ legal disputes, and serve as a check on government overreach.</p> <p>She then requested the Council’s approval of the revised talking points, acknowledging that the Legislative Relations Committee had not yet vetted the latest changes. Given the urgency of legislative outreach, she preferred not to wait for the committee’s formal review.</p> <p>In addition to the talking points, Chief Justice Fox presented two other key documents:</p> <ol style="list-style-type: none"> <li>1. A condensed messaging document that distills key judicial themes into clear, impactful statements, focusing on transparency, justice, the Constitution, and law and order.</li> <li>2. A set of pie charts illustrating the broad scope of judicial work beyond high-profile cases, reinforcing that courts handle the legal issues of everyday citizens.</li> </ol> <p>Lastly, she touched on merit selection, outlining how the system works and</p>

highlighting the role of the Judicial Ethics Commission in maintaining accountability. She noted that while many people are unaware of the Commission's influence, it plays a significant role in ensuring judicial integrity.

Chief Justice Fox stated she would distribute the documents to the Council and reiterated that only the revised talking points required approval.

Judge Hibben expressed support for the proposed talking points, stating that they looked good. He then turned to the second document presented by Chief Justice Fox, specifically the pie chart illustrating case filings in circuit court. Noting that fifty-eight percent (58%) of circuit court filings pertain to traffic cases, he suggested that an alternative chart—one that distributes case types by judicial time spent—might be more effective. He recalled that a version of this chart had been prepared by the AOC and proposed swapping it in to better reflect the workload of circuit court judges, given that traffic cases, while numerous, account for only a small fraction of judicial time. However, he also raised concerns about whether this change might cause confusion since the district court chart reflects filings rather than time spent.

Chief Justice Fox acknowledged the merit of Judge Hibben's suggestion, agreeing that the time-based chart provides a more accurate depiction of judicial workload. However, she explained that the primary reason for using the case filings chart was consistency, as similar data was not available for the district courts. Presenting different metrics for each court could potentially confuse legislators. She assured Judge Hibben that the time-based chart could still be shared separately and offered to distribute it again for use in discussions.

Judge Hibben then shifted the conversation to legislative outreach. Chief Justice Fox noted herself and Justice Boomgaarden have met with several legislators, including some members of the incoming leadership. She noted there have been good conversations. Justice Boomgaarden added that although it did not come up in these conversations, there is an appreciation for how lean the Judicial Branch is.

Judge Hibben emphasized the importance of focusing on the Judiciary's practical functions—such as resolving disputes and maintaining court operations—rather than abstract discussions on the rule of law, which he felt failed to resonate with legislators. He also noted a reluctance among some legislators to accept informal invitations, such as coffee meetings, out of concern that doing so might create a perception of obligation, though they remained open to phone conversations.

Chief Justice called for the vote to approve the legislative talking points document. All members were in favor of approving, and the motion passed unanimously on voice vote.

The Council discussed the distribution of the draft Judicial Council report, considering whether it should be sent solely to the Joint Judiciary and Joint Appropriations committees, as in previous years, or expanded to include the Speaker and President. Chief Justice Fox questioned whether the report was necessary at all, given other available materials like the pie chart, expressing concern that it might be redundant and go unread. Elisa Butler

	<p>noted that printed materials were typically provided during the legislative breakfast, but she would verify past distribution practices.</p> <p>Judge Blumel noted his support for distributing the document as even if one person reads it and finds it to be beneficial, that is a win. Judge Hibben replied he agreed with Judge Bluemel. Judge Rogers proposed adding that Judge Burningham to the report as the newly appointed chancery court judge.</p> <p>Chief Justice Fox called for the vote for all in favor of approving the draft Judicial Council report and distributing the report to legislative members. All members were in favor of approving, and the motion passed unanimously on voice vote.</p> <p>Chief Justice Fox directed the Council to the next topic regarding the proposed strategy for the upcoming legislative session. She noted the Legislative Relations Committee is prepared to quickly respond and would ask members of this Council to also be prepared for the same.</p>
<p><b>7. Access to Justice</b></p> <p>The Wyoming Judicial Council approved the recommendation of the ATJ 2.0 2024 report to endorse a proposed rule change to the Wyoming Rules of Professional Conduct 6.1(b).</p> <p>The Wyoming Judicial Council approved the recommendation of the ATJ 2.0 2024 report to submit the proposed change to W.R.C.P. Rule 4 to the Civil Rules Division of the PRAC.</p> <p>The Wyoming Judicial Council approved the recommendation of the ATJ 2.0 2024 report for the Partnerships Working Group to continue work over the next year.</p> <p>The Wyoming Judicial Council approved the recommendation of the ATJ 2.0 2024 report for the Pipelines Working Group to move forward with the development of a “Stewards of Justice Honor Roll” initiative.</p> <p>The Wyoming Judicial Council approved the recommendation of the ATJ 2.0 2024 report that the Family Law Solutions Working Group should proceed with developing post-decree FAQs.</p>	<p>Justice Boomgaarden provided an overview of the Access to Justice (ATJ) initiatives, emphasizing the importance of sustaining and advancing the work of the Access to Justice Commission. Approximately three and a half years ago, the Commission developed a new strategic plan to refine its approach, focusing on leaner, more targeted efforts while maintaining a broad coalition of stakeholders to support policy initiatives. Since then, the Wyoming Judicial Council has strengthened its role, and the ATJ Commission has become a standing committee of the Council.</p> <p>Despite this progress, the need for dedicated, on-the-ground support remains critical. Justice Boomgaarden acknowledged the leadership of Maryt Frederickson, retired Judge Tim Day, and several judicial working groups in ensuring the continued success of these efforts.</p> <p>She further highlighted that the annual Access to Justice report serves as a comprehensive record of the past year’s work under the ATJ 2.0 framework. In addition to documenting the collective efforts of the working groups, the report outlines key recommendations for future action. A single-page summary, included with the report’s cover letter, distills these recommendations and forms the basis of her presentation.</p> <p><u>Funding</u></p> <p>Justice Boomgaarden outlined four primary funding recommendations, emphasizing the need for a sustainable approach to support access to justice initiatives. The first three recommendations include hiring a permanent fundraising expert for the Equal Justice Wyoming Foundation, exploring a fee increase, and utilizing grant funding opportunities. She recommended that the Council prioritize funding discussions during the March strategic planning session, as maintaining Access to Justice as a priority would require a clear strategy, including potential legislative actions in upcoming budget sessions.</p> <p>The fourth recommendation involved proposed changes to Rule 6.1 of the Wyoming Rules of Professional Conduct, which governs attorneys’ pro bono obligations. Justice Boomgaarden explained that the changes would</p>



The Wyoming Council supported the recommendation of the ATJ 2.0 2024 report allowing members of Access to Justice 2.0 to collaborate with the Teton County Circuit Court to explore reviving the small pre-mediation service in Teton County.

The Wyoming Judicial Council approved the recommendation of the ATJ 2.0 2024 report, and endorsed the proposed rule change increasing CLE credit for pro bono work to a one-to-one ratio and raising the maximum allowable credits from five to eight.

[Attachment 7.1 – 2024 ATJ 2.0 Letter and Short List of Recommendations](#)

[Attachment 7.2 – 2024 ATJ 2.0 Report](#)

modernize the rule’s language, offering attorneys the flexibility to fulfill their professional responsibility through either pro bono service or financial contributions to legal service providers. While the five-hundred-dollar (\$500) contribution recommendation remains unchanged due to concerns about financial strain on small firm, rural, and government attorneys, the revisions encourage increased participation by allowing attorneys to contribute more if they are able.

She clarified that the action before the Council was to endorse the draft rule change and submit it to the Wyoming State Bar for review. If approved by the Bar, the proposal would return to the Supreme Court for final action, with an opportunity for further Council review before submission. Justice Boomgaarden then moved to endorse the proposed rule change, with Judge Bartlett providing a second.

Judge Snyder raised concerns about the potential impact on nonprofit attorneys and those licensed but not actively practicing. Chief Justice Fox reassured the Council that the rule was not mandatory and noted that compliance with the current rule was already low. Judge Rogers acknowledged Judge Snyder’s concerns but pointed out that the State Bar’s review process would provide further opportunity for evaluation. Chief Justice Fox agreed, emphasizing the multiple layers of review.

Following the discussion, the Council voted unanimously to endorse the proposed rule change and advance it to the State Bar. Justice Boomgaarden concluded by stating that while no vote was required for the broader funding discussion, the conversation helped clarify the Council’s priorities as it prepares for the next strategic plan. Chief Justice Fox confirmed that all members were comfortable with this approach before closing the discussion.

#### Alternative Service of Process

Justice Boomgaarden introduced the topic of alternative service of process, noting that it originated in the last strategic plan as part of broader access to justice efforts. She moved for Council approval to submit the drafted rule change to W.R.C.P. Rule 4 to the Civil Rules Division of the PRAC for consideration. Judges Bluemel and Prokos seconded the motion, and Chief Justice Fox invited discussion.

Elisa Butler acknowledged the potential benefits of alternative service but emphasized the administrative challenges. She explained that implementing such a mechanism would require significant resources and time, as the Judiciary currently lacks the capacity to establish it quickly. While the draft rule allows for optional implementation, she stressed the need for clear expectations regarding feasibility in the short term.

Justice Boomgaarden clarified that the draft rule follows best practices recommended by the National Center for State Courts, with similar measures already in place in several states. She expressed reluctance to remove any provisions at this stage, advocating for continued development and discussion before determining administrative commitments.

Judge Bartlett raised two considerations: whether the Judiciary’s website redesign could incorporate a future placeholder for advertising alternative

service options and the importance of including protection orders within the scope of the rule.

Chief Justice Fox expressed support for the concept but questioned whether drafting a rule was premature without a clearer commitment of resources or an implementation plan. Justice Boomgaarden responded by referencing prior Council discussions and the strategic plan's directive to explore the issue. She explained that resource demands would vary based on specific components of the rule, such as using a website for service, but emphasized that enacting the rule as a whole would not require significant new software or staffing.

Following further discussion, Chief Justice Fox called for a vote to submit the proposed change to W.R.C.P. Rule 4 to the Civil Rules Division of the PRAC. The motion passed unanimously on a voice vote.

#### Partnerships

Justice Boomgaarden provided an update on the ongoing work of the Partnerships Working Group and sought the Council's authorization to continue its efforts. She emphasized that the group fosters structured and consistent collaboration between the Judicial Branch, the Executive Branch, and other key stakeholders, ensuring effective communication and coordination.

She highlighted the importance of engaging law librarians and county librarians to enhance public access to legal information. By incorporating these partnerships, the working group aims to improve the availability of legal resources and promote early identification of legal issues through social services agencies and other community organizations.

Justice Boomgaarden noted that the group has been actively working with the Executive Branch, particularly in relation to the Family Resource Centers, which have been established in all twenty-three counties. Outreach efforts also extend to tribal communities, senior centers, and school counselors. Additionally, the group is tracking which libraries currently provide legal resources and identifying those in need of further support.

Emphasizing the value of proactive engagement, Justice Boomgaarden explained that the working group plays a vital role in bridging the gap between legal resources and the public. Rather than relying solely on individuals seeking help at courthouses, the initiative focuses on disseminating information through community organizations. She concluded by moving for the Council's approval to continue the working group's efforts for another year, with a report to be provided at the end of that period.

Chief Justice Fox requested a second to the motion, which was provided by Judge Snyder. She then inquired about the staffing of the working group and whether Leora Hoshall's role aligned with the restructured AOC. Elisa Butler clarified that while non-division head staff members often support committees, these responsibilities have placed additional strain on personnel. However, she confirmed that Leora remains committed to the initiative and considers it beneficial. Chief Justice Fox reiterated the importance of recognizing the staff resources required for these efforts.

With no further discussion, Chief Justice Fox called for a vote on the motion to continue the work of the Partnerships Working Group for another year. The motion passed unanimously by voice vote.

#### Pipelines

Justice Boomgaarden provided an update on the Pipelines Working Group, which the Council approved last year. One focus of the group is ensuring continuity in pro bono efforts as current members retire. Additionally, the group is exploring a recognition program for attorneys who contribute significant pro bono hours, with various levels of acknowledgment based on service milestones. Under the proposed framework, attorneys reaching thresholds of 50, 100, or 200 pro bono hours would receive recognition ranging from a certificate to a commemorative plaque. Similar programs in other states have been well received, with high participation rates. Many attorneys value formal acknowledgment for professional development and résumé inclusion.

Judge Bluemel asked for clarification on the nature of the recognition, specifically whether it would be a formal Bar association award or a Judicial Branch initiative. He also inquired about whether it would be incorporated into the State Bar’s annual luncheon or handled separately. Concerned about potential overlap with existing recognition efforts, he emphasized the need to ensure any new program complemented rather than conflicted with those already in place.

Justice Boomgaarden explained that no final decision had been made regarding the format or venue for recognition. At this stage, the discussion was focused on whether the Council saw value in Judicial Branch recognition beyond what the Bar Association already provides. She emphasized that the proposed program would require minimal administrative effort, as attorneys would self-report their pro bono hours. If the Council expresses interest in moving forward, a working group would refine the proposal and present a final version for approval.

Judge Bluemel confirmed that the request was only for initial approval to explore the concept rather than implement a final program. Justice Boomgaarden affirmed this, adding that Justice Gray, who would soon oversee access to justice initiatives, may provide additional input.

Chief Justice Fox reiterated that any final program would return to the Council for further review and approval. With no further questions, Justice Boomgaarden moved to approve the development of a “Stewards of Justice Honor Roll” initiative, seconded by Judge Hibben. The motion passed unanimously by voice vote.

#### Family Law Solutions

Justice Boomgaarden introduced three items under “Family Law Solutions,” originating from last year’s report and the Council’s decision to form a working group to improve access to justice and streamline family law processes. Judge Overfield and others engaged with the District Court Conference to develop recommendations focusing on three key areas: modifying court form language in domestic cases to reduce conflict, developing post-decree FAQs for public understanding, and exploring the

revival of a free pre-mediation service in circuit court as a potential model for district courts. These proposals were framed as discussion points rather than mandates.

Judge Snyder acknowledged informal discussions about modifying case captions in domestic cases, originally suggested by Judge Cooley. The proposed change would replace the adversarial “versus” format with a more neutral phrase such as “In the matter of the dissolution of the marriage between” the parties. However, Judge Snyder and Judge Bluemel doubted that this modification would meaningfully influence behavior, noting that similar changes in juvenile cases had little impact. Additionally, Judge Bluemel raised concerns about the potential burden on the electronic filing system and court clerks. Given the lack of strong advocacy for the change and logistical concerns, the Council determined there was no interest in pursuing it further. This decision will be communicated to the Access to Justice 2.0 group.

On the topic of post-decree FAQs, Judge Snyder indicated that if such a document were created, her clerk would be willing to post it online. Justice Boomgaarden confirmed that members of the working group could draft a template if there was interest. Judge Bartlett questioned the necessity of an FAQ, while Judge Rogers and Judge Bluemel expressed concerns about its practicality, given the complexity of post-decree matters. Justice Gray supported the idea, arguing that FAQs could assist both litigants and attorneys by addressing common questions, such as modifying child support after a job loss. Justice Boomgaarden emphasized that the goal was to provide helpful resources for litigants navigating post-decree issues.

Chief Justice Fox suggested a vote on whether to proceed with drafting FAQs and additional resources for self-represented litigants. While some support was expressed, Judge Prokos proposed that a more proactive approach, such as a checklist, could be more effective in preventing post-decree issues. Judge Bluemel noted that while the court forms were already designed for accessibility, additional guidance might still be beneficial. Ultimately, the Council agreed to move forward with the post-decree FAQs.

Chief Justice Fox then turned to a small working group in Teton County. Judge Bartlett noted the absence of a circuit court judge in the Access to Justice 2.0 initiative. Justice Boomgaarden agreed to check on this, with Judge Bartlett suggesting Judge Wiseman as a possible candidate. Discussion followed on whether the initiative should receive formal Council support. While there was no opposition to Judge Wiseman pursuing the effort, Judge Bluemel cautioned against overextending Council resources. Ultimately, the Council agreed to allow Access to Justice 2.0 members to collaborate with the Teton County Circuit Court to facilitate the initiative.

#### Pro Bono

Justice Boomgaarden reported that the Pro Bono Working Group is exploring ways to incentivize pro bono work among Wyoming State Bar members. A recent Bar survey indicated that increasing CLE credit could serve as an incentive.

	<p>Currently, attorneys receive one CLE credit for every two hours of pro bono service, with a maximum of five credits. The proposed rule change, outlined in Appendix C, would adjust the ratio to one-to-one and raise the cap to eight credits. Justice Boomgaarden noted this change aligns with how other CLE credits are awarded, and the Bar has responded favorably. She moved for the Council to endorse the change, with Judge Hibben seconding.</p> <p>Judge Bluemel observed that Florida is the only state offering a one-to-one ratio, while others require two or three hours of pro bono work per CLE credit. He questioned whether the proposed increase would significantly boost participation, noting that many attorneys do not track or apply for CLE credit for their pro bono work.</p> <p>Justice Boomgaarden confirmed the survey findings, with fifty-seven (57%) of respondents supporting a higher credit ratio, though specific data on current CLE utilization was unavailable.</p> <p>With no further discussion, the motion passed on a voice vote, with Chief Justice Fox dissenting.</p>
<p><b>For the Good of the Order</b></p> <p>Attachment 8.1 – Amendments to the Guide to Judicial Branch Employment</p> <p>Attachment 8.2 – Draft Personnel Records Request Form</p> <p>Attachment 8.3 – Draft Forcible Entry and Detainer Forms</p> <p>Attachment 8.4 – Draft Small Claims Forms</p>	<p>The Council discussed the potential involvement of the newly appointed chancery court judge in the work of the Council. Chief Justice Fox suggested incorporating the chancery court and asked members to consider this for strategic planning. Judge Hibben agreed but was uncertain about the specifics, proposing that Judge Burningham be invited to Council meetings as a temporary measure. Justice Boomgaarden asked district court members whether similar discussions had taken place within the District Court Conference. Judge Bluemel confirmed the topic had been raised but no action was taken, while Judge Rogers noted that Judge Burningham would be invited to the Spring Conference in April.</p> <p>Chief Justice Fox informed the Council that a new website is in development and set to launch this spring. She expressed enthusiasm for the project and anticipation for its implementation.</p> <p>Chief Justice Fox reflected on the significant accomplishments of the Judicial Branch over the past two to three years, highlighting the successful reorganization of its governance structure and the tangible progress made. She noted achievements such as the Access to Justice Report and initiatives from Equal Justice Wyoming, emphasizing the meaningful impact of these efforts. She concluded by reminding the Council of the remarkable work they have done.</p> <p>Judge Bartlett moved to approve the items on the consent list. Those include the amendments to the Guide to Judicial Branch Employment, the draft Personnel Records Request Form, the draft Forcible Entry and Detainer Forms, and the draft Small Claims Forms. Judge Prokos seconded the motion. The motion passed unanimously by voice vote.</p> <p>Elisa Butler asked the Council about the proposed meeting date in September, noting it should land on the Monday of the Judicial Conference. The Council agreed that aligning the meeting with the conference would minimize travel burdens. It was also decided to hold the meeting in the</p>



	afternoon to allow time for travel on Monday morning.
<b>Adjourn</b>	Chief Justice Fox adjourned the meeting.

Post Meeting Action Items	
<u>Owner</u>	<u>Item Description</u>
Judge Eames	Relay to Technology Committee the decision of the Council for the Committee to develop a technology COOP template.
Chief Justice Fox	Send materials for legislative session to Council members.
Justice Boomgaarden	<p>Relay to Access to Justice Commission the Council's approval and support of the following recommendations:</p> <ul style="list-style-type: none"> <li>• Endorsed rule change to Wyoming Rules of Professional Conduct 6.1(b);</li> <li>• Approved rule change to W.R.C.P. Rule 4 to be sent to the Civil Rules Division of the PRAC;</li> <li>• Approved the continued work of the Partnerships Working Group;</li> <li>• Approved the initiative of the Pipelines Working Group to move forward with the development of a "Stewards of Justice Honor Roll;"</li> <li>• Approved the work of the Family Law Solutions Working Group to develop post-decree FAQs;</li> <li>• Supported members of Access to Justice 2.0 to collaborate with the Teton County Circuit Court to explore reviving the small pre-mediation service; and</li> <li>• Endorsed rule change to increase CLE credit for pro bono work.</li> </ul>

Attachment 1.1

**State of Wyoming  
State Court Administrator  
Rules**

IN THE SUPREME COURT, STATE OF WYOMING

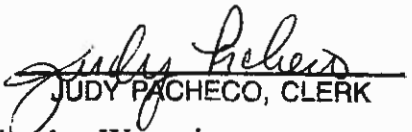
APRIL TERM, A.D. 2000

In the Matter of the Adoption of )  
State Court Administrator )  
Rules )

IN THE SUPREME COURT  
STATE OF WYOMING  
FILED

APR - 5 2000

ORDER

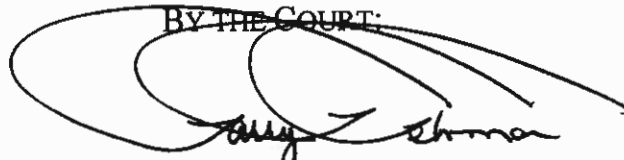
  
JUDY PACHECO, CLERK

In accordance with the superintending authority vested in the Wyoming Supreme Court by Article 5, Section 2, of the Wyoming Constitution, the chief justice, with the approval of the Supreme Court, shall appoint a State Court Administrator to serve at the pleasure of the Supreme Court.

IT IS ORDERED THAT the attached rules titled "State of Wyoming State Court Administrator Rules" filed herewith be adopted.

Dated at Cheyenne, Wyoming, this 4 day of April, 2000.

BY THE COURT:

  
LARRY L. LEHMAN  
Chief Justice

\*\*\*\*\*

**Rule 1. Qualifications**

The State Court Administrator (Administrator) shall be an individual with professional ability and experience in the field of public administration and an understanding of court procedures and services. The Administrator shall devote full time and attention to the duties of the office.

## **Rule 2. Appointment and Tenure**

The Administrator shall be appointed by the chief justice of the Supreme Court, upon majority vote of the Supreme Court, and shall serve at the pleasure of the Supreme Court. The Administrator shall be removed from office upon majority vote of the Supreme Court.

## **Rule 3. Duties and Responsibilities**

Under policy guidelines provided by the Supreme Court, or if directed by the Supreme Court the Wyoming Judicial Administrative Conference, the Administrator shall supervise the administrative operation of the courts specified within those guidelines, including but not limited to the following:

- Establish a fiscal management system including accounting, auditing and procurement procedures;
- Draw all requisitions requiring the payment of state monies appropriated for the maintenance and operation;
- Submit budget requests to the Wyoming State Legislature;
- Conduct studies of the business of the courts, including the preparation of recommendations and reports relating to them;
- Develop and implement uniform procedures for the management of court business;
- Formulate and submit to the chief justice, Supreme Court, or if directed by the supreme court, to the Judicial Administrative Conference, recommendations of policies to improve the delivery of judicial services;
- Establish and manage a court information system, providing for optimum use of technology and electronic tools;
- Maintain liaison with governmental and other public and private groups having an interest in the administration of the courts;
- Organize and administer a program of continuing judicial and non-judicial education;
- Establish and manage a system for personnel;
- Serve as secretary to the Wyoming Judicial Administrative Commission;
- Attend to such other matters as may be assigned by the chief justice.

## Attachment 1.2

### Rule 1. Qualifications

The State Court Administrator (~~Administrator~~SCA) shall be an individual with professional ability and experience in the field of law, public administration or business administration and an understanding of court procedures and services. The SCA shall have Juris Doctorate or a master's degree in public administration, business administration, or a related field. The ~~Administrator~~ SCA shall devote full time and attention to the duties of the office.

### Rule 2. Appointment and Tenure

The ~~Administrator~~ SCA shall be appointed, and subject to removal, by the ~~C~~chief Justice of the Wyoming Supreme Court, upon majority vote of the ~~Supreme Court, and shall serve at the pleasure of the Supreme Court~~ Wyoming Judicial Council (WJC). ~~The Administrator shall be removed from office upon majority vote of the Supreme Court.~~

### Rule 3. ~~Duties and~~ SCA Responsibilities

Under the direction of the Chief Justice and the WJC, the State Court Administrator (SCA) is responsible for overseeing the day-to-day operations of the state court system. The SCA supports the administration of justice by championing Wyoming Judicial Branch (Branch) strategic priorities; establishing policies, procedures, and practices; and advocating for the advancement of the Judicial Branch.

Under the direction of the SCA, the Administrative Office of the Courts carries out the following functions:

~~Under policy guidelines provided by the Supreme Court, or if directed by the Supreme Court the Wyoming Judicial Administrative Conference, the Administrator shall supervise the administrative operation of the courts specified within those guidelines, including but not limited to the following:~~

- Implements the policies of the WJC and supports its network of committees (including advisory committees) by providing staff to plan meetings, develop agendas, prepare reports, and provide substantive analytical support to the development of issues, projects, and recommendations;
- Supports judicial officers, including active and retired judges, and magistrates;
- Advises circuit courts regarding procedural and administrative matters;
- Provides centralized core administrative functions such as payroll, personnel, and accounting services;
- Administers the Judiciary's personnel systems and coordinates federal employment practices and requirements;
- Develops and executes the budget and provides guidance to courts for local budget execution;

## Attachment 1.2

- Provides legislative counsel and services to the Judiciary; acts as liaison with the legislative and executive branches;
- Prepares manuals and a variety of other print and online publications;
- Collects and analyzes case statistics;
- Monitors and reviews the performance of programs and use of resources;
- Conducts education and training programs on administrative responsibilities;
- Audits circuit court financial operations and provides guidance on management oversight and stewardship issues;
- Handles public affairs for the Judiciary, responding to inquiries from the media and the public;
- Develops new ways for handling court business and provides assistance to court employees to help them implement programs and improve operations;
- Develops and supports automated systems and technologies used throughout the courts;
- ~~• Establish a fiscal management system including accounting, auditing and procurement procedures;~~
- ~~• Draw all requisitions requiring the payment of state monies appropriated for the maintenance and operation;~~
- ~~• Submit budget requests to the Wyoming State Legislature;~~
- ~~• Conduct studies of the business of the courts, including the preparation of recommendations and reports relating to them;~~
- ~~• Develop and implement uniform procedures for the management of court business;~~
- Formulates and submits to the ~~chief justice, Supreme Court~~WJC or its committees, ~~or if directed by the supreme court, to the Judicial Administrative Conference~~, recommendations of policies to improve the delivery of judicial services;
- ~~• Establish and manage a court information system, providing for optimum use of technology and electronic tools;~~
- ~~• Maintain liaison with governmental and other public and private groups having an interest in the administration of the courts;~~
- Organizes and administers a program of continuing judicial and non-judicial education;
- ~~• Establish and manage a system for personnel;~~
- Serves as secretary to the ~~Wyoming Judicial Administrative Commission~~Council;



## Attachment 1.2

- Attends to such other matters as may be assigned by the chief justice or the WJC.

### **Rule 4. Authority.**

           All responsibility for the Administrative Office of the Courts (AOC) is vested in the SCA. The SCA shall have the authority to:

- Hire and remove employees within the AOC;
- Allocate tasks throughout the AOC;
- Create and implement policies that affect the AOC;
- Approve contracts for good or services under \$1,000,000; and
- Make decisions as delegated by the Chief Justice, the Judicial Council, or any Judicial Council Committee.

## Attachment 1.3

### **Rule 1. Qualifications**

The State Court Administrator (SCA) shall be an individual with professional ability and experience in the field of law, public administration or business administration and an understanding of court procedures and services. The SCA shall have Juris Doctorate or a master's degree in public administration, business administration, or a related field. The SCA shall devote full time and attention to the duties of the office.

### **Rule 2. Appointment and Tenure**

The SCA shall be appointed, and subject to removal, by the Chief Justice of the Wyoming Supreme Court, upon majority vote of the Wyoming Judicial Council (WJC).

### **Rule 3. SCA Responsibilities**

Under the direction of the Chief Justice and the WJC, the State Court Administrator (SCA) is responsible for overseeing the day-to-day operations of the state court system. The SCA supports the administration of justice by championing Wyoming Judicial Branch (Branch) strategic priorities; establishing policies, procedures, and practices; and advocating for the advancement of the Judicial Branch.

Under the direction of the SCA, the Administrative Office of the Courts carries out the following functions:

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- Supports judicial officers, including active and retired judges, and magistrates;
- Advises circuit courts regarding procedural and administrative matters;
- Provides centralized core administrative functions such as payroll, personnel, and accounting services;
- Administers the Judiciary's personnel systems and coordinates federal employment practices and requirements;
- Develops and executes the budget and provides guidance to courts for local budget execution;
- Provides legislative counsel and services to the Judiciary; acts as liaison with the legislative and executive branches;

## Attachment 1.3

- Prepares manuals and a variety of other print and online publications;
- Collects and analyzes case statistics;
- Monitors and reviews the performance of programs and use of resources;
- Conducts education and training programs on administrative responsibilities;
- Audits circuit court financial operations and provides guidance on management oversight and stewardship issues;
- Handles public affairs for the Judiciary, responding to inquiries from the media and the public;
- Develops new ways for handling court business and provides assistance to court employees to help them implement programs and improve operations;
- Develops and supports automated systems and technologies used throughout the courts;
- Formulates and submits to the WJC or its committees, , recommendations of policies to improve the delivery of judicial services;
- Organizes and administers a program of continuing judicial and non-judicial education;
- Serves as secretary to the Judicial Council;
- Attends to such other matters as may be assigned by the chief justice or the WJC.

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- Approve contracts for good or services under \$1,000,000; and
- Make decisions as delegated by the Chief Justice, the Judicial Council, or any Judicial Council Committee.

# WYOMING JUDICIAL BRANCH

## Administrative Office of the Courts

### *JOB DESCRIPTION*

## STATE COURT ADMINISTRATOR

### Job Summary

Under the direction of the Chief Justice and the Wyoming Judicial Council, the State Court Administrator (SCA) is responsible for overseeing the day-to-day operations of the state court system. This role requires a strategic leader with a deep understanding of court operations, legal processes, and effective management practices. This position supports the administration of justice by championing Wyoming Judicial Branch (Branch) strategic priorities; establishing policies, procedures, and practices; and advocating for the advancement of the Judicial Branch. This position also serves as the primary governmental liaison with the Executive and Legislative Branches.

### Supervisory Responsibilities

The SCA supervises all divisions and offices within the Administrative Office of the Courts (AOC) to include Information Technology, Finance, Human Resources, Education, Court Security, Legal Resources, Court Applications and grant funded programs. This position is responsible for professional development opportunities for staff, dispute resolution, mentoring, training, and making decisions regarding hiring, termination, and corrective action. This position leads the AOC Management Team and is responsible for implementing rules, policies and procedures set forth by the Wyoming Judicial Council (WJC).

### Job Duties/Responsibilities

#### Branch Leadership

- Lead and motivate the AOC division and offices, providing clear direction and support to achieve Branch goals. Lead by example and exhibit a positive attitude.
- Provide leadership that supports the Branch's mission and vision. Align team goals with Branch objectives.
- Be accountable and take responsibility for team performance and outcomes. Hold team members accountable for their responsibilities.
- Build relationships with team members and collaborate effectively with individuals from diverse backgrounds.

# WYOMING JUDICIAL BRANCH ADMINISTRATIVE OFFICE OF THE COURT

## JOB DESCRIPTION

- Delegate effectively and empower team members.
- Foster a collaborative and positive team environment, promoting effective communication and knowledge sharing.
- Participate in regular division head and Chief Justice meetings and collaborate effectively with Branch leadership.
- Staff various committees as needed, including drafting agendas, gathering materials, providing information to the committees to assist them in making informed decisions. Provide informational updates to boards and committees on projects as needed. Outreach to committee members to answer questions, schedule meetings, etc.
- Build relationships with staff, clerks, judges, judicial assistants, and justices.
- Enforce state and Branch rules and policies for fiscal, budgeting, procurement, and personnel matters.

### Court Administration

- Support the Chief Justice in discharging constitutional duties and responsibilities as the administrative head of the Judiciary.
- Determines organizational requirements and assigns personnel as needed to develop and maintain Judicial Branch initiatives and programs.
- Research best practices and make recommendations to the Chief Justice and Wyoming Judicial Council on methods to improve services. Implement and support strategic planning, development, and court evaluation.
- Provide support to the District Judge Conference and the Circuit Judge Conference.
- Crisis management and response.
- Advocate for the Judicial Branch with the Legislative and Executive Branches and interact on behalf of the Judicial Branch with various constituencies, including the bar, state and local justice system partners, and citizen groups.
- Represent the Judiciary before the Legislature.

### Budget Management

- Develop, implement, and manage the court system's budget.
- Provide fiscal policy and direction for the Judicial Branch, including audit, budget development and oversight of expenditures.
- Oversee budget preparation, estimate state appropriations, and direct budget submission---as approved by the Supreme Court and District Courts---to the legislature.
- Oversee a system of prescribed accounting practices for courts.
- Ensure fiscal responsibility and compliance with state financial regulations.
- Oversee procurement of Branch supplies and services.



# WYOMING JUDICIAL BRANCH ADMINISTRATIVE OFFICE OF THE COURT

## JOB DESCRIPTION

### Policy Development and Implementation:

- Develop and implement administrative policies and procedures in alignment with state laws and regulations.
- Ensure consistent application of policies across the court system.
- Review administrative methods and systems and periodically report to the Chief Justice and Wyoming Judicial Council on the status or any recommended improvements.
- Collect and report data on judicial and staffing workloads.

### Technology Integration:

- Lead efforts to modernize and integrate technology in court operations.
- Collaborate with the IT and Applications teams to enhance and improve overall efficiency of court technology.

### Facilities and Resource Management:

- Oversee the management of court facilities and resources.
- Plan for and implement improvements to court facilities to meet operational needs.

### Stakeholder Engagement:

- Collaborate with legal professionals, government agencies, and community organizations.
- Represent the court system in interactions with external stakeholders.
- Provide appropriate public accountability through media relations and efforts designed to retain public trust and confidence in the Judicial Branch of government.
- Coordinate with counties to support local courts.
- Develop and maintain constructive relationships with the state legislature and monitor and report on legislative matters of interest to the Judicial Branch.
- Develop and maintain constructive relationships with Executive Branch government officials, agencies, and departments.
- Provide statewide public information services, data, and annual reports.

### Required Skills/Abilities

This position requires an ability to:

- Establish and maintain working relationships with government agencies, community leaders, and the general public.
- Function well in a high-paced and, at times, stressful environment.
- Collaborate and report to a governing board.

# WYOMING JUDICIAL BRANCH ADMINISTRATIVE OFFICE OF THE COURT

## JOB DESCRIPTION

- Manage multiple priorities, with intense demands for results and accountability, and large amounts of information.
- Work with legislative and executive branches.
- Develop a strong and cohesive executive leadership team.
- Travel to include overnight stays.

This position requires skills in:

- Strong supervisory and leadership skills with the ability to implement and communicate the branch's mission and vision.
- Excellent verbal and written communication skills.
- Excellent organizational skills and attention to detail.
- Strong analytical and problem-solving skills.
- Microsoft Office Suite and related software.
- Public speaking.
- Proactive analytical and problem-solving skills.
- Collaborating to develop and implement strategic plans.

This position involves knowledge of:

- Judicial systems and their role in society.
- Objectives and methods of court administration.
- Public sector budgeting, finance, and human resources.
- Court operations.
- Management of technology professionals and major technology operations and projects.
- Principles and protocols for managing official documents and records.

### Minimum Qualifications

Education: Juris Doctor or a master's degree in public administration, business administration, or a related field.

Work Experience: Seven (7) or more years of relevant work experience plus three (3) or more years of managerial administrative experience with increasing levels of responsibility.

### Additional Qualifications/Information

Preference is given to candidates with court experience.

# WYOMING JUDICIAL BRANCH ADMINISTRATIVE OFFICE OF THE COURT

## JOB DESCRIPTION

### Physical Requirements

Position job duties are typically performed indoors in an environmentally controlled area and require mobility to work in a typical office setting. The incumbent must have the ability to:

- Use standard office equipment.
- Sit at a desk for prolonged periods and work on a computer.
- Stand and/or walk occasionally to frequently.
- Read printed materials and computer screens.
- Communicate in person or over the phone.
- Lift up to 30 pounds at times.
- Travel.

### Terms of Employment

Employment is “at will.”

FLSA Status: Exempt.

### Employee Acknowledgement

By signing this document, I acknowledge the following:

1. This is a complete description of my position.
2. My job duties may change based on the needs of the Branch.
3. My employment is at-will and I have no expectation of continued employment.

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Employee Signature

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Date

---

Supervisor Signature

---

Date

# **Wyoming Judicial Branch Court Navigator Pilot Program Report and Implementation Considerations**

**September 2024**

The Wyoming Judicial Branch's Court Navigator Pilot was developed with the support of the State Justice Institute, grant number SJI-23T045. The points of view expressed are those of the Wyoming Judicial Branch and do not necessarily represent the official position or policies of the State Justice Institute.



## **Background**

In May of 2023, the Wyoming Access to Justice Commission's ATJ 2.0 Court Navigator Committee recommended to the Wyoming Judicial Council to establish a court navigator program that could serve self-represented litigants (SRL) for Wyoming District and Circuit Courts. Specifically, the committee recommended the establishment of an initial hybrid navigator model in which court navigators could meet with self-represented litigants in-person or through virtual assistance by video and email. The committee also recommended that the initial navigator program be launched in one county to allow for revisions and improvements before being expanded to multiple counties throughout the state.

In response to this recommendation, in September 2023, the Wyoming Judicial Branch initiated the development and implementation of a pilot court navigator program under a grant provided by the State Justice Institute (SJI). As part of this grant process, the Wyoming Judicial Branch contracted with the National Center for State Courts (NCSC) to assist with the development, implementation, and evaluation of a pilot court navigator program with the Natrona County District and Circuit Courts.

This report includes three parts: Part I of this report provides additional information on the development and implementation of the initial court navigator pilot program from October 2023 – September 2024; Part II of this report provides considerations for the long-term implementation of a court navigator program that may serve SRLs statewide; Part III outlines resources and materials to support the implementation of a long-term court navigator program.

## **Part I: Court Navigator Pilot Program (October 2023 – September 2024)**

### **Navigator Roles, Responsibilities, and Duties**

The court navigator pilot program specifically focused on providing volunteer court navigators to assist SRLs in Natrona County with the following case types:

- Domestic Relations (including divorce, child custody matters, child support, and visitation)
- Forcible Entry and Detainer
- Protection Orders

In accordance with the recommendations provided by the Court Navigator Committee, the initial court navigator pilot focused on the use of volunteer court navigators to assist SRLs with navigating their court cases and understanding and completing case-related documents and forms. Specific duties for volunteer navigators include:

- Providing assistance with finding and filling out legal forms and documents.
- Assisting SRLs with organizing documents for court cases.
- Providing referrals to online and in-person legal services and other community resources.



- Providing self-represented litigants with general information about the court and court processes.
- Providing overview information, including basic procedural information regarding a case type.
- Ensuring documents and legal forms have been completed.
- Providing follow-up information on judicial orders.

In completing these duties, navigators received training to ensure compliance the Wyoming [Rules of Procedure Governing Unauthorized Practice of Law](#). Additionally, navigators were trained to refrain from providing legal advice or offering legal or personal opinions.

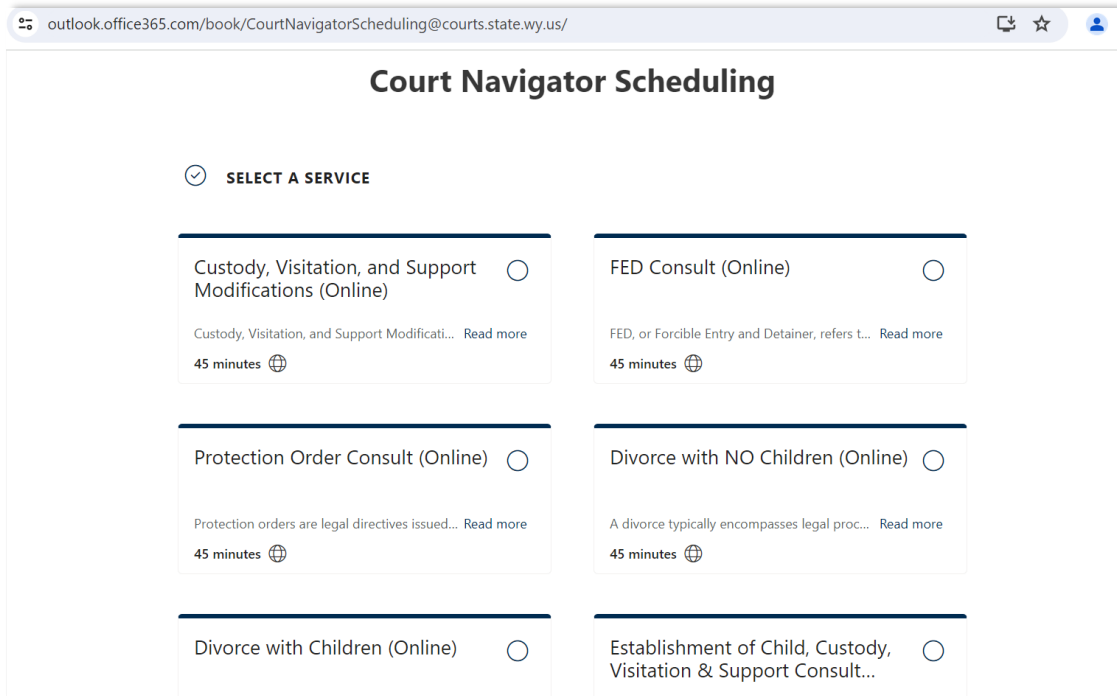
### **Court Navigator Pilot Service Model**

The initial court navigator pilot program service model included recruiting volunteer navigators to provide assistance to SRLs in Natrona County. During the initial pilot, a total of five volunteer navigators provided one-on-one assistance, meeting with SRLs for 45-minute appointments.<sup>1</sup> Volunteers included paralegal students from Casper Community College, a paralegal student from the Laramie Community College, and a contracted AARP volunteer working with the Administrative Office of the Courts (AOC). Additionally, the Program Director and Paralegal Instructor from Casper Community College served as a volunteer during this initial pilot service term, providing direct assistance to self-represented litigants and assisting with the development of a future internship program for paralegal students from the college.

For the initial pilot, services were provided to any individual seeking assistance with domestic relations cases, forcible entry and detainer cases, and protection orders. Services were provided to SRLs regardless of income eligibility. Navigator services were offered five days a week and navigators met with individuals both in-person and virtually via Microsoft Teams. In-person services were provided from a dedicated room on the ground floor of the Natrona County Court. Virtual services were provided by volunteer navigators working from the Wyoming Judicial Branch's AOC building in Cheyenne or from the navigator's home. For virtual appointments, SRLs could schedule the 45-minute appointment online at <https://outlook.office365.com/book/CourtNavigatorScheduling@courts.state.wy.us/>:

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<sup>1</sup> Two additional volunteer navigators joined the pilot program in July 2024, replacing navigators who had completed initial service terms.



Additionally, in-person navigators could accept walk-in appointments for SRLs coming to the Natrona County Court

To support the navigators in their efforts to provide resources and referrals to individuals seeking assistance, the Wyoming Judicial Branch developed an online repository of case-specific court forms, case-related information, and resources. Navigators were trained on how to use this resource in real time during their appointments to provide individuals with links or printed copies of necessary documents and forms and additional resources.

The screenshot shows a web browser window with the address [courts.state.wy.us/court-services/court-navigator/resources/](https://courts.state.wy.us/court-services/court-navigator/resources/). The page title is "NATRONA COUNTY COURT NAVIGATOR". Below the title is a navigation bar with links: Home, Schedule, Become, Self Help Forms, Resources (highlighted), and FAQ. The main content is a table with three columns: Referral Name, Referral Link, and Description.

Referral Name	Referral Link	Description
Wyoming Judicial Branch	<a href="https://www.courts.state.wy.us/legal-assistances-and-forms/court-self-help-forms/">https://www.courts.state.wy.us/legal-assistances-and-forms/court-self-help-forms/</a>	The Wyoming Judicial Branch website has several self-help forms available for self-represented litigants.
Equal Justice Wyoming	<a href="https://equaljustice.wy.gov/legal-help/find-info-by-topic/">https://equaljustice.wy.gov/legal-help/find-info-by-topic/</a>	Equal Justice Wyoming is a state funded civil legal services program working with Wyoming legal aid providers and community organizations to help people with limited income find help for their legal problems.
Wyoming State Bar Lawyer Referral Service	<a href="https://www.wyomingbar.org/f-or-the-public/hire-a-lawyer/">https://www.wyomingbar.org/f-or-the-public/hire-a-lawyer/</a>	The Wyoming State Bar offers referral services to assist you in finding a lawyer tailored to your specific needs.
Wyoming State Bar Modest Means Program	<a href="https://www.wyomingbar.org/f-or-lawyers/modest-means-for-lawyers/">https://www.wyomingbar.org/f-or-lawyers/modest-means-for-lawyers/</a>	The Modest Means Program (MMP) is a reduced fee referral program. The MMP will help fill the gap by making legal services accessible to lower and moderate income people who are ineligible for legal aid.
Limited Scope Representation	<a href="https://equaljustice.wy.gov/legal-help/limited-scope-representation/">https://equaljustice.wy.gov/legal-help/limited-scope-representation/</a>	Equal Justice Wyoming offers valuable resources explaining limited scope representation and provides resources to help individuals find limited scope representation.
Legal Aid of Wyoming Services	<a href="https://www.lawyoming.org/">https://www.lawyoming.org/</a>	Legal Aid of Wyoming, Inc., is a federally funded, non-profit law firm providing legal assistance to low-income individuals living in Wyoming. Legal Aid provides representation in many, though not all, types of civil cases. Legal Aid of Wyoming cannot represent defendants in criminal cases.

NCSC also assisted with the development of the online repository by developing overview documents that could be provided to self-represented litigants to explain the steps in a particular case type. Each navigator was also provided with a unique navigator email address so that the navigators could email litigants information during or after an appointment.

### **Navigator Training and Supervision**

To support training for the initial cohort of volunteer navigators, NCSC developed a suite of short online training videos, covering the following:

- Overview of the Wyoming Judicial Branch and the Court System
- Overview of Court Navigator Roles and Responsibilities
- Divorce without Children
- Divorce with Children
- Establishment of Custody, Visitation, and Child Support
- Child Support Abatement
- Child Support Modification
- Protection Orders
- Forcible Entry and Detainer

NCSC conducted live virtual trainings for navigators to provide a more detailed review of the navigator's roles and responsibilities, a review of the online scheduling system and the repository of materials, and to discuss confidentiality protocols and customer service. NCSC also conducted a second live virtual training to review in more detail legal advice versus legal information.

The Wyoming Judicial Branch's Court Services Counsel served as the pilot program's supervisor. The supervisor assisted the court navigators by sitting in on initial appointments and assisting with questions and the delivery of navigator services. The supervisor was available by Teams to answer real-time questions via chat or to join a meeting with a SRL if needed.

In addition to the initial training and supervision, NCSC held monthly navigator meetings during the initial few months of the program to review any issues, discuss training needs, and identify improvements for the pilot program.

### **Community Outreach**

Once the court navigators were trained and prepared to begin providing services, NCSC assisted the Wyoming Judicial Branch with community outreach efforts. NCSC provided flyers to be posted in the Natrona County Courthouse and at local community organizations. All flyers included QR codes to get SRLs to the website and online scheduling system. The Wyoming Judicial Branch also conducted a statewide community outreach campaign, which included a statewide press release and alerting legal organizations and other stakeholders of the program.

### **Evaluation**

To gauge the overall effectiveness of the pilot program, NCSC conducted short pre-pilot surveys with court staff and judicial officers. The pre-pilot surveys indicated that judicial officers and court staff wanted the court navigator pilot to provide SRLs with help understanding court procedures and rules and preparing documents. Both judges and court personnel anticipated that the court navigator pilot program would assist SRLs with identifying and completing the correct forms and would support the litigants with identifying additional resources and assistance.

NCSC surveyed navigators early on in their experience and then followed up with one-on-one interviews with several of the navigators after four months of providing the navigator services. Interviews were used to learn more about the navigator services provided and to identify areas for improvement. Trends from these interviews included the following:

- The majority of navigator services provided during the pilot were for domestic relations cases;
- Self-represented litigants participated in both in-person and virtual appointments;
- Several individuals scheduled multiple appointments to help get through various steps in a process at different meetings;
- Navigators felt that training materials were helpful and that hands-on experience greatly assisted them in understanding how to work with the materials and resources provided; and
- Supervision provided by the Wyoming Judicial Branch was very helpful and navigators felt supported in getting answers and guidance when needed.

NCSC also developed an online and hard-copy satisfaction survey for self-represented litigants to complete following completion of the navigation services. To date, only two court users have completed satisfaction surveys and the results indicated that the navigator provided useful resources and referrals related to the individual's case. The court users also reported confidence in continuing the next steps of their court case.

## **Part II: Long-Term Implementation Considerations**

### **Navigator Service Model**

In considering long-term service models, the Wyoming Judicial Branch should consider continuing the current navigator model of volunteer navigators providing one-on-one assistance to SRLs in need of assistance (regardless of income). The hybrid model of providing services both in-person at a local courthouse and virtually worked well during the pilot and should be considered for long-term implementation. It could be particularly ideal to have navigators continue to work from an office in the AOC and provide services virtually to SRLs as this allows for navigators to have direct supervision if needed or wanted. Such virtual services could be provided to additional counties throughout Wyoming as long as navigators have information available on county-based services and resources.

In addition to virtual services, the Wyoming Judicial Branch should continue to have in-person navigation services available in Natrona County and other courthouses statewide. Navigators who provided services in-person noted that clerks in the courthouse would often send individuals to the navigator for assistance, which can provide real-time support to individuals going to court. For those services that could be located in a courthouse, it would be helpful to have signage indicating consistent schedules when navigator "office hours" would be available. This can assist individuals with knowing when to come to court for navigator services. Additionally, one navigator noted that it would be helpful for in-person offices to have a dedicated phone and phone number so that self-represented litigants could call for assistance and/or call for help setting up appointments. This phone process could also be set up at the AOC for volunteers to provide assistance to individuals statewide.

As the navigator program continues to expand, the Wyoming Judicial Branch may want to consider additional options to connect SRLs with services. One option may include having computer terminals in private locations, such as a dedicated conference room in the courthouse, where SRLs can connect to an appointment with a virtual navigator. Another option would be to partner with other potential locations, such as the public library or a community organization, to provide a private space for SRLs to join a virtual appointment. An example of this model is the Boston Public Library's partnership with the Massachusetts Trial Court: <https://www.bpl.org/access-to-justice/>.

Such solutions can assist SRLs who may not have access to the necessary technology or internet to connect with virtual appointments.

The online scheduling system created for the initial pilot program worked well and should be continued as a feature of an expanded program. Because some navigators noted that some pre-scheduled virtual appointments were “no-shows,” it would be helpful to build reminder texts and reminder emails into the current scheduling system.

During the pilot, navigators reported satisfaction with the online repository that houses online links to legal forms, legal documents, and resources. The Judicial Branch should continue the use of this repository for the expansion of the program. As more counties are added to the program, the resources will need to be built out to identify county-specific resources and information. One navigator noted that it will be important to ensure that documents and forms in the repository align with the documents being used by clerks. Navigators also noted that additional information may be added to assist them with their roles, including:

- A cheat sheet to assist self-represented litigants with calculating calendar timeframes;
- An explanatory document providing examples of a “material change in circumstances;” and
- An internal list of costs and required steps by different courts and clerks for various case-related steps, including costs for notary services and requirements for the number of copies for particular court forms.

As noted previously, the navigators in the first cohort of the pilot program had individual navigator emails. This communication process should be continued with long-term implementation efforts as it allows navigators to be able to email SRLs important information, such as links to documents, resources, and referrals. Navigators should also continue to use the centralized program email to email SRLs. Future efforts may also include the ability for SRLs to send emails directly to this centralized email with navigators checking the centralized email and responding to questions as part of their shift responsibilities. This could provide an additional resource to SRLs who may need quick answers to questions but may not need to schedule a full appointment.

In addition to providing a centralized email for the navigator program in the future, the Wyoming Judicial Branch may also want to consider implementing a live-chat component to the navigator program. A live-chat feature may include real-time assistance from a navigator on duty and/or the utilization of a live-chat tool that can answer basic questions in accordance with pre-scripted questions. An example of this is the [Franklin County Ohio Self-Help Center](#), which uses a chatbot as an additional way for navigators to interact with court users.

In terms of scheduling options, the navigator program should continue to have a virtual scheduling/coordinating system to allow SRLs to make appointments with navigators during available times. The initial allotment of 45 minutes per session seemed to work well according to the first cohort of navigators. To help minimize no-shows, the long-term implementation should also include the addition of reminder texts or emails to SRLs with appointments.

While the navigators in the pilot program were able to successfully use the online repository to locate and provide forms, documents, and resources for SRLs, some navigators noted that they wanted a centralized location to note activities from their appointments and to identify resources provided so that a SRL could have consistency in service if they ended up seeing another navigator



at a future appointment. The Wyoming Judicial Branch should consider developing a process to centrally store notes on an individual's case so that navigators can easily work with returning litigants.

Finally, as noted in this report, court navigators are not permitted to provide any form of legal advice or legal opinions. To further assist some SRLs in need of legal assistance, the Wyoming Judicial Branch could consider collaborating with legal service providers to complement the informational services provided by court navigators. Collaboration could include having legal service providers refer litigants to navigators for follow-up assistance with completing legal forms. Navigators could also be scheduled to provide in-person or virtual assistance with documents and forms immediately following legal aid clinics, such as those provided by Equal Justice Wyoming.

### **Navigator Recruitment and Service Commitments**

The initial court navigator program had success in recruiting volunteer navigators from AARP and the Paralegal Studies program at Casper College. Long-term implementation efforts should continue to recruit from both AARP and Casper College. Additionally, the Wyoming Judicial Branch should continue to work with Casper College in establishing a formal internship/externship program that would provide students in the Paralegal Studies program college credit for completing requisite hours.<sup>2</sup>

As the court navigator program continues to expand to assist SRLs statewide, the Wyoming Judicial Branch may also consider establishing internship/externship programs with the Laramie County Community College Legal Studies Program in Cheyenne and with law and social work majors at the University of Wyoming in the city of Laramie. Students from these programs could serve as interns/externs by working virtually from the AOC office in Cheyenne and potentially offering in-person services at the courthouse in Laramie.

In addition to internship programs that would provide college credit in exchange for court navigator hours, the Wyoming Judicial Branch can also explore grants and funding sources that could assist with payment to court navigators. With both internships and payment options, the Judicial Branch should implement court navigator commitment options, such as formal contracts for service commitments. Service commitments may include a minimum number of hours providing service per week, a minimum number of weeks of service for a service term, and other required duties, such as assisting with emails from litigants, providing live chat assistance, and conducting research of potential referrals and resources to be added to the repository.

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<sup>2</sup> Casper College has been in discussion with the Wyoming Judicial Branch about a formal internship for Paralegal Studies students to serve as court navigators. The internship would require navigators to fulfill 6 hours a week of navigator service for a term of 16 weeks.

## **Navigator Training and Supervision**

The NCSC provided a suite of final online training modules to be used by the court navigator program to train future navigators. The training modules were updated following the initial pilot to include additional visuals that help to make the content easier to follow. Topics include:

- Overview of the Wyoming Judicial Branch and the Court System
- Overview of Court Navigator Roles and Responsibilities
- Divorce without Children
- Divorce with Children
- Establishment of Custody, Visitation, and Child Support
- Child Support Abatement
- Child Support Modification
- Protection Orders
- Forcible Entry and Detainer
- Legal Advice vs. Legal Information

The final suite of resources for long-term implementation will also include a program facilitation guide and PowerPoint slides for customized live trainings to be delivered in-person or via a live virtual platform. The topics covered in live training will assist with operational elements of the navigator program and can also include customized information pertaining to a particular court if in-person services are provided at the court. Topics to be included in a live virtual session include:

- Review of navigator roles and responsibilities (can be customized to a court location)
- Review of raining resources available to navigators
- Review of online repository of materials and scheduling system
- Review of referral resources (legal aid, legal service providers, community resources, etc.)
- Job duties and logistics based on the court (to be customized)
- Review of mock scenarios (to cover customer service, maintaining boundaries and role, escalating issues to program staff as needed)

The program manual will also include a template for recording court observation hours for navigators to complete during the initial weeks of their service term. Additionally, the program manual will note that new navigators can initially serve with a more experienced co-navigator or supervisor during their initial weeks. Finally, the program manual will include guidance for monthly meetings with court navigators to review case types in more detail and to gather feedback on the navigator program.

As the court navigator program continues to expand, the Wyoming Judicial Branch may consider hiring a program coordinator to assist with the various duties of recruitment, training, and oversight of navigators. Specific job duties may include:

- Recruitment of Court Navigator Program volunteers, including establishing partnerships with community colleges, universities, and volunteer organizations;
- Development and facilitation of training program for court navigators;
- Ongoing supervision of court navigators, including management of court navigator schedules, necessary equipment, and assignment process;
- Development and participation in community outreach activities to alert the public of available navigator services;
- Providing ongoing monitoring and evaluation of effectiveness of court navigator program; and
- Assisting with statewide data collection and reporting on court navigator services.

### **Community Outreach**

To assist with community outreach efforts, NCSC will provide the Wyoming Judicial Branch with a short video explaining the court navigator services and point litigants to the website for online scheduling. This video can be placed on the Wyoming Judicial Branch's website and shared with other community organizations and legal aid offices for posting on their sites as well. The Wyoming Judicial Branch may also consider including short tag lines on court documents, forms, and summons that alert individuals of court navigator services.

To increase the general awareness of the navigator program, particularly with people who may have on-going issues that could benefit from the navigator program, the Wyoming Judicial Branch can make sure that signage and flyers about the program are located in well-trafficked community locations such as public libraries, social service organizations, and community organizations. The Judicial Branch can also include tables at community events or provide materials for an allied organization's table.

The Judicial Branch can also partner with community organizations serving the navigator program's target population. This may include civil legal services organizations that may take some clients for full representation but turn many away for capacity reasons and domestic violence assistance organizations. As the program continues to expand the Wyoming Judicial Branch can share information on navigator services and scheduling processes with allied organizations, such as:

- Legal Aid Wyoming
- Equal Justice Wyoming
- University of Wyoming Legal Clinics
- Wyoming Coalition Against Domestic Violence and Sexual Assault
- Wyoming State Bar Modest Means Program
- Veterans Legal Assistance Project
- Wyoming Child Support Program
- Wyoming State Law Library
- Wyoming Department of Family Services

At the local level, the Judicial Branch can also advertise navigator services to community organizations, social service organizations, and government institutions serving individuals in various counties. Examples include:

- Public libraries
- Local police departments
- Local mental health services
- Local food pantries
- Local senior centers

The Judicial Branch can also explore listing the navigator services as part of [Wyoming 211](#).

Additionally, as the program expands, the Judicial Branch should ensure that staff, including court clerks, know about the in-person and virtual navigator program options. This may include a process for navigators working in-person to check in with clerks at the start of their shifts so that clerks can refer individuals to walk-in services. It would also be helpful to have a scheduling portal in the physical courthouse with easy-to-follow instructions so that individuals can also schedule virtual appointments while in the court.

### **Data Collection and Evaluation**

The initial court navigator pilot included a process to collect background data on SRLs seeking assistance as a way to identify the services most frequently needed and to determine the types of services provided. An expanded implementation of the program should continue to collect data that can help provide information on statewide needs for assistance and identify ongoing program improvements. Court navigators can assist with data collection by having litigants answer standard questions at the time of scheduling and as part of their appointments. Information to be collected can include:

- Basic demographic data for the self-represented litigants seeking services;
- Amount of time the navigator spent with the self-represented litigant;
- Amount of wait time the self-represented litigant experienced before meeting with the navigator;
- Case type;
- Procedural status of case;
- Titles of any court forms provided to the SRL; and
- Any referrals made by the navigator.

To monitor the effectiveness of the court navigator program, the Wyoming Judicial Branch should continue to conduct evaluation processes with judges, court staff, court navigators, and SRLs seeking services. The program manual will include model evaluation tools including satisfaction surveys for judges, clerks, judicial assistants, court navigators, and court users. To assist with capturing feedback from participants who have received services, the Judicial Branch may consider

having navigators call and email participants following their visits to obtain additional information on services received and to learn of any improvements that could be made to the program. Additionally, the Wyoming Judicial Branch should consider developing a tracking process that judges, clerks, and judicial assistances could use to track errors and issues with SRLs over time to monitor a potential reduction in errors and issues.

### **Budgetary Considerations**

The initial court navigator pilot utilized grant funding provided by the State Justice Institute (SJI) to assist with the development and implementation of court navigator services provided five days a week for the Natrona County Court. This initial grant funding supported the development of materials and resources that can and will be used over time and as the program expands, such as the training modules, repository resources, outreach materials, and evaluation tools. However, as the court navigator program continues to expand, additional funding will be needed to support long-term operations. Specific line items for budgetary consideration include:

- Personnel
  - Program lead (supervisor or program coordinator) salary and benefits
  - Support staff salary and benefits
  - Conferences and continuing education
- Equipment and technology
  - Computers and phones for in-person locations
  - Kiosks for remote access to navigator appointments
  - Printers/ink/paper for printing (in-person appointments)
  - Software for live chat functionality
- Promotions and training
  - Design and printing of flyers and signage in courts and with external partners
  - Continued design creation of web-based navigator training website and videos

In addition to the possibility of state funding to support a court navigator program, long-term funding models may include federal funding through grant programs, such as AmeriCorps. Depending on the case types included and services provided in a navigator program, federal funding may also include grants through the Violence Against Women Act (VAWA); Services, Training, Officers, and Prosecutors (STOP) or Justice for Families grants; and Victims of Crime Act (VOCA) funds.<sup>3</sup> Other grant funding noted in [A National Compendium of Court Navigation Programs](#) include funds from the Bureau of Justice Assistance and a grant through the MacArthur Safety and Justice Program. Additionally, the [Grants Matrix](#) from the Justice in Government Project includes funding sources for access to justice initiatives, which can include court navigator programs.

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<sup>3</sup> For more information, see [Nonlawyer Navigators in State Courts: An Emerging Consensus](#).

## **Part III: Resources**

Resources developed for the Wyoming Judicial Branch Court Navigator Pilot Program are available in the following folder:

<https://nationalcenterforstatecourts.box.com/s/ipgk91t1iqkga47ncu7l3ksiv3mg00h5>

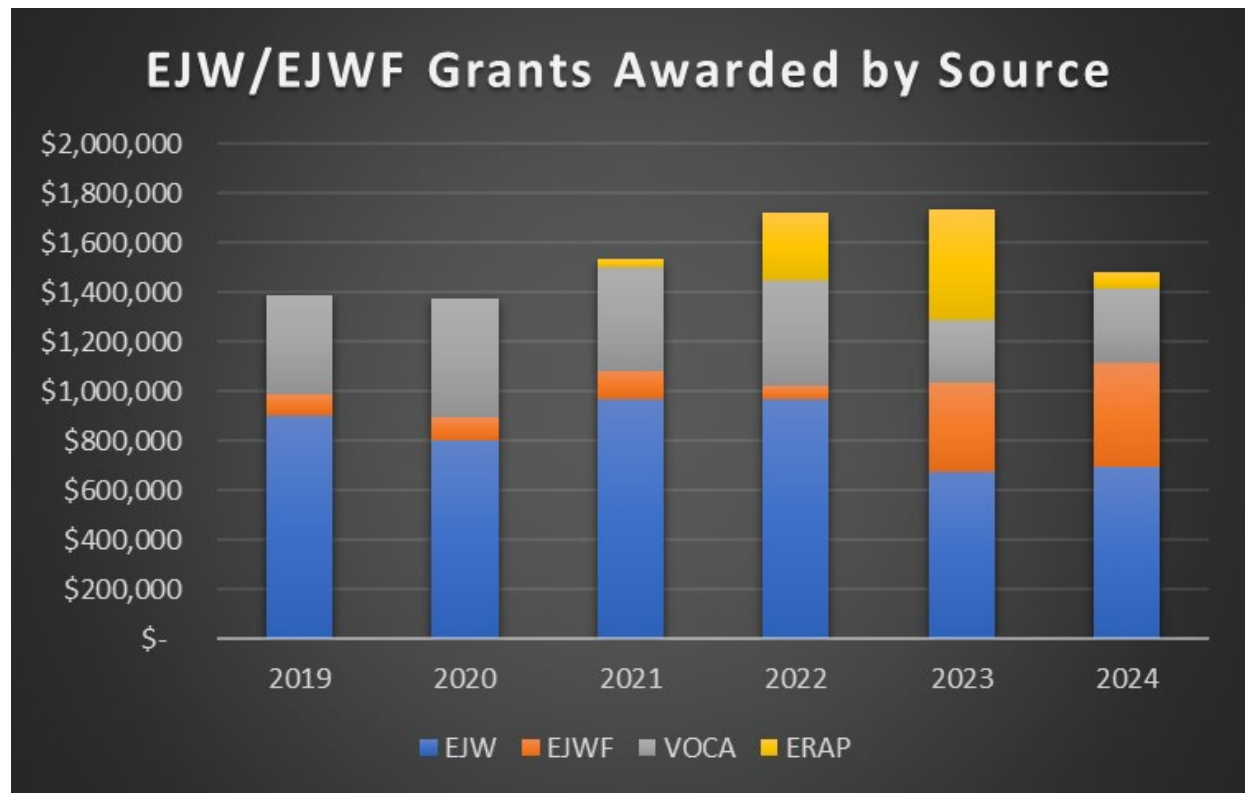
Materials include:

<b>Outreach Materials</b>
Wyoming Court Navigator Flyer (with QR code)
Wyoming Court Navigator Brochure (with QR code)
Wyoming Court Navigator Outreach Video
<b>Online Modules</b>
Court Navigator Roles and Responsibilities
Wyoming Judicial Branch and Court System
Information vs. Advice
Divorce with Children
Divorce without Children
Child Support Modification
Child Support Abatement
Custody, Visitation, and Support
Protection Orders
Forcible Entry and Detainer
<b>Live Training Materials</b>
Court Navigator Live Training Framework
Court Navigator Live Training Power Point Slides
<b>Repository Forms</b>
Navigators CAN and CANNOT DO Tip Sheet
Volunteer Agreement
Court User Agreement
Plain Language Glossaries
<b>Case Flow Documents</b>
Divorce with Children Process
Divorce with Children Options ABC
Divorce without Children Process
Divorce without Children Options ABC
Child Support Modification Process
Child Support Abatement Process
Establishment of Custody, Visitation, and Support Process
Establishing Support, Visitation, and Custody Options ABC

<b>Evaluation Materials</b>
Court Navigator Survey – for Judges
Court Navigator Survey – for Court Personnel
Court Navigator Survey – for Navigators
Court User Satisfaction Survey
<b>Reports and Manuals</b>
Wyoming Court Navigator Pilot Report and Implementation Considerations
Wyoming Court Navigator Program Manual



## Attachment 5.1





**EQUAL  
JUSTICE**  
W Y O M I N G



**EQUAL JUSTICE**  
WYOMING FOUNDATION

## NOTICE OF REQUEST FOR PROPOSAL

Purpose: Development and Expansion of Civil Legal Services for Low-Income Individuals in the State of Wyoming

NOTE: THIS RFP IS FOR A 24-MONTH GRANT PERIOD

RFP Release Date: March 1, 2024

RFP Response Deadline: April 30, 2024; 5:00 p.m. MT

Award Date: May 30, 2024

Start Date: July 1, 2024

Project Completion Date: June 30, 2026

Submittal Location: Submit electronically to Angie Dorsch at  
[adorsch@courts.state.wy.us](mailto:adorsch@courts.state.wy.us)

*We will send a confirmation email upon receiving every application. If an applicant does not receive a confirmation email, it is the applicant's responsibility to contact Angie Dorsch to ensure the application was received.*

Contact Information: Angie Dorsch  
(307) 777-8383  
[adorsch@courts.state.wy.us](mailto:adorsch@courts.state.wy.us)

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## INTRODUCTION

Equal Justice Wyoming (Equal Justice) and the Equal Justice Wyoming Foundation (EJWF) are soliciting Requests for Proposals (RFP) from qualified non-profit organizations and pilot projects (hereinafter Grantee) for programs that will promote access to justice and civil legal services for individuals in Wyoming who are income eligible under the Wyoming Civil Legal Services Act, the Rules and Regulations of Equal Justice, and the rules governing EJWF. The missions of Equal Justice and EJWF are consistent and aligned; therefore, Equal Justice and EJWF are soliciting a single application to be considered for funding from both programs. Please submit one grant proposal that includes the total amount of funding sought from both Equal Justice and EJWF. Equal Justice and EJWF will determine the source of any funds awarded.

Specifically, Equal Justice and EJWF (hereinafter collectively “Grantor”) are interested in proposals that address the following priorities:

- Providing direct legal representation to low-income individuals;
- Addressing the high needs areas of law affecting the target population including, but not limited to, family law, housing, consumer law, and income maintenance;
- Expanding services to underserved geographic areas of the State;
- Expanding services to underserved populations;
- Enhancing collaboration with community organizations;
- Expanding support for pro bono legal service delivery;
- Enhancing pro se support;
- Or exploring new methods for expanding services to the income eligible population throughout the State.

Grantees must present evidence that they are competent and have the necessary facilities, experience, personnel, and financial resources to fulfill the conditions of this RFP.

Grantor anticipates awarding a total of approximately \$1.8 million for the 24-month period for one-time grants to qualified recipients. Grantor is not obligated to award this amount. **Proposals should not be based on the expectation of reoccurring grants from Grantor.**

Please see Attachment 2 for a sample grantee agreement outlining the duties and responsibilities of Grantor and Grantee. **The final grantee agreement may contain additional or different provisions.**

## **BACKGROUND**

The Wyoming Supreme Court created Equal Justice Wyoming to promote access to justice throughout the State of Wyoming, in accordance with the directives of the Wyoming Civil Legal Services Act (Act), 2010 Wyoming Session Laws Chapter 109 and rules and regulations applicable to Equal Justice which may be found at <https://www.courts.state.wy.us/supreme-court/court-rules/>.

Among other things, the Act establishes a mechanism to generate funds to promote access to justice and to provide civil legal services to the income eligible. Wyoming Statute Section 5-2-122(a)(viii) also authorizes Equal Justice to grant funds to eligible programs that will assist in providing civil legal services in Wyoming. Equal Justice is soliciting proposals for programs that can enhance access to justice and encourages a wide range of proposals.

The Equal Justice Wyoming Foundation (EJWF) is a non-profit 501(c)(3) that strengthens and defends access to justice and civil legal services in Wyoming through fundraising and other supportive activities with the guiding principle that every individual should have full and equal access to justice, regardless of his or her financial means. EJWF does this primarily by providing grants to civil legal service providers and supporting educational efforts.

Any grants issued by Grantor will be reimbursement grants, meaning grant funds will not be released to the Grantee prior to receipt of an invoice based upon completed work. The award of a grant pursuant to this RFP does not create an expectation that the grant will be on-going in nature or repeated for subsequent fiscal years, although Grantor anticipates awarding additional grants to eligible programs in the future. Applicants should not assume that permanent funding will be available from Grantor beyond the terms of this RFP.

## **PROPOSAL (350 maximum points)**

Proposals must contain the following information in addition to the grant application cover page:

1. A brief description of the organization including its history, mission, and purpose as well as the program or project for which funding is solicited. (20 points)
2. The objectives of the program for which a grant is sought, including the problem you will address and how you will address it, with an explanation regarding how those objectives comport with the Act and the mission of Grantor and how they will be evaluated or measured for determining the success of the program. Include the results you expect to achieve during the grant period and how the funds would

help achieve those results. The proposal should include any requirements or contract conditions the applicant may request from Grantor associated with the proposed program. (80 points)

3. If the request seeks funds for the direct delivery of legal services, the proposal must describe how the income eligibility requirements of Section 5-2-122(a)(iv) will be met, how those requirements will be documented and made available to Grantor for audit, the steps that will be taken to ensure that the limitations on legal services set forth in Section 5-2-122(a)(iii) will be met, and how the request will implement the policies and rules applicable to Equal Justice. The grant recipient will be responsible for client intake and documenting the income eligibility requirements and ensuring they are met. (30 points)

4. If the request seeks funds for the direct delivery of legal services, the proposal must also describe how the delivery of those services will be handled, the methods by which the legal services will be overseen for quality and accountability, and the anticipated number of persons to be served with the request. The proposal must describe how an evaluation of the quality of legal services provided will be undertaken and the results provided to Grantor. (100 points)

If the request does not seek funds for the direct delivery of legal services, the proposal must explain how the request will promote access to justice for the income eligible. (same 100 points as #4 above)

5. A detailed budget must be provided documenting how any funds received from Grantor will be disbursed, with an explanation regarding how the expenditures of any grant monies awarded will be adequately documented for audit purposes. (80 points)

6. List any other agencies, community groups, entities, or programs with which you would work to fulfill the terms of your grant proposal. (20 points)

7. A current fiscal year budget is requested from all programs seeking grants, along with a brief explanation of any other sources of funding that may be used for the program(s) from which funding is sought from Grantor. Include any funding challenges and if your request was only funded in part, what effect it will have on your organization or the proposed project. (20 points)

## **IMPLEMENTATION**

1. The Grantee will provide Grantor with an invoice approved by Grantor by the tenth (10<sup>th</sup>) of each month for expenses incurred the previous month.

2. On a quarterly basis, the Grantee will provide Grantor with a detailed report of all activities related to the grant. The format of the report must be approved

by Grantor. The report is due by the fifteenth (15<sup>th</sup>) of the month following the end of the quarter (e.g., the first quarterly report will be due by October 15, 2024).

3. The Grantee will provide an annual report for the project by July 15, 2025, and a final report of the project by July 15, 2026.

## **ATTACHMENT 1: Grant Selection Criteria**

The Board of Commissioners of Equal Justice Wyoming and Board of Directors of the Equal Justice Wyoming Foundation will determine in its sole discretion which grants, if any, to fund, and the amount to be awarded, if any, to grant recipients.

The Boards are particularly interested in proposals which address the following priorities:

- Providing direct representation;
- Addressing the high needs areas of law affecting the target population including, but not limited to, family law, housing, consumer law, and income maintenance;
- Expanding services to underserved geographic areas;
- Expanding services to underserved populations;
- Enhancing collaboration with community organizations;
- Expanding support for pro bono legal service delivery;
- Enhancing pro se support;
- Or exploring new methods for expanding services to the income eligible throughout the State.

The Boards will award grants based upon the following factors:

- Promotion of the objectives of the Act governing Equal Justice and the mission of EJWF;
- Number of persons served or expected to be served;
- Ability to meet currently un-served needs of the income eligible;
- Provision of legal services to underserved geographic areas of the state;



- Transparency and fiscal accountability;
- Ability of the proposed program to create and provide data regarding unmet needs of Wyoming citizens;
- Innovation and creativity of the proposal and the extent to which it may provide useful information on means by which Grantor can promote the objectives of the Act;
- Existing experience and resources of the Grantee to complete the proposed project in a timely manner;
- Grantees' other sources of funding; and
- Possibility of duplication of the proposed project to other communities or the expansion of services on a larger geographical scale.

## **ATTACHMENT 2: Grant Agreement**

This Grant Agreement is provided as an example. The exact terms and conditions included in the final grant agreement between Grantor and Grantees are subject to change.

### **Equal Justice Wyoming and The Equal Justice Wyoming Foundation**

This Agreement is made and entered into as of the date set forth below by and between Equal Justice Wyoming and the Equal Justice Wyoming Foundation (collectively the “Grantor”), and [LEGAL NAME OF ORGANIZATION] (the “Grantee”).

### **Background**

WHEREAS, Section 5-2-122 of the Wyoming Statutes Annotated and the Rules and Regulations of Equal Justice Wyoming, as amended (collectively, the “Act”) permit Equal Justice to issue grants to existing eligible programs to assist in providing civil legal services and to enhance the civil legal services that existing programs are providing; and

WHEREAS, the purposes of Equal Justice are to improve access to justice in Wyoming and fulfill the requirements and expectations of the Wyoming Legislature described in the Act; and

WHEREAS, in reliance upon the representations and certifications contained in the Grantee’s application for assistance dated [DATE], the Board of Commissioners of Equal Justice Wyoming and the Board of Directors of the Equal Justice Wyoming Foundation has approved an award of funds to the Grantee, to be expended by the Grantee in conformity with the requirements and provisions of the Act and this Agreement.

### **Terms and Conditions**

NOW, THEREFORE, in consideration of the mutual benefits inuring to each other, it is understood and agreed, by and between the parties hereto, that the terms and conditions of any distribution from Grantor to Grantee will be governed by the following:

**1. Purpose.** The purpose of this Agreement is to provide Grantee with funds for the implementation or continuation of a program to promote access to justice or to provide direct legal services to the income eligible citizens of Wyoming pursuant to the Act and this Agreement (the “Project”). The Project is more fully described in the Grantee’s Grant proposal, which is attached and incorporated hereto as Exhibit A. Grantee will operate all activities conducted pursuant to Grant funding in accordance with Grantee’s Grant proposal, including any amendments required or accepted by Grantor, and the terms of the Act.

**2. Payment of Grant Funds**

**2.1 Grant Payments.** In consideration of the various obligations to be undertaken by the Grantee pursuant to this Agreement, Grantor will provide Grantee with funds in an amount not to exceed \$[DOLLAR AMOUNT] (the “Grant”) for the purposes of the Project. Payment will be made from the indigent civil legal services account established by the Act or from funds from the Equal Justice Wyoming Foundation. No payment will be made for services performed prior to the date upon which the last required signature is affixed to this Agreement.

**2.2 Schedule.** Grantor will pay Grant funds to the Grantee in monthly installments based on expenses incurred during the previous month, and submitted no later than the 10<sup>th</sup> of each month. The first payment will be made as soon as Equal Justice receives an invoice reflecting expenditures of July 2024.

**2.3 Adjustments.** Grantor may, in its sole discretion, adjust the amount of the Grant in greater or lesser amounts, and/or in greater or lesser periods of time than stated in this contract upon thirty (30) days notice to the Grantee.

**2.4 Recovered Costs.** Any attorneys’ fees or other expenses recovered from a third party in a case funded in whole or in part by this grant shall be paid to Grantor up to the amount of grant funds that were expended on the case.

**2.5 Conditional Payments.** Each payment obligation of Grantor is conditioned upon the availability of adequate revenues from the indigent civil legal services account established by the Act, which are appropriated or allocated for the payment of this obligation, or from adequate funds from Equal Justice Wyoming Foundation. Grantor is not obligated to provide continuing grant funds and thus this Agreement is not contingent upon future grant funds.

**2.6 Future Funding.** The Grantee acknowledges that Grantor and its representatives have made no actual or implied promise of funding except for the amounts specified by this Agreement. If any of the Grant funds are returned or if the Grant is rescinded, the Grantee acknowledges that Grantor will have no further obligation to the Grantee in connection with this Grant as a result of the return or rescission. However, the foregoing is not intended to prohibit Grantor from providing the Grantee an additional Grant at the termination of the Grant described in this Agreement upon the submission of a new proposal, if Grantor in its sole discretion determines that an additional Grant is appropriate.

### **3. Grantee’s Obligations**

#### **3.1 Expenditure of Grant Funds**

- (A) Purpose of Expenditures.** Grantee will use Grant funds only for purposes consistent with the Act, and more specifically will use the Grant funds only for the purpose outlined in Paragraph 1.

**(B) Prohibited Expenditures.** The Grantee will not use any of the Grant funds:

- (1) To provide legal services to individuals who do not meet the eligibility standards established by the Act because the individuals' total household income exceeds 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;
- (2) To provide legal services or representation in cases involving claims seeking tort damages, criminal defense, claims against public agencies or political subdivisions, where those claims seek to change or overturn existing rules, regulations or policies (this prohibition will not limit Grantee's ability to represent income eligible individuals who are seeking benefits that may be owed to them by public entities or agencies);
- (3) In a manner inconsistent with State of Wyoming policies that govern the use of state funds and are detailed in the attached Grant Funds Expenditure Policy, the terms of which are incorporated by reference.

**3.2 Prior Costs.** All costs incurred by the Grantee before the effective date of this Agreement and before approval by Grantor of the release of Grant funds are incurred voluntarily, at the Grantee's risk and upon its own credit and expense, and Grantee's authority to be reimbursed from the Grant funds will be governed by the provisions of this Agreement. Grantee may not incur any costs of the Project to be charged against the Grant funds before the effective date of this Agreement, as defined in Paragraph 4, without the prior written consent of Grantor.

**3.3 Quality of Work.** Both the quality of the work done by the Grantee and the Grantee's progress toward achieving the goals of the Grant will be reviewed by Grantor. The Grantee's progress may be monitored by on-site visits by representatives of Grantor. In particular, Grantor will be monitoring the continued commitment of personnel involved in the work of the Grant. In addition, Grantor will, throughout the term of the Grant, consider whether continuation of the work of the Grant is in the interest of those members of the general public described in the Act. If Grantor is not satisfied with the quality of the Grantee's work or the progress toward achieving the goals of the Grant, if Grantor is of the opinion that the Grantee is incapable of satisfactorily completing the work of the Grant, or if Grantor determines that continuation of the Grant is not reasonably in the interest of those members of the general public described in the Act, Grantor may, in its discretion, (i) withhold payment of Grant funds until in its opinion the situation has been corrected, or (ii) declare the Grant terminated. Grantor's determination as to the quality of work being performed, the progress being made toward the goals of the Grant, the Grantee's ability to satisfactorily complete the

work of the Grant, and whether continuation of the work of the Grant is in the interest of those members of the general public described in the act will be final and will be binding and conclusive insofar as further Grant payments are concerned.

**3.4 Monitoring and Formal Review.** This grant is subject to monitoring and a formal review. Grantee shall anticipate and plan for expenditures accurately. Grantor reserves the right to terminate the grant if sufficient progress has not been made toward the stated goals of the project. Grantor's determination to terminate the grant or require a release of grant funds after the formal review is exclusively within the discretion of Grantor.

### **3.5 Reports and Records**

(A) **WOLFS-109(a).** The Grantee will provide a completed and certified copy of the State of Wyoming WOLFS-109(a) Form adopted by the Wyoming State Auditor's Office to Grantor prior to the distribution of Grant funds to the Grantee.

(B) **Reports.**

(1) **Quarterly Reports.** Grantee will provide to Grantor quarterly reports on the use of the funds provided by any distribution, compliance with the terms of this Agreement and the progress made by Grantee toward achieving the purpose stated in Paragraph 1 above. Quarterly Reports will be due within fifteen (15) days of the last day of each quarter. The last day of each quarter is September 30, December 31, and March 31. Quarterly reports covering each respective period shall be due no later than October 15, January 15, and April 15.

(2) **Annual Report.** Grantee will make an annual report with respect to all expenditures made from the funds during grant year from July 1 through June 30 and indicating the progress made towards the purpose stated in Paragraph 1 above. The annual reports will be accompanied by photographic reproductions of all forms, procedural manuals, and other documents created by the Grantee in connection with the Grant. The Annual Report shall be due no later than July 15, 2025.

(3) **Interim Reports.** Grantee will submit other interim reports as Grantor may reasonably request. The Grantee's personnel will confer with Grantor personnel or consultants at the reasonable request of Grantor regarding expenditures, records, and progress of the Grant project.

- (4) **Form.** The Grantee will provide all reports required by this Agreement in a form provided by Grantor.

**(C) Records.**

- (1) The Grantee will maintain a formal set of books in sufficient detail such that the Wyoming Supreme Court and Grantor can conduct an audit of Grantee's records as provided in Paragraph 3.5(D) below. The Grantee's records will, at a minimum, reflect the amount of Grant revenue received, itemized Grant expenditures, accrued expenses, and records documenting the determination of client eligibility for all cases, in such a manner that the receipts and expenditures of the Grant funds will be shown separately on the books and records in an easily checked form.
- (2) The Grantee will obtain substantial evidence of eligibility from all clients receiving legal services pursuant to Grant funding in accordance with the attached Financial Eligibility Policy, the terms of which are incorporated by reference.
- (3) The Grantee will keep records of receipts and expenditures of Grant funds as well as copies of the reports submitted to Grantor and supporting documentation for at least four (4) years after the completion of the use of the Grant funds, and will make the books, records, and supporting documentation available to Grantor and Wyoming Supreme Court for inspection at reasonable times from the time of the Grantee's acceptance of this Grant through the period.

- (D) Audits.** At the sole discretion of the Wyoming Supreme Court, the records of the Grantee may be directly audited by a certified public accountant selected by the Wyoming Supreme Court. If the Wyoming Supreme Court requires an audit of the Grantee's records, the Grantee will make its records available to the Wyoming Supreme Court and its agents and employees.

- (E) Organization and Authorization.** Grantee certifies that Grantee is a not-for-profit [TYPE OF ENTITY] duly organized and validly existing under the laws of Wyoming, is qualified to do business in the State of Wyoming, and has all requisite power and authority to enter into and carry out the transactions contemplated by this Agreement. Grantee further certifies that the person signing this Agreement has been duly authorized to act on behalf of the Grantee.

- (F) **Attorney Certification.** If the Grantee or any of its employees are attorneys, the Grantee certifies that any attorneys providing direct legal services with grant funds are certified to practice law by the Wyoming State Bar and that the attorneys' conduct in connection with the Project will comply with the Wyoming Rules of Professional Conduct for Attorneys at Law and all applicable laws and regulations.

**4. Duration.** This Agreement is effective when all parties have executed it and all required approvals have been granted. The term of the Agreement commences from the date it is fully executed by Grantor and the Grantee through June 30, 2024. The Project will be completed during this term.

**5. Violation of Terms**

**5.1 Default.** A default will consist of the breach by the Grantee of any covenants, agreements or certifications in this Agreement, including the expenditure of Grant funds for any use other than for the purposes provided in Paragraph 1 or in any unauthorized manner.

**5.2 Effect of Default.** Upon the occurrence of any default, Grantor reserves the right in its absolute discretion to terminate the Grant. Grantor's determination will be final and will be binding and conclusive. In the event of termination by Grantor,

- (A) The Grantee's authority to request a disbursement will cease and the Grantee will have no right, title or interest in or to any of the undisbursed Grant funds;
- (B) Grantor may demand repayment from the Grantee of any amounts Grantor, in its sole discretion, determines were not expended in accordance with this Agreement; and
- (C) Grantor, in its sole discretion, may demand repayment of all Grant funds distributed to Grantee.

**5.3 Failure to Report.** If quarterly or interim reports are not received in a timely manner, Grantor may withhold payment until the outstanding report is received, and may terminate the Grant if any report is not received within a reasonable time (no more than thirty (30) days) following the date on which it was due.

**5.4 Other Remedies.** In addition to the rights and remedies contained in this Agreement, Grantor may at any time proceed to protect and enforce all rights available to Grantor by suit in equity, action at law, or by any other appropriate proceedings, all of which rights and remedies will survive the termination of this Agreement.

**6. Termination.** Upon termination of this Grant for any reason, Grantor will withhold any further payments of Grant funds and the Grantee will repay to Grantor any portion of the Grant funds that were not used for the purposes of the Grant Project.



## **7. Liability**

**7.1 Release.** Grantee releases Grantor and its agents, attorneys and employees from any liability for, and will protect, indemnify and save harmless Grantor and its agents, attorneys and employees from and against any and all liabilities, suits, actions, claims, demands, losses, expenses and costs of every kind and nature, including reasonable attorney's fees, incurred by, or asserted or imposed against Grantor and its agents, attorneys and employees, as a result of or in connection with the Project, except for fraud or willful misconduct by Grantor or its agents, attorneys and employees.

**7.2 Indemnification.** All money expended by Grantor as a result of the liabilities, suits, actions, claims, demands, losses, expenses, or costs, including reasonable attorney's fees will be immediately and without notice due and payable by Grantee to Grantor, except for claims arising solely from the Grantor's negligence. Grantee's obligation to indemnify Grantor will survive the term of this Agreement.

## **8. Miscellaneous**

**8.1 Confidentiality.** All documents, data compilations, reports, computer programs, photographs, and any other work provided to or produced by the Grantee in the performance of this Agreement will be kept confidential by the Grantee unless written permission is granted by Grantor for its release.

**8.2 Publicity.** Unless Grantor requests otherwise, any publicity given to the Project, including, but not limited to, notices, information, pamphlets, press releases, research, reports, signs, and similar public notices prepared by or for the Grantee, will identify Grantor as the sponsoring agency and will not be released without prior written approval from Grantor.

**8.3 Disputes.** Any dispute or claim arising out of or relating to this Agreement may be assigned to non-binding mediation upon mutual agreement of the parties, in accordance with the Wyoming Supreme Court's rules for alternative dispute resolution. The parties to the dispute will bear their respective costs for the mediation. The rights and remedies of the parties provided for in these clauses are in addition to any other rights and remedies provided by law or under this Agreement.

**8.4 Assignment.** The Grantee will not assign or otherwise transfer any of the rights or delegate any of the duties set forth in this Agreement or use this Agreement, or any portion thereof, for collateral for any financial obligation without the prior written approval of Grantor.

**8.5 Successors.** This Agreement will be binding upon the parties' heirs, executors, administrators, successors and assigns.

**8.6 Nondiscrimination.** The parties will comply with all applicable state and federal laws, rules, regulations and executive orders governing nondiscrimination, equal employment opportunity and affirmative action.

**8.7 Entire Agreement.** This Agreement constitutes the complete and exclusive statement of agreement between Grantor and the Grantee with respect to the subject matter. Any modification or amendment will be made only in writing signed by an authorized officer of the Grantee and of Grantor.

**8.8 Independent Contractor.** The Grantee will function as an independent contractor for the purposes of this Agreement and will not be considered an employee of the State of Wyoming, Equal Justice Wyoming, or the Equal Justice Wyoming Foundation for any purpose. The Grantee will assume sole responsibility for any debts or liabilities that may be incurred by the Grantee in fulfilling the terms of this Agreement and will be solely responsible for the payment of all federal, state and local taxes that may accrue because of this Agreement. Nothing in this Agreement will be interpreted as authorizing the Grantee or its agents and/or employees to act as an agent or representative for or on behalf of the State of Wyoming, Equal Justice Wyoming, or the Equal Justice Wyoming Foundation, or to incur any obligation of any kind on the behalf of the State of Wyoming, Equal Justice Wyoming, or the Equal Justice Wyoming Foundation. No health/hospitalization benefits, workers' compensation and/or similar benefits available to State of Wyoming employees will inure to the benefit of the Grantee or the Grantee's agents and/or employees as a result of this Agreement.

**8.9 Kickbacks.** The Grantee certifies and warrants that no gratuities, kickbacks or contingency fees were paid in connection with this Agreement, nor were any fees, commissions, gifts, or other considerations made contingent upon the award of this Agreement. If the Grantee breaches or violates this warranty, Grantor may, at its discretion, terminate this Agreement without liability to Grantor, deduct from the grant award or consideration, or otherwise recover, the full amount of any commission, percentage, brokerage, or contingency fee.

**8.10 Notices.** All notices arising out of, or from, the provisions of this contract will be in writing and given to the parties at the address provided under this Agreement, either by regular mail, facsimile, e-mail, or delivery in person.

**8.11 Sovereign Immunity.** The State of Wyoming and Equal Justice Wyoming do not waive sovereign immunity by entering into this Agreement, and specifically retain immunity and all defenses available to them as sovereigns pursuant to Wyoming Statutes Annotated Section 1-39-104(a) and all other applicable law. Designations of venue, choice of law, enforcement actions, and similar provisions should not be construed as a waiver of sovereign immunity.

**8.12 Taxes.** The Grantee will pay all taxes and other amounts required by federal, state and local law, including but not limited to federal and social security taxes, workers' compensation, unemployment insurance and sales taxes.

**8.13 Waiver.** The waiver of any breach of any term or condition in this Agreement will not be deemed a waiver of any prior or subsequent breach.

**8.14 Governing Law.** This Agreement and the rights of the parties hereunder will be governed by, interpreted, and enforced in accordance with the laws of the State of Wyoming.

**8.15 Jurisdiction and Venue.** Unless agreed to otherwise pursuant to Paragraph 8.3, the courts of the State of Wyoming will have jurisdiction over this Agreement and the parties, and the venue will be in the First Judicial District, Laramie County, Wyoming.

**8.16 Counterparts.** This Agreement may be executed in one or more counterparts when taken together will constitute one original.

**8.17 Headings.** All headings herein are inserted only for convenience and ease of reference and are not to be considered in the construction or interpretation of any provision of this Agreement.

**8.18 No Third Party Beneficiary.** This Agreement is made solely and specifically among and for the benefit of the parties hereto, and their respective successors and assigns subject to the express provisions hereof relating to successors and assigns, and no other person will have any rights, interest, or claims hereunder or be entitled to any benefits under or on account of this Agreement as a third party beneficiary or otherwise.

The parties have signed this Agreement as of the dates set forth below next to their signatures.

**EQUAL JUSTICE WYOMING**

_____	_____
By: [____], [TITLE]	Date

**[GRANTEE]**

_____	_____
By: [____], [TITLE]	Date

## LEGAL AID OF WYOMING EVALUATORS SCORING FORM

RFP SECTION	CRITERIA DESCRIPTION	POINTS AVAILABLE	POINTS ASSIGNED
1	How well does the Proposer describe its program?	15	
1	Does the Proposer identify its mission and purpose?	5	
2	How well does the Proposal describe the objectives of the program? Does the Proposal include any requirements the applicant requests of EJW associated with the proposed program?	25	
2	Does the Proposer explain how these objectives comport with the Act? Is it done well? Does the Proposal include any contract conditions the applicant requests of EJW associated with the proposed program?	30	
2	Does the Proposer explain how these objectives will be evaluated or measured for determining the success of the program? Is this adequate?	25	
3	Does the Proposal describe how the income eligibility requirements of Section 5-2-122(a)(iv) will be met?	10	
3	Does the Proposal describe how the requirements will be documented and made available to Equal Justice for audit?	5	
3	Does the Proposal identify the steps that will be taken to ensure that the limitations on legal services set forth in Section 5-2-122(a)(iii) will be met?	5	
3	Does the Proposal describe how the request will implement the policies of Rule 111 of the Rules and Regulations applicable to Equal Justice?	5	
3	Does the Proposal describe how they will handle client intake and document income eligibility requirements and ensure they are met?	5	
4	Does the Proposal describe how the deliver of those services will be handled?	25	
4	Does the Proposal describe the methods by which the legal services will be overseen for quality and accountability? Is this adequate?	25	
4	Does the Proposal indicate the anticipated number of persons to be served with the request? Is this a significant number?	25	
4	How well does the Proposal describe how an evaluation of the quality of legal services provided will be undertaken and the results provided to Equal Justice?	25	
5	How well does the Proposal explain how the request will promote access to justice for the income eligible? <b>Section 5 is for Proposals that DO NOT seek funds for direct legal services (same 100 points as Section 4)</b>	100	
6	To what extent does the Proposer's budget reflect a reasonable cost approach that is in alignment with their response to Sections 1-5?	30	
6	Is the budget detailed?	10	
6	Does the budget document how any funds received from Equal Justice will be disbursed?	10	
6	Is there an explanation regarding how the expenditures of any grant monies awarded will be adequately documented for audit purposes?	30	
7	Did the Proposal list any other agencies, community groups, entities, or programs with which they would work to fulfill the terms of the grant proposal? Does this show community ties and partnerships?	20	
8	Was a current fiscal year budget included with the grant proposal?	5	
8	Does the Proposal include a brief explanation of other sources of funding that may be used for the program from which funding is sought?	5	
8	Does the Proposal show diversity of funding?	10	
<b>Total</b>		<b>350</b>	<b>0</b>

NOTE: USE ONE FORM PER PROPOSAL.

Total should be 350 or less. Be sure you are only scoring for Section 4 or Section 5, not both.

**Please only score Section 4 OR Section 5, not both.**  
 --Section 4 is used for organizations providing direct legal services.  
 --Section 5 is used for organizations that are not seeking funds for direct legal services.

## TETON COUNTY ACCESS TO JUSTICE CENTER EVALUATORS SCORING FORM

RFP SECTION	CRITERIA DESCRIPTION	POINTS AVAILABLE	POINTS ASSIGNED
1	How well does the Proposer describe its program?	15	
1	Does the Proposer identify its mission and purpose?	5	
2	How well does the Proposal describe the objectives of the program? Does the Proposal include any requirements the applicant requests of EJW associated with the proposed program?	25	
2	Does the Proposer explain how these objectives comport with the Act? Is it done well? Does the Proposal include any contract conditions the applicant requests of EJW associated with the proposed program?	30	
2	Does the Proposer explain how these objectives will be evaluated or measured for determining the success of the program? Is this adequate?	25	
3	Does the Proposal describe how the income eligibility requirements of Section 5-2-122(a)(iv) will be met?	10	
3	Does the Proposal describe how the requirements will be documented and made available to Equal Justice for audit?	5	
3	Does the Proposal identify the steps that will be taken to ensure that the limitations on legal services set forth in Section 5-2-122(a)(iii) will be met?	5	
3	Does the Proposal describe how the request will implement the policies of Rule 111 of the Rules and Regulations applicable to Equal Justice?	5	
3	Does the Proposal describe how they will handle client intake and document income eligibility requirements and ensure they are met?	5	
4	Does the Proposal describe how the deliver of those services will be handled?	25	
4	Does the Proposal describe the methods by which the legal services will be overseen for quality and accountability? Is this adequate?	25	
4	Does the Proposal indicate the anticipated number of persons to be served with the request? Is this a significant number?	25	
4	How well does the Proposal describe how an evaluation of the quality of legal services provided will be undertaken and the results provided to Equal Justice?	25	
5	How well does the Proposal explain how the request will promote access to justice for the income eligible? <b>Section 5 is for Proposals that DO NOT seek funds for direct legal services (same 100 points as Section 4)</b>	100	
6	To what extent does the Proposer's budget reflect a reasonable cost approach that is in alignment with their response to Sections 1-5?	30	
6	Is the budget detailed?	10	
6	Does the budget document how any funds received from Equal Justice will be disbursed?	10	
6	Is there an explanation regarding how the expenditures of any grant monies awarded will be adequately documented for audit purposes?	30	
7	Did the Proposal list any other agencies, community groups, entities, or programs with which they would work to fulfill the terms of the grant proposal? Does this show community ties and partnerships?	20	
8	Was a current fiscal year budget included with the grant proposal?	5	
8	Does the Proposal include a brief explanation of other sources of funding that may be used for the program from which funding is sought?	5	
8	Does the Proposal show diversity of funding?	10	
<b>Total</b>		<b>350</b>	<b>0</b>

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## UNIVERSITY OF WYOMING LEGAL CLINICS EVALUATORS SCORING FORM

RFP SECTION	CRITERIA DESCRIPTION	POINTS AVAILABLE	POINTS ASSIGNED
1	How well does the Proposer describe its program?	15	
1	Does the Proposer identify its mission and purpose?	5	
2	How well does the Proposal describe the objectives of the program? Does the Proposal include any requirements the applicant requests of EJW associated with the proposed program?	25	
2	Does the Proposer explain how these objectives comport with the Act? Is it done well? Does the Proposal include any contract conditions the applicant requests of EJW associated with the proposed program?	30	
2	Does the Proposer explain how these objectives will be evaluated or measured for determining the success of the program? Is this adequate?	25	
3	Does the Proposal describe how the income eligibility requirements of Section 5-2-122(a)(iv) will be met?	10	
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3	Does the Proposal identify the steps that will be taken to ensure that the limitations on legal services set forth in Section 5-2-122(a)(iii) will be met?	5	
3	Does the Proposal describe how the request will implement the policies of Rule 111 of the Rules and Regulations applicable to Equal Justice?	5	
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4	Does the Proposal describe how the deliver of those services will be handled?	25	
4	Does the Proposal describe the methods by which the legal services will be overseen for quality and accountability? Is this adequate?	25	
4	Does the Proposal indicate the anticipated number of persons to be served with the request? Is this a significant number?	25	
4	How well does the Proposal describe how an evaluation of the quality of legal services provided will be undertaken and the results provided to Equal Justice?	25	
5	How well does the Proposal explain how the request will promote access to justice for the income eligible? <b>Section 5 is for Proposals that DO NOT seek funds for direct legal services (same 100 points as Section 4)</b>	100	
6	To what extent does the Proposer's budget reflect a reasonable cost approach that is in alignment with their response to Sections 1-5?	30	
6	Is the budget detailed?	10	
6	Does the budget document how any funds received from Equal Justice will be disbursed?	10	
6	Is there an explanation regarding how the expenditures of any grant monies awarded will be adequately documented for audit purposes?	30	
7	Did the Proposal list any other agencies, community groups, entities, or programs with which they would work to fulfill the terms of the grant proposal? Does this show community ties and partnerships?	20	
8	Was a current fiscal year budget included with the grant proposal?	5	
8	Does the Proposal include a brief explanation of other sources of funding that may be used for the program from which funding is sought?	5	
8	Does the Proposal show diversity of funding?	10	
<b>Total</b>		<b>350</b>	<b>0</b>

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**WYOMING COALITION AGAINST DOMESTIC VIOLENCE AND SEXUAL ASSAULT EVALUATORS  
SCORING FORM**

RFP SECTION	CRITERIA DESCRIPTION	POINTS AVAILABLE	POINTS ASSIGNED
1	How well does the Proposer describe its program?	15	
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3	Does the Proposal describe how the requirements will be documented and made available to Equal Justice for audit?	5	
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6	To what extent does the Proposer's budget reflect a reasonable cost approach that is in alignment with their response to Sections 1-5?	30	
6	Is the budget detailed?	10	
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8	Was a current fiscal year budget included with the grant proposal?	5	
8	Does the Proposal include a brief explanation of other sources of funding that may be used for the program from which funding is sought?	5	
8	Does the Proposal show diversity of funding?	10	
<b>Total</b>		<b>350</b>	<b>0</b>

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## WYOMING CHILDREN'S LAW CENTER EVALUATORS SCORING FORM

RFP SECTION	CRITERIA DESCRIPTION	POINTS AVAILABLE	POINTS ASSIGNED
1	How well does the Proposer describe its program?	15	
1	Does the Proposer identify its mission and purpose?	5	
2	How well does the Proposal describe the objectives of the program? Does the Proposal include any requirements the applicant requests of EJW associated with the proposed program?	25	
2	Does the Proposer explain how these objectives comport with the Act? Is it done well? Does the Proposal include any contract conditions the applicant requests of EJW associated with the proposed program?	30	
2	Does the Proposer explain how these objectives will be evaluated or measured for determining the success of the program? Is this adequate?	25	
3	Does the Proposal describe how the income eligibility requirements of Section 5-2-122(a)(iv) will be met?	10	
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3	Does the Proposal describe how they will handle client intake and document income eligibility requirements and ensure they are met?	5	
4	Does the Proposal describe how the deliver of those services will be handled?	25	
4	Does the Proposal describe the methods by which the legal services will be overseen for quality and accountability? Is this adequate?	25	
4	Does the Proposal indicate the anticipated number of persons to be served with the request? Is this a significant number?	25	
4	How well does the Proposal describe how an evaluation of the quality of legal services provided will be undertaken and the results provided to Equal Justice?	25	
5	How well does the Proposal explain how the request will promote access to justice for the income eligible? <b>Section 5 is for Proposals that DO NOT seek funds for direct legal services (same 100 points as Section 4)</b>	100	
6	To what extent does the Proposer's budget reflect a reasonable cost approach that is in alignment with their response to Sections 1-5?	30	
6	Is the budget detailed?	10	
6	Does the budget document how any funds received from Equal Justice will be disbursed?	10	
6	Is there an explanation regarding how the expenditures of any grant monies awarded will be adequately documented for audit purposes?	30	
7	Did the Proposal list any other agencies, community groups, entities, or programs with which they would work to fulfill the terms of the grant proposal? Does this show community ties and partnerships?	20	
8	Was a current fiscal year budget included with the grant proposal?	5	
8	Does the Proposal include a brief explanation of other sources of funding that may be used for the program from which funding is sought?	5	
8	Does the Proposal show diversity of funding?	10	
<b>Total</b>		<b>350</b>	<b>0</b>

NOTE: USE ONE FORM PER PROPOSAL.

Total should be 350 or less. Be sure you are only scoring for Section 4 or Section 5, not both.

**Please only score Section 4 OR Section 5, not both.**  
 --Section 4 is used for organizations providing direct legal services.  
 --Section 5 is used for organizations that are not seeking funds for direct legal services.

## WYOMING IMMIGRANT ADVOCACY PROJECT EVALUATORS SCORING FORM

RFP SECTION	CRITERIA DESCRIPTION	POINTS AVAILABLE	POINTS ASSIGNED
1	How well does the Proposer describe its program?	15	
1	Does the Proposer identify its mission and purpose?	5	
2	How well does the Proposal describe the objectives of the program? Does the Proposal include any requirements the applicant requests of EJW associated with the proposed program?	25	
2	Does the Proposer explain how these objectives comport with the Act? Is it done well? Does the Proposal include any contract conditions the applicant requests of EJW associated with the proposed program?	30	
2	Does the Proposer explain how these objectives will be evaluated or measured for determining the success of the program? Is this adequate?	25	
3	Does the Proposal describe how the income eligibility requirements of Section 5-2-122(a)(iv) will be met?	10	
3	Does the Proposal describe how the requirements will be documented and made available to Equal Justice for audit?	5	
3	Does the Proposal identify the steps that will be taken to ensure that the limitations on legal services set forth in Section 5-2-122(a)(iii) will be met?	5	
3	Does the Proposal describe how the request will implement the policies of Rule 111 of the Rules and Regulations applicable to Equal Justice?	5	
3	Does the Proposal describe how they will handle client intake and document income eligibility requirements and ensure they are met?	5	
4	Does the Proposal describe how the delivery of those services will be handled?	25	
4	Does the Proposal describe the methods by which the legal services will be overseen for quality and accountability? Is this adequate?	25	
4	Does the Proposal indicate the anticipated number of persons to be served with the request? Is this a significant number?	25	
4	How well does the Proposal describe how an evaluation of the quality of legal services provided will be undertaken and the results provided to Equal Justice?	25	
5	How well does the Proposal explain how the request will promote access to justice for the income eligible? <b>Section 5 is for Proposals that DO NOT seek funds for direct legal services (same 100 points as Section 4)</b>	100	
6	To what extent does the Proposer's budget reflect a reasonable cost approach that is in alignment with their response to Sections 1-5?	30	
6	Is the budget detailed?	10	
6	Does the budget document how any funds received from Equal Justice will be disbursed?	10	
6	Is there an explanation regarding how the expenditures of any grant monies awarded will be adequately documented for audit purposes?	30	
7	Did the Proposal list any other agencies, community groups, entities, or programs with which they would work to fulfill the terms of the grant proposal? Does this show community ties and partnerships?	20	
8	Was a current fiscal year budget included with the grant proposal?	5	
8	Does the Proposal include a brief explanation of other sources of funding that may be used for the program from which funding is sought?	5	
8	Does the Proposal show diversity of funding?	10	
<b>Total</b>		<b>350</b>	<b>0</b>

**Please only score Section 4 OR Section 5, not both.**  
 --Section 4 is used for organizations providing direct legal services.  
 --Section 5 is used for organizations that are not seeking funds for direct legal services.

*NOTE: USE ONE FORM PER PROPOSAL.*

*Total should be 350 or less. Be sure you are only scoring for Section 4 or Section 5, not both.*

## Attachment 5.4

	<b>2025 EJW/EJWF Award</b>	<b>EJW portion</b>	<b>EJWF portion</b>
WY Immigrant Advocacy Project	\$ 5,000	\$ 3,574	\$ 1,426
UW Clinics	\$ 15,000	\$ 10,723	\$ 4,277
Legal Aid of Wyoming	\$ 450,000	\$ 321,700	\$ 128,300
WY Coalition Against DV & SA	\$ 286,000	\$ 204,458	\$ 81,542
WY Children's Law Center	\$ 131,000	\$ 93,650	\$ 37,350
Teton County Access to Justice Center	\$ 60,000	\$ 42,893	\$ 17,107
<b>Total</b>	<b>\$ 947,000</b>	<b>\$ 677,000</b>	<b>\$ 270,000</b>

## **EQUAL JUSTICE WYOMING CASE REPORTING GUIDE**

### **1.1 Purpose**

The purpose of the Case Reporting Guide is to provide instruction on how to count and document cases reported to Equal Justice Wyoming (Equal Justice). Case statistics alone are not determinative of the effectiveness of a legal aid program, but are an important indicator in evaluating a program's work. Equal Justice relies on statistical and other pertinent information in its biennial request for State funding for legal services, therefore, the accuracy of this data is important.

### **1.2 Scope**

This Guide applies to the recording and reporting of cases, and sets forth requirements for accounting for both open and closed cases.

### **1.3 Effective Date**

This Guide is effective July 1, 2015.

### **2.1 Definition of Case**

For reporting purposes, a case is defined as the provision of permissible legal assistance to an eligible client with a legal problem, accepted for assistance in accordance with the requirements of the Wyoming Civil Legal Services Act, regulations, policies established by Equal Justice, and other applicable law. Only cases that meet Equal Justice eligibility criteria should be reported to Equal Justice.

Legal services programs may record and report the provision of legal assistance as a case only if:

- (a) the client is financially and otherwise eligible to receive legal assistance under the Wyoming Civil Legal Services Act, regulations, and other applicable law;
- (b) the client's case is an eligible case or matter type and is not prohibited by the Wyoming Civil Legal Services Act, regulations, or policies established by Equal Justice Wyoming;
- (c) the legal services program has actually accepted the client for services through established procedure for ensuring client eligibility.

### **2.2 Definition of Legal Assistance**

Legal assistance is defined as the provision of limited service or extended service on behalf of a client or clients. Legal assistance is specific to the client's unique circumstances and involves a legal analysis that is tailored to the client's factual situation. Legal assistance involves applying

legal judgment in interpreting the particular facts and in applying relevant law to the facts presented and creates an attorney-client relationship.

### **2.3 Definition of Legal Information**

Legal information is defined as the provision of substantive information not tailored to address a person's specific legal problem. It is general and does not involve applying legal judgment and does not recommend a specific course of action. The provision of legal information does not create an attorney-client relationship and is not reportable as a case.

### **2.4 Definition of Client**

For Equal Justice reporting purposes, a client is defined as a person who is:

- (a) financially and otherwise eligible to receive legal assistance under the Civil Legal Services Act, regulations, and other applicable law, accepted and billed to Equal Justice funds; and
- (b) accepted for legal assistance through an intake system or other established program procedure for ensuring client eligibility.

To be eligible for and accepted for legal assistance and to be reported as an Equal Justice case, a client must meet the financial, and other eligibility requirements of the Civil Legal Services Act, regulations, and policies established by Equal Justice.

### **2.5 Who Can Provide Legal Assistance**

Legal assistance in a case must be provided by an attorney authorized to practice law in Wyoming or a non-attorney under the direct supervision of a licensed attorney in accordance with the rules of practice of law for the State of Wyoming. A person providing assistance in a case must keep records of the work provided.

### **3.1 Recording Cases**

Programs shall utilize some form of a case management system or database along with procedures that ensure that information necessary for the effective management of cases is accurately and timely recorded.

### **3.2 Reporting Cases Only Once**

Programs shall ensure that cases involving the same client and same legal problem are not recorded and reported to Equal Justice more than once.

### **3.3 Timely Closing and Reporting of Cases**

Programs shall ensure the timely closing of cases so that case service reports submitted to Equal Justice contain current and accurate information about both open and closed cases for the grant year (July 1 through June 30).

### **3.5 Identification of Non-Reportable Cases**

Programs shall establish a method in their case management systems or databases that will de-select case files for Equal Justice case reporting that were opened as eligible under an Equal Justice grant but are not reportable to Equal Justice as cases. Examples of such case files include: (1) case files properly opened where the client withdrew before any legal assistance could be rendered, (2) case files where the client gave the program erroneous information at intake and the correction of which showed that the client was ineligible, (3) case files where administrative or computer error caused a case to be opened when no case should have been opened, (4) duplicate case files, (5) case files where closure is untimely, or (6) case files where the required documentation is not present.

### **4.1 General Requirement**

For each grant year, recipients shall report case service information to Equal Justice as part of the quarterly and final grant report to be submitted as scheduled in the grant award document. Case information reported to Equal Justice shall include both numbers of cases opened and closed during the grant period. This shall be reported in the format provided by Equal Justice.

### **4.2 Private Attorney Involvement Cases**

If a program provides services through a Private Attorney Involvement program funded by Equal Justice, for each grant year, any program receiving money for PAI cases should report those separately from their staff cases and clearly identify those cases as PAI cases.

### **4.3 Reporting Only Equal Justice-Eligible Cases**

Recipients should report only cases in which there has been an eligibility determination showing that the client meets Equal Justice eligibility requirements, and only those cases which Equal Justice is the source of funding supporting the cases, provided such cases are completed by the recipient or by PAI attorneys. Cases without such eligibility determinations may not be reported to Equal Justice.

### **4.4 Reporting for Separate Grants**

Recipients receiving funding for more than one Equal Justice grant shall report case service information separately for each separate grant for which Equal Justice funding is received.

### **5.1 General Requirement**

For each case reported to Equal Justice, programs shall record case and client information necessary for effective case management, either through electronic entries in an automated case

management system or database, through notations on an intake sheet or other hard-copy document in a case file, or through other appropriate means.

## **5.2 Requirements Pertaining to Client Eligibility**

In addition, for each case reported to Equal Justice, programs shall document that a determination of client eligibility was made in accordance with Equal Justice requirements. The documentation of eligibility shall be recorded and shall be preserved for audit purposes for a period of no less than five years.

## **5.3 Income Documentation Requirements**

At a minimum, for each case reported to Equal Justice, programs shall record the number of members in the applicant's household and the total income received by all members of the applicant's household. Program's intake procedures must include instructions to ask sufficient questions of the applicant to determine the total amount of household income and the program must be able to provide reasonable evidence that staff practice follows these procedures. A total amount of the applicant's household income must be recorded even if it is zero. In the case that the applicant's household reports zero income, the program shall ask further questions to determine the source of support and make a notation in the case file of the source of the applicant's support.

## **5.4 Asset Documentation Requirements**

At a minimum, for each case reported to Equal Justice, Equal Justice funded programs shall document the total value of assets held by all members of the applicant's household.

Programs' intake procedures must include sufficient questions of the applicant to determine the total amount of non-excluded household assets and the program must be able to provide reasonable evidence that staff practice follows these procedures. Programs shall use the equity value of a non-excluded asset as opposed to its fair-market value in calculating asset eligibility.<sup>1</sup> A total value of the applicant's non-excluded household assets must be recorded, even if it is below the asset ceiling or zero.

## **5.6 Legal Assistance Documentation Requirements**

For each case reported to Equal Justice, the client's case file or the case management system must contain a description of the legal assistance provided to the client. Such description should be sufficient to document that the assistance is a case and to support the level of assistance selected by the program to close the case.

## **6.1 Case Service Definitions**

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<sup>1</sup> For example, a client's asset could have a fair-market value of \$30,000 but if it is encumbered by a loan in the amount of \$28,000, the client's equity value in the asset would be only \$2,000.



When closing individual cases, programs shall report each case once according to the level of case service that best reflects, in accordance with the definitions and guidance contained in this Guide, the level of assistance which the program provided during the course of the case.

## **6.2 Cases Involving Multiple Levels of Assistance**

The program shall report only the highest level of service provided when a program provides more than one type of assistance to an eligible client during the same grant reporting year when attempting to resolve essentially the same legal problem, as demonstrated by the factual circumstances giving rise to the problem. For example, if a program initially provides Advice and Counsel in an attempt to resolve a client's legal problem, and the program later negotiates a settlement with an opposing party with respect to the same legal problem, the program shall report the case only once as a Negotiated Settlement.<sup>2</sup>

## **6.3 Cases Involving Repeated Instances of Assistance**

The program shall report repeated instances of assistance to the client as a single case when a program provides assistance more than once within the same grant year to an eligible client who has returned to the program with essentially the same legal problem, as demonstrated by the factual circumstances giving rise to the problem. For example, if a program assists a client on two or more occasions with an on-going problem, the factual circumstances of which remain essentially the same over time, the program shall report its assistance to the client as a single case, even if the program has provided Counsel and Advice or Limited Action to the client on more than one occasion within the same grant year.

## **6.4 Cases Involving Related Legal Problems**

For cases involving related legal problems:

- (a) **For Counsel and Advice (Closure Category A) cases only**, legal assistance rendered to a client on related legal issues contemporaneously or within a brief time frame is counted as one case. However, two or more cases may be reported if the legal issues are sufficiently different, as evidenced by the presence of:
  - (i) legal issues that fall into different Legal Problem Categories, such as Family and Housing;
  - (ii) legal issues that fall into different Legal Problem Codes within either the Individual Rights or Miscellaneous Legal Problem Categories;

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<sup>2</sup> This requirement applies during the course of the grant year. If a program has already closed and reported a case in one grant year, and the client returns for additional service in a subsequent grant year, the program must report the additional service as a separate case in the subsequent year, provided that the case otherwise meets the requirements and definitions of this Guide.

- (iii) legal issues that involve different potentially adverse parties, even if they are in the same Legal Problem Category or Code; or
- (iv) legal issues that relate to substantially different underlying facts.

(b) **For all other cases (Closure Categories B to L),** programs shall report related legal problems of an eligible client as a single case when the program representing the client attempts to resolve the related legal problems simultaneously through a single legal process. For court cases, if the legal problems are resolved under one Civil Action Number, only one case is reported. If there are multiple Civil Action Numbers, then multiple cases are counted. For example, if a client seeks assistance with related child custody and support problems, and the program assists the client by preparing a pleading or other document that addresses both problems, then the program shall report its assistance to the client as a single case. However, if child custody and child support are addressed in different actions or in different courts, then more than one case should be reported for the client.

## **6.5 Cases Involving Appeals**

If a program represents a client in a case at the trial court and/or administrative agency level and then represents the client in an appeal of that case to an appellate court, the program should report the trial court or administrative agency decision below as one case.<sup>3</sup> A separate case should be opened for the appeal.<sup>4</sup> If a program represents a client in a case remanded back to the lower court or administrative agency, the appeal should be closed under Closure Category I(c) and a new case opened for the proceedings in the lower court or administrative agency on remand.

## **6.6 Alternative Forms of Service**

Programs may provide alternative forms of service such as, *pro se* clinics, workshops, legal education, kiosks, and web assistance.

- (a) However, such alternative service may not be reported as a case unless:
  - (i) the service provided qualifies as a case, as defined by § 2.1 of this Guide;<sup>5</sup>

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<sup>3</sup> Note that only appeals **to an appellate court** fall within the definition of appeals in this Chapter and within the parallel definition of appeals in Chapter VIII, Closure Category I(c). “Appeals” from an administrative agency to a trial court or from a lower level trial court to a higher level trial court are not included and should be reported as only one case under Closure Category I(b).

<sup>4</sup> Prior to opening a new case as an appeal or remand under § 6.5, a new client eligibility determination is required as well as an assessment of merit.

<sup>5</sup> A program may not provide legal assistance contrary to the Equal Justice grant agreement and the Wyoming Civil Legal Services Act, regulations and other applicable law, as part of a workshop, clinic, or other alternate form of service.

- (ii) the service provided qualifies as legal assistance;
  - (iii) the person receiving the service is a client; and
  - (iv) the person providing the service is an attorney or a non-attorney under the direct supervision of a licensed attorney in accordance with the rules of practice in Wyoming.
- (b) Related services provided to the same client with respect to essentially the same legal problem are reported to Equal Justice only as specified by §§ 6.2 and 6.3 of this Guide.
  - (c) Programs may report alternative forms of service provided in § 6.6 under the category that best fits the actual service provided as defined by this Guide. If the program provides legal information as opposed to legal assistance, the service provided is not reportable as a case.<sup>6</sup>

## **7.1 Referrals of Ineligible Applicants**

Programs may report as cases only those services provided to clients who are eligible for, and have been accepted for, legal assistance through a program's intake system or other procedure for verifying case and client eligibility. Referrals of applicants who are ineligible for assistance under an Equal Justice grant may not be reported as cases. Similarly, referrals of applicants who are not accepted for service, because their legal problems are outside of program priorities, may not be reported as cases.

## **7.2 Referrals of Eligible Applicants**

Programs may not report the referral of an eligible applicant as a case when the referral is the only form of assistance which the applicant receives from the program.

## **8.1 Purpose of Case Closure Categories**

The purpose of case closure categories is to delineate the level of service provided to the client in each case. This Chapter includes definitions of common levels of case services which programs provide to eligible clients during the course of a case. All legal assistance recorded and reported to Equal Justice as a case must:

- (a) qualify as a case, as defined by this Guide;<sup>7</sup>

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<sup>6</sup> See also ABA Standards for the Provision of Civil Legal Aid (2006), Standard 3.6 on the Provision of Legal Information.

<sup>7</sup> As specified by § 6.6 of this Guide, the provision of direct legal advice to a client in a *pro se* clinic or workshop qualifies as a case which may be reported to Equal Justice if the provision of advice meets the definition of a case

- (b) be provided to an eligible client, as defined by this Guide; and
- (c) be documented as required by this Guide.

## **8.2 LIMITED SERVICE CASE CATEGORIES<sup>8</sup>**

### **Category A – Counsel and Advice**

A case closed in which the program provided legal advice to an eligible client should be closed as Counsel and Advice (e.g., the advocate ascertained and reviewed relevant facts, exercised judgment in interpreting the particular facts presented by the client and in applying the relevant law to the facts presented, and counseled the client concerning his or her legal problem).

### **Category B – Limited Action**

A case closed in which the program took limited action(s) on behalf of an eligible client that addressed the client's legal problem that is not so complex or extended as to meet the requirements for Category L should be closed as Limited Action. Examples include, communications by letter, telephone or other means to a third party; preparation of a simple legal document such as a routine will or power of attorney; or legal assistance to a *pro se* client that involves assistance with preparation of court or other legal documents.

## **8.3 EXTENDED SERVICE CASE CATEGORIES**

### **Category F – Negotiated Settlement Without Litigation**

A case closed in which the program negotiated and reached an actual settlement<sup>9</sup> on behalf of a client without any court or administrative actions pending should be closed as Negotiated Settlement Without Litigation. This category should be reserved for cases in which the program conferred with another party so as to reach a resolution of the client's legal problem. This category includes settlements negotiated with an administrative agency prior to the filing of a formal administrative proceeding.

### **Category G – Negotiated Settlement With Litigation**

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found in § 2.1 of this Guide and the person receiving the advice meets the definition of a client found in § 2.3 of this Guide.

<sup>8</sup> Closure Categories A and B include cases in which a referral has been made after the legal assistance was provided. Referrals without the provision of legal assistance should not be reported as a case.

<sup>9</sup> The file should contain documentation of the settlement. *Pro se* cases cannot be closed in this category.

A case closed in which the program negotiated and reached an actual settlement on behalf of a client while a court or formal administrative action was pending should be closed as Negotiated Settlement With Litigation. This category should be reserved for cases in which the program conferred with another party so as to reach a resolution of the client's legal problem. Settlements of pending court or administrative actions should be closed in this category even if the court or administrative agency issues an order memorializing the settlement.

This category includes only: (1) cases in which an appearance has been entered before a court or administrative agency as counsel of record; or (2) cases in which the settlement was reached prior to the program's entry as counsel of record, provided that the program was actually representing the client in the negotiations (not assisting a *pro se* client) and provided that there is documentation of the settlement in the case file.

### **Category H – Administrative Agency Decision**

A case closed in which the program represented a client in an administrative agency action that resulted in a case-dispositive decision by the administrative agency or body, after a hearing or other formal administrative process (e.g., a decision by the hearings office of a welfare department), should be closed as an Administrative Agency Decision. This category does not include settlements made during the course of litigation that are then approved by the administrative agency, voluntary dismissals or the grant of a motion to withdraw as counsel. If the case is resolved informally through contacts with an administrative agency, but without any formal administrative agency action, the case should be closed as Categories B – Limited Action or F – Negotiated Settlement without Litigation, depending on the level of service.

### **Category I – Court Decision**

A case closed in which the program represented<sup>10</sup> a client in a court proceeding that resulted in a case dispositive decision made by the court should be closed as a Court Decision.<sup>11</sup> This category is divided into the following three subcategories:

- (a) Uncontested Court Decisions – either there is no adverse party or the adverse party does not contest the case;
- (b) Contested Court Decisions – there is an adverse party and that party contests the case;
- (c) Appeals to an appellate court taken from a decision of any court or tribunal. This category does not include appeals or writs taken from administrative agency

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<sup>10</sup> Only cases in which the program attorney or advocate or PAI attorney is entered as counsel of record may be closed as Closure Category H or I. Assistance to *pro se* litigants cannot be closed in Closure Categories H or I.

<sup>11</sup> This does not include settlements made during the course of litigation approved by the administrative agency or court, voluntary dismissals or the grant of a motion to withdraw as counsel. However, although it may not be technically case dispositive, a case closed after a TRO or similar interim order made on the merits has been entered, may be closed in this category when the litigation is not pursued further.

decisions or lower trial court decisions to a higher level trial court acting as an appellate court, whether they are on the record or *de novo* proceedings.<sup>12</sup>

### **Category K – Other**

A closed case that does not fit any of the other case closure categories should be closed as Other. Cases which fit two or more categories may not be closed in this category, but should be closed in the category which best reflects the level of service provided.

### **Category L – Extensive Service (not resulting in Settlement or Court or Administrative Action)**

A case closed in which the program undertook extensive research, preparation of complex legal documents, extensive interaction with third parties on behalf of an eligible client, or extensive on-going assistance to clients who are proceeding *pro se* should be closed as Extensive Service. Some examples of extensive service include the preparation of complex advance directives, wills, contracts, real estate documents or other legal documents, or the provision of extensive transactional work. This category also includes cases closed after extensive interaction or negotiations with another party which do not result in a negotiated settlement. In addition, cases closed after litigation is initiated in which the program appears as counsel of record that do not result in a negotiated settlement, administrative agency or court decision, or in which an order of withdrawal or voluntary dismissal is entered should be closed in this category.<sup>13</sup>

## **10. Legal Problem Categories and Codes.**

This section lists common types of legal problems experienced by clients. Each closed case is to be assigned a numeric Legal Problem Code describing the type of legal problem. Legal Problem Codes are grouped in ten broad Legal Problem Categories and are set out below:

### **CONSUMER/FINANCE**

- 01 – Bankruptcy/Debtor Relief
- 02 – Collection (Including Repossession/Deficiency/Garnishment)
- 03 – Contracts/Warranties
- 04 – Collection Practices/Creditor Harassment
- 05 – Predatory Lending Practices (Not Mortgages)
- 06 – Loans/Installment Purchase (Not Collections)

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<sup>12</sup> Such cases should be closed only once as Closure Category I(b) – Contested Court Decision.

<sup>13</sup> This closure category should be reserved for cases in which the assistance the program provides clearly exceeds the amount of work that would be performed for Closure Categories A – Counsel and Advice or B – Limited Action and no other closing code is appropriate. Factors that favor selection of Closure Category L include but are not limited to: (1) a high level of factual complexity; (2) a highly sophisticated legal analysis; (3) drafting of non-routine original pleadings or legal documents; and (4) significant legal research. Although not controlling, programs may also consider whether a substantial amount of time was charged to the case as evidence of extensive services.

- 07 – Public Utilities
- 08 – Unfair and Deceptive Sales and Practices (Not Real Property)
- 09 – Other Consumer/Finance

## **EDUCATION**

- 11 – Reserved
- 12 – Discipline (Including Expulsion and Suspension)
- 13 – Special Education/Learning Disabilities
- 14 – Access (Including Bilingual, Residency, Testing)
- 15 – Vocational Education
- 16 – Student Financial Aid
- 19 – Other Education

## **EMPLOYMENT**

- 21 – Employment Discrimination
- 22 – Wage Claims and other FLSA (Fair Labor Standards Act) Issues
- 23 – EITC (Earned Income Tax Credit)
- 24 – Taxes (Not EITC)
- 25 – Employee Rights
- 26 – Agricultural Worker Issues (Not Wage Claims/FLSA Issues)
- 29 – Other Employment

## **FAMILY**

- 30 – Adoption
- 31 – Custody/Visitation
- 32 – Divorce/Separation/Annulment
- 33 – Adult Guardian/Conservatorship
- 34 – Name Change
- 35 – Parental Rights Termination
- 36 – Paternity
- 37 – Domestic Abuse
- 38 – Support
- 39 – Other Family

## **JUVENILE**

- 41 – Delinquent

- 42 – Neglected/Abused/Dependent
- 43 – Emancipation
- 44 – Minor Guardian/Conservatorship
- 49 – Other Juvenile

## **HEALTH**

- 51 – Medicaid
- 52 – Medicare
- 53 – Government Children’s Health Insurance Programs
- 54 – Home and Community Based Care
- 55 – Private Health Insurance
- 56 – Long Term Health Care Facilities
- 57 – State and Local Health
- 59 – Other Health

## **HOUSING**

- 61 – Federally Subsidized Housing
- 62 – Homeownership/Real Property (Not Foreclosure)
- 63 – Private Landlord/Tenant
- 64 – Public Housing
- 65 – Mobile Homes
- 66 – Housing Discrimination
- 67 – Mortgage Foreclosures (Not Predatory Lending/Practices)
- 68 – Mortgage Predatory Lending/Practices
- 69 – Other Housing

## **INCOME MAINTENANCE**

- 71 – TANF
- 72 – Social Security (Not SSDI)
- 73 – Food Stamps
- 74 – SSDI
- 75 – SSI
- 76 – Unemployment Compensation
- 77 – Veterans Benefits
- 78 – State and Local Income Maintenance
- 79 – Other Income Maintenance



## **INDIVIDUAL RIGHTS**

- 81 – Immigration/Naturalization
- 82 – Mental Health
- 84 – Disability Rights
- 85 – Civil Rights
- 86 – Human Trafficking
- 89 – Other Individual Rights

## **MISCELLANEOUS**

- 91 – Legal Assistance to Non-Profit Organization or Group (Including Incorporation/Dissolution)
- 92 – Indian/Tribal Law
- 93 – Licenses (Drivers, Occupational, and Others)
- 94 – Reserved
- 95 – Wills/Estates
- 96 – Advance Directives/Powers of Attorney
- 97 – Municipal Legal Needs
- 99 – Other Miscellaneous

**C Outcomes of Legal Representation Provided to Individuals**

**Note: Please count the ONE most significant outcome achieved for each case.**

The total number of cases reported in this section should equal the number of closed cases your program reports in Part I, section C. For further information refer to guidelines provided by TEAJF.

Enter Dates Covered by this Section: From \_\_\_\_\_ to \_\_\_\_\_

**1. Consumer/Finance**

		# of Cases Closed		# of Persons Affected
		Contested*	Uncontested*	
0101	Obtained federal bankruptcy protection			
0201	Stopped or reduced debt collection activity			
0202	Averted repossession			
0203	Avoided or reduced deficiency judgments			
0204	Avoided, ended or reduced garnishment or levy			
0301	Overcame unfair or illegal sales contracts or fraudulent sales practices			
0302	Enforced sales contracts and/or warranties			
0303	Obtained life insurance benefits for spouse or beneficiary of deceased person			
0401	Obtained or preserved credit or resolved credit reporting errors			
0701	Avoided or delayed utility termination, or secured utility services			
0702	Obtained waiver or reduction of utility arrearage (including phone)			
0991	Obtained advice & counsel on a Consumer/Finance matter			
0992	Obtained non-litigation advocacy services on a Consumer/Finance matter			
0993	Obtained adverse decision in a Consumer/Finance matter			
0999	Obtained other benefit on a Consumer/Finance matter, none of the above			

**2. Education**

1101	Avoided or delayed suspension or expulsion			
1102	Overcame barrier to enrollment in school			
1103	Avoided inappropriate special education classification			
1104	Obtained individualized educational program and/or appropriate services consistent with the special education law			
1105	Obtained correction of school records			
1191	Obtained advice & counsel on an Education matter			
1192	Obtained non-litigation advocacy services on an Education matter			
1193	Obtained adverse decision in an Education matter			
1199	Obtained other benefit on an Education matter, none of the above			

Continued on Next Page

**\* Note: "contested"/"Uncontested"**

"Contested" – Include all cases which were litigated or involved contested case hearings while they were active cases of your program.

"Uncontested" – Include all other cases – e.g., case that involved no litigation or in which any hearings that were held were uncontested.

**C. Outcomes of Legal Representation Provided to Individuals, continued**

		# of Cases Closed		# of Persons Affected
		Contested*	Uncontested*	
<b>Employment</b>				
2101	Overcame, or obtained redress for, job discrimination based on race, gender, disability, age, sexual orientation, national origin, immigration status, or other factors not related to job			
2201	Obtained wages and/or back pay due			
2901	Avoided, or obtained redress for, wrongful discharge			
2902	Delayed discharge			
2903	Obtained, preserved or increased employment benefit other than pension or health insurance			
2904	Obtained job training			
2905	Resolved on-the-job issues such as safety or grievance procedures			
2906	Resolved minimum wage dispute			
2907	Enforced employment contract			
2908	Overcame, or obtained redress for, violation of protective statutes			
2909	Asserted collective rights in employment			
2991	Obtained advice & counsel on an Employment matter			
2992	Obtained non-litigation advocacy services on an Employment matter			
2993	Obtained adverse decision in an Employment matter			
2999	Obtained other benefit on an Employment matter, none of the above			

*Continued on Next Page*

# **C. Outcomes of Legal Representation Provided to Individuals, continued**

		# of Cases Closed		# of Persons Affected
		Contested*	Uncontested*	
<b>Family</b>				
<b>3001-3102—Adoption, Custody, Visitation/Possession</b>				
3001	Obtained adoption			
3101	Obtained or maintained custody of children			
3102	Obtained or preserved right to visitation/possession			
3103	Avoided removal of children			
<b>3201-3204—Divorce, Separation or Annulment—No Domestic Violence Involved</b>				
3201	Obtained a divorce			
3202	Obtained a divorce, including custody and support			
3203	Obtained ex parte/temporary orders prior to client/attorney withdrawing			
3204	Obtained annulment			
<b>3301-3602—Guardianship, Name Change, Parental Rights, Paternity</b>				
3301	Obtained guardianship			
3304	Prevented guardianship			
3401	Obtained name change			
3502	Avoided termination of parental rights			
3503	Obtained family reunification			
3601	Established paternity for child			
3602	Established paternity and obtained support			
<b>3701-3706—Domestic Violence—With Divorce</b>				
3701	Obtained a divorce in a case involving domestic violence			
3702	Obtained a divorce with Protective Order in a case involving domestic violence			
3703	Obtained a divorce with Protective Order, including custody, support (child and/or spousal) and appropriate terms of possession in a case involving domestic violence			
3704	Obtained divorce, including custody, support and appropriate terms of possession			
3705	Obtained temporary orders prior to client/attorney withdrawing in a case involving domestic violence			
<b>3720-3722—Domestic Violence—Without Divorce</b>				
3720	Obtained Protective Order from domestic violence			
3721	Obtained Protective Order, Custody and Support (child and/or spousal)			
3722	Obtained protection from elder abuse or neglect			
3723	Obtained assistance with safety planning			
<b>3791-3792—Domestic Violence—Advice and Counsel or Non-Litigation Advocacy Services</b>				
3791	Obtained advice & counsel on a domestic violence matter			
3792	Obtained non-litigation advocacy services on a domestic violence matter			
<b>3801-3905—Support &amp; Other Family Matters</b>				
3801	Obtained, preserved or increased child support			
3802	Obtained modification of child support			
3803	Obtained, preserved or increased spousal support			
3901	Obtained foster care services			
3902	Improved terms of foster care plan			
3991	Obtained advice & counsel on a Family matter not involving domestic violence			
3992	Obtained non-litigation advocacy services on a Family matter not involving domestic violence			
3993	Obtained adverse decision in a Family matter			
3999	Obtained other benefit on a Family matter, none of the above			

Continued on Next Page

**C. Outcomes of Legal Representation Provided to Individuals, continued**

		# of Cases Closed		# of Persons Affected
		Contested*	Uncontested*	
5. Juvenile				
4991	Obtained advice and counsel on a Juvenile matter.			
4992	Obtained non-litigation advocacy services on a Juvenile matter.			
4993	Obtained adverse decision on a Juvenile matter.			
4999	Obtained other benefit on a Juvenile matter, none of the above.			
6. Health				
5101	Obtained, preserved or increased Medicaid or Medicare benefits/rights			
5102	Obtained assistance with Medicaid planning			
5901	Obtained, preserved or increased individual access to health care			
5902	Prevented abuse or premature discharge, or assured quality care, in nursing home or mental treatment facility:			
5903	Obtained discharge from nursing home or mental treatment facility			
5904	Stopped, or obtained redress for, harmful medical treatment			
5905	Obtained, or enforced terms of, health or disability insurance			
5991	Obtained advice & counsel in a Health matter			
5992	Obtained non-litigation advocacy services in a Health matter			
5993	Obtained adverse decision in a Health matter			
5999	Obtained other benefit on a Health matter, none of the above			
7. Housing				
6101	Obtained access to Section 8 housing			
6102	Obtained access to housing under applicable law			
6201	Avoided or delayed foreclosure or other loss of home			
6202	Obtained clear title to property			
6203	Had fraudulent mortgage rescinded			
6301	Prevented eviction from private housing			
6302	Delayed eviction providing time to seek alternative housing			
6304	Avoided, or obtained redress for, charges by landlord			
6305	Overcame denial of tenant's rights under lease			
6306	Obtained repairs or otherwise enforced rights to decent, habitable housing			
6307	Preserved or restored access to personal property			
6401	Prevented denial of public housing tenant's rights			
6402	Prevented eviction from public housing			
6901	Overcame, or obtained redress for, discrimination in obtaining housing			
6902	Obtained assistance in development/renovation of affordable housing			
6991	Obtained advice & counsel in a Housing matter			
6992	Obtained non-litigation advocacy services in a Housing matter			
6993	Obtained adverse decision in a Housing matter			
6999	Obtained other benefit on a Housing matter, none of the above			

**6. Outcomes of Legal Representation Provided to Individuals, continued**

		# of Cases Closed		# of Persons Affected
		Contested*	Uncontested*	
<b>8. Income Maintenance</b>				
7101	Obtained, preserved or increased general public assistance or TANF benefits/rights			
7102	Overcame denial of emergency assistance by DHS			
7103	Overcame illegal or unfair application of welfare work requirement			
7104	Avoided wrongful placement or term of training			
7201	Obtained, preserved or increased Black Lung benefits/rights			
7301	Obtained, preserved or increased food stamps eligibility/right			
7401	Obtained, preserved or increased SSA benefit/right			
7402	Obtained, preserved or increased SSD benefit/right			
7501	Obtained, preserved or increased SSI benefit/right			
7601	Obtained, preserved or increased unemployment insurance benefits/rights			
7701	Obtained, preserved or increased Veterans benefits/rights			
7702	Obtained, preserved or increased other military benefits/rights			
7901	Obtained public benefit check-up			
7902	Obtained, preserved or increased civil service retirement or disability benefits/rights			
7903	Obtained, preserved or increased railroad retirement benefits/rights			
7904	Obtained identification			
7991	Obtained advice & counsel in an Income Maintenance matter			
7992	Obtained non-litigation advocacy services in an Income Maintenance matter			
7993	Obtained adverse decision in an Income Maintenance matter			
7999	Obtained other benefit on an Income Maintenance matter, none of the above			

# **C Outcomes of Legal Representation Provided to Individuals, continued**

# of Cases Closed. # of  
Contested\* Uncontested\* Persons  
Affected

## **9 Immigration**

*Note: Outcomes in this section will be phased in, effective January 2002. In the meantime, programs that handle significant amounts of immigration-related legal work should begin collecting data for the Completed Immigration Matters Report, effective January 1, 2001. Outcomes in this section apply to matters specifically related to clients' status as immigrants or refugees. If outcomes are not related to a client's immigration or refugee status – for example, resolving a dispute over payment of a bill – they should be reported in other sections as appropriate.*

8101	Obtained relief from deportation			
8102	Obtained citizenship			
8103	Obtained asylum or relief under convention against torture			
8104	Obtained release from INS custody			
8105	Obtained adjustment of legal status			
8106	Obtained employment authorization or obtained/replaced Green Card			
8107	Family kept intact			
8108	Obtained tort relief under civil rights claim			
8109	Obtained relief or redress from constitutional violation			
8110	Obtained administration relief from misconduct			
8111	Undocumented minor obtained declaration as abused, neglected or abandoned			
8199	Obtained other benefit on an Immigration matter, none of the above			

## **10 Disability**

*Note: outcomes in this section pertain to matters related specifically to disabilities of a client or of members of the client's household. If outcomes do not involve such disabilities – e.g., obtaining discharge of a non-disabled person from an institutional setting – they should be reported in other sections as appropriate.*

8401	Obtained discharge from institutional setting (i.e., state schools, state hospitals, nursing homes, ICF-MRs)			
8402	Secured appropriate treatment plans in institutional setting			
8403	Obtained investigation of abuse or neglect in institutional setting			
8404	Obtained validation of abuse or neglect in institutional setting			
8405	Secured vocational rehabilitation (i.e., employment) training services			
8406	Secured, maintained or advanced in employment			
8407	Secured access to or maintained housing			
8408	Secured access to or maintained health care			
8409	Secured or maintained financial benefits or entitlements			
8410	Secured an appropriate public education			
8411	Secured appropriate educational services in an inclusive and integrated setting			
8412	Secured transition services as part of their IEP			
8413	Obtained reversal of illegal suspension/expulsion from school			
8414	Secured or maintained assistive technology devices/services			
	Secured community residential and support services			
8491	Obtained advice & counsel in a Disability-Related matter			
8492	Obtained non-litigation advocacy services in a Disability-Related matter			
8493	Obtained an adverse decision in a Disability-Related matter			
8499	Obtained other benefit related to rights of disabled persons			

**Outcomes of Legal Representation Provided to Individuals, continued**

		# of Cases Closed		# of Persons Affected
		Contested*	Uncontested*	
<b>11. Other Individual Rights</b>				
8901	Obtained or preserved rights of nursing home resident(s)			
8902	Obtained or preserved rights of community residence facility resident(s)			
8903	Obtained or preserved rights of other institutionalized person(s)			
8904	Obtained, preserved or increased access to public facilities/accommodations			
8991	Obtained advice & counsel in an Individual Rights matter			
8992	Obtained non-litigation advocacy services in an Individual Rights matter			
8993	Obtained adverse decision in an Individual Rights matter			
8999	Obtained other benefit on an Individual Rights matter, none of the above			
<b>12. Miscellaneous Outcomes</b>				
9101	Obtained incorporation			
9102	Obtained dissolution of corporation			
9301	Overcame taking of or restriction to a driver's license			
9401	Avoided or reduced tort judgement			
9501	Obtained a will			
9502	Settled estate			
9503	Obtained a living will and/or health proxy/health care power of attorney			
9504	Obtained a special needs trust			
9505	Obtained a financial power of attorney			
9506	Obtained assistance with estate planning / living trusts			
9507	Obtained major estate planning packet, without execution			
9508	Obtained major estate planning packet, with execution			
9601	Obtained assistance in filing for Crime Victim's Compensation			
9701	Obtained assistance with Federal income taxes			
9702	Obtained assistance in filing for Earned Income Tax Credits			
9799	Solved other tax problem			
9903	Obtained assistance with business start/development			
9999	Other Outcome - none of the above (Specify: _____)			





January 2025

# Wyoming Judicial Council Report

## Wyoming Judicial Council Members

### Supreme Court

Chief Justice Kate Fox

Justice Lynne Boomgaarden

Justice Kari Jo Gray

### District Court

Judge Catherine Rogers

Judge Dawnessa Snyder

Judge Joseph Bluemel

### Circuit Court

Judge Wendy Bartlett

Judge John Prokos

Judge Nathaniel Hibben

## Message from Chief Justice Kate Fox – Wyoming Judicial Council Chairwoman

*The Wyoming Judicial Council leads the Judicial Branch to achieve our mission to provide access to justice through the timely, fair, and impartial resolution of legal disputes. While maintaining the judiciary's core function of resolving legal disputes, we have worked toward achieving the goals in our strategic plan to improve the service we provide to the citizens of Wyoming. In 2024, we launched two important pilot projects: a court navigator program to assist self-represented litigants to more effectively pursue the cases they file in our courts; and a behavioral health diversion program, to treat the mental illness of people accused of non-violent crimes and alleviate the cost of incarceration or treatment in the Wyoming State Hospital. We have made it possible for judges to take time off by expanding the use of retired judges, and we are in the process of adopting an Employee Assistance Program for all Judicial Branch employees. These are just some examples of the many ways we are implementing our strategic plan to achieve our commitment to excellence. That commitment will continue with the WJC's strong leadership.*

## Judicial Independence and Accountability

The Wyoming court system operates with accountability to the law and the Constitution, ensuring fairness, transparency, and accessibility. Courts are open to the public, and decisions are based on fact and law. These decisions can be appealed to a higher court for review and are often delivered in written form, where judges outline the applicable law and the reasoning behind their rulings. Court proceedings are recorded in official records, which are publicly accessible.

State courts, which differ significantly from federal courts, are where most individuals seek justice. In Wyoming, state courts are uniquely tied to local communities. Judges are Wyoming lawyers who are selected from Wyoming communities, and jury trials help ensure that court decisions reflect the values of those communities.

Judges in Wyoming are held to a rigorous code of ethics. If judges violate this code, they can be removed from the bench, ensuring the integrity of the judiciary remains

uncompromised.

### **Timely Justice in Action**

The Wyoming Judicial Branch is dedicated to ensuring courts remain open and accessible while actively working with communities to address justice-related challenges. Modern case management and eFiling systems have improved efficiencies, reduced delays, expedited document submissions, and enhanced tracking capabilities. These advancements, alongside the use of remote hearings, have minimized the need for in-person appearances and substantial travel distances, making justice more accessible for all Wyoming residents.

### **Law and Order**

Law and order are essential in controlling crime and fostering prosperity in Wyoming's communities. By protecting private property rights and ensuring certainty in business transactions, law and order create a stable environment for economic growth. The judicial system also plays a critical role in providing the just, speedy, and affordable resolution of disputes, guaranteeing fair and timely access to justice for all individuals.

### **Annual Highlights**

#### **Court Navigator Program**

The Wyoming Judicial Branch launched the Court Navigator Program to support self-represented litigants (SRLs) in overcoming challenges related to understanding and navigating court processes. Designed to assist SRLs in managing their legal matters and connecting them with legal referral services, the program is available both in-person and remotely in Natrona County and remotely in Uinta County. By helping SRLs submit timely and accurate filings, the program enhances access to justice, improves court efficiency, and reduces procedural delays.

The Court Navigator Program relies on dedicated non-lawyer volunteers who provide essential guidance and support to SRLs, empowering them to navigate the legal system more effectively. This approach has already demonstrated success in improving access to justice for Wyoming residents by streamlining court processes, reducing errors, and mitigating inefficiencies that often arise when individuals attempt to navigate the legal system alone.

Currently, the program focuses on three key categories of cases: protection orders,

forcible entry and detainer actions, and domestic relations matters, including divorce, custody, and child support.

### Treatment and Diversion Courts

In 2023, the Wyoming Legislature passed legislation transitioning the administration of the court-supervised treatment program from the Wyoming Department of Health to the Judiciary. This transition is now complete, and a committee of stakeholders has thoroughly reviewed the structure of treatment courts. Recommendations from this review were addressed through the Mental Health and Vulnerable Adult Task Force, and proposed statutory amendments will be presented in the upcoming legislative session.

Recognizing the need to break the cycle of individuals with mental illness repeatedly entering the criminal justice system, the Judicial Branch is collaborating on a three-branch initiative that includes a pilot diversion program in Campbell County. The program's primary goal is to divert low-level, non-violent offenders away from incarceration and into treatment programs that address the underlying mental health issues contributing to criminal behavior. This approach not only saves money but also reallocates resources to improve the lives of individuals with mental illness, helping them become productive members of society.

The diversion model seeks to identify low-level offenders whose primary issues are mental health or substance abuse as early as possible—either before entering the criminal system or shortly after, but prior to adjudication. Addressing these core issues early leads to long-term, cost-effective solutions.

Treatment and diversion courts play a vital role in reducing costs, incarceration rates, and recidivism while strengthening Wyoming communities through sustained recovery efforts.

### Chancery Court

In 2019, the Wyoming Chancery Court was established through legislation signed by Governor Gordon. Until recently, two district court judges have been assigned the additional workload of the court. Legislation required a full-time chancery court judge be appointed on January 1, 2025. The court operates out of the Casper Thyra Thomson

State Office Building. Designed to serve the entire state, the Chancery Court is fully electronic and accepts filings exclusively through the eFiling system. The court has jurisdiction over claims seeking declaratory or injunctive relief and monetary recovery exceeding \$50,000, including those related to breach of contract, breach of fiduciary duty, fraud, derivative actions, the Uniform Commercial Code, and the Uniform Trust Code. Cases are resolved on an expedited schedule through bench trials and limited motions practice, with a target resolution timeline of 150 days from the scheduling conference.

#### Electronic Filing and Access

The Wyoming Judicial Branch continues to prioritize initiatives that increase access to justice across the state. Given Wyoming's vast and rural geography, accessing courts can pose significant challenges. The implementation of electronic filing (eFiling) presents a transformative opportunity to improve accessibility and enhance efficiency in the court process. eFiling streamlines processes by reducing delays and expediting document tracking.

Looking ahead, efforts are underway to extend eFiling to circuit courts, with the first pilot program scheduled to launch in Spring 2025. These advancements represent significant progress in modernizing Wyoming's court system to meet the needs of its residents.

Wyoming Judicial Council  
c/o Wyoming Supreme Court  
2301 Capitol Avenue  
Cheyenne, WY 82001

November 19, 2024

Dear Wyoming Judicial Council,

Thank you for the opportunity to present ATJ 2.0's 2024 Report. The dozens of ATJ 2.0 volunteers in multiple working groups exceeded all expectations. Their Report is robust and achieves two things—it (1) captures the working group recommendations for action now and (2) memorializes certain discussion topics and resources as placeholders for future work.

The Report is designed with ample hyperlinks to guide you to the recommendations, saving other topics for later review. A three-page executive summary provides an overview and briefly describes the recommendations.

For ease of discussion at your December 16 meeting, the list of recommendations is attached to this letter as a worksheet, separate from the Report. As a preview:

- Three recommendations ask you to allow rule changes to proceed to their respective boards and committees for consideration, ultimately returning to the judicial branch and consideration by the Wyoming Supreme Court.
- One recommendation asks for a small recognition program, one that can be managed by clerical staff without imposing on Administrative Office of Courts resources.
- Two recommendations from Family Law Solutions ask you to (1) support some district court judges in their current effort to float a caption change with their conference, to get the ball rolling in achievable family law solutions, and (2) support a circuit court judge's mediation program, set up as a model to inform similar programs by other courts and/or modified to family law.
- A recommendation to continue two groups and a component of the Family Law group for one more year.
- Four recommendations are for relationship-based collaboration/engagement and, if deferred for now, could be suited to upcoming strategic planning efforts.

The Working Group chairs and ATJ 2.0 leadership would be happy to answer any questions or provide further information about the recommendations.

Sincerely,

Hon. Timothy C. Day  
Co-Chair, Access to Justice 2.0  
Wyoming Access to Justice Commission

Maryt L. Fredrickson  
Co-Chair, Access to Justice 2.0  
Wyoming Access to Justice Commission

## ATJ 2.0 Recommendations from 2024 Report

Funding	Report Pages
— Encourage and support EJWF leadership towards the evolutionary step of hiring a fundraising expert.	page 13
— Assign a high-level, ad hoc committee to evaluate and strategize a legislative increase in the CLS fee, including directing an update to the 2020 Needs Assessment as a precursor to a legislative request.	page 13
— Encourage and support EJW, EJWF, and legal services providers to work with WYGAP.	page 13
— Endorse a proposed rule change to Wyoming Rule of Professional Conduct 6.1(b) regarding private donations and direct it be forwarded to bar counsel.	page 13 & App'x B
Alternative Service of Process	
— Endorse a proposed rule change to W.R.C.P. 4 to expand alternative service of process options, modeled after other state court modernization efforts, to better achieve actual notice to litigants at a lower cost.	page 14 & App'x D
Partnerships	
— Direct this group to continue another year to support projects underway.	page 17
Pipelines	
— Adopt a Stewards of Justice Honor Roll recognition program.	page 18 & App'x F
— Direct this group to continue for another year to launch the Stewards of Justice Honor Roll program.	page 22
Family Law Solutions	
— Direct the group to continue its engagement with the district court conference to develop (1) a rule change to W.R.C.P. 10 regarding case captions, and (2) language changes for court forms, modeled after other states' efforts to deescalate family law litigation at the outset.	page 25
— Direct the group to develop a post-decree FAQ and promote it with the district court conference and district court clerks.	page 27
— Direct a small working group to work with the Teton County Circuit Court to relaunch its prior free mediation service, using facilitative mediation in partnership with the University of Wyoming Ag Extension Office for small claims and eviction cases to test the efficacy of the recommended partnerships, training, and mediation style.	page 31
Pro Bono	
— Endorse a proposed rule change to increase the credit earned for pro bono service.	page 38 & App'x C
— Conduct a higher-level stakeholder meeting to discuss (1) ongoing pro bono promotion and (2) a permanent pro bono committee, perhaps in conjunction with fundraising and law school outreach efforts identified by other working groups.	pages 38, 39 App'xs G, H



# **Access to Justice 2.0: 2024**

**A REPORT TO THE WYOMING  
JUDICIAL COUNCIL AND THE  
ACCESS TO JUSTICE  
COMMISSION**

**NOVEMBER 2024**



## Executive Summary

**The Future of Courts Demand Continued Access to Justice Efforts.** Data sources around the country reflect that the majority of court users are now self-represented litigants. Wyoming’s circuit courts are affectionately referred to as the “people’s court” due to the prevalence of self-represented litigants. In district courts, preliminary sample data suggests that in family law cases, approximately half involve at least one self-represented party. As use of the judicial branch’s case management system becomes standardized, additional data on self-represented parties should become available.

In short—and consistent with the tenor of access to justice efforts nationwide—the justice system faces a design problem. It was designed by lawyers and judges to facilitate fairness and efficiency in matters that used lawyers. The system was not designed for court users who represent themselves. Procedural barriers for those court users diminish the fairness and efficiency the system was designed to deliver. This is particularly true for procedural fairness—allowing people to be meaningfully heard—which boosts public confidence in the rule of law and the courts.<sup>1</sup> When self-represented litigants lose on procedural grounds, or their evidence is excluded for misunderstanding procedures, confidence in a “just” or “fair” system diminishes.<sup>2</sup>

Systemic design challenges can be overcome through continued data-driven and multi-stakeholder access to justice efforts. Such efforts align with the mission the Wyoming Judicial Branch—

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

The Branch’s commitment to excellence reflects additional access to justice principles—“delivering just and efficient resolution of people’s disputes,” “[p]romoting public confidence in the law and providing access to justice,” and “[e]nsuring 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.”<sup>3</sup> ATJ 2.0 remains optimistic that access to justice will remain a part of the Judicial Branch’s Strategic Plan.

**Innovation Opportunities with Limited Staffing and Resources.** An ongoing challenge in Wyoming is a lack of staffing and financial resources. These challenges were highlighted by the NCSC’s November 2022 report to the Judicial Branch.<sup>4</sup> For staffing, Wyoming’s access to justice infrastructure has limited paid staff and relies heavily on volunteers. Volunteer burnout, reasonable expectations for volunteers, and ongoing recruitment and development of volunteers are therefore areas for continuous monitoring. For financial resources, there is a funding crisis, evaluated in 2024 by the Funding Working Group. Limited financial resources also impair resource-intensive

<sup>1</sup> Am. Judges Ass’n, *Procedural Fairness: A Key Ingredient in Public Satisfaction* (2007), available at [https://www.proceduralfairness.org/\\_data/assets/pdf\\_file/0014/6251/burke\\_leben.pdf](https://www.proceduralfairness.org/_data/assets/pdf_file/0014/6251/burke_leben.pdf).

<sup>2</sup> The National Center for State Courts (NCSC) gathers annual data on confidence in state courts, perceptions of customer service, fairness, impartiality, innovation and equal justice, consideration of court user needs, help for people without attorneys, and more. NCSC, *2023 State of the State Courts – National Survey Analysis* (Dec. 18, 2023), [https://www.ncsc.org/\\_data/assets/pdf\\_file/0039/96879/2023-SoSC-Analysis-2023.pdf](https://www.ncsc.org/_data/assets/pdf_file/0039/96879/2023-SoSC-Analysis-2023.pdf).

<sup>3</sup> Wyo. Jud. Branch, *Strategic Plan FY2023–2024*, available at <https://www.courts.state.wy.us/wp-content/uploads/2023/01/2022-Judicial-Branch-Strategic-Plan.pdf>.

<sup>4</sup> NCSC, *Wyoming AOC* (Nov. 2022), available at <https://www.courts.state.wy.us/wp-content/uploads/2023/07/NCSC-Final-Report-2022.pdf>.

innovation such as paid community justice worker programs, launching regulatory sandboxes, and forms automation.

Despite the limitations of Wyoming’s staffing and financial resources, there remains a large volume of achievable access to justice efforts. This 2024 Report identifies some of those possibilities. Topics for the future could include more rule changes; best practices and toolkits for courts and court users; education and leadership development; increasing partnerships for upstream and diversion services; and considering new ideas from justice partners and court users.

## Summary of 2024 Working Groups & Recommendations

This is the largest ATJ 2.0 report to date and reflects the work product of dozens of dedicated volunteers. It is organized in sections (by working group). A short list of recommendations is provided as an additional navigation tool or decision-making checklist. Hyperlinks are also provided for ease of navigation. Some recommendations are for discrete approval items such as advancing rule changes to their respective rules committees or authorizing certain Working Groups to proceed on certain projects. A few recommendations are not for judicial branch activity per se but instead require higher-level leadership discussion among judicial leadership, bar leadership, and other stakeholders. The report is intentionally fulsome so that initiatives not recommended for action at this time are preserved as starting points for future efforts.

**Funding.** Civil legal services funding relies on a three primary sources: government funding, grants, and private donations. Wyoming’s funding model is heavily dependent on government funding, which is in a steep decline. The Funding Working Group was created at the direction of the Wyoming Judicial Council (WJC) in December 2023, in response to the 2022–2023 ATJ 2.0 Report. The Working Group partnered with other groups to broaden the funding conversation, identify areas for research, and ultimately propose joint solutions. The Working Group recommends: (1) the hiring of a dedicated fundraising expert by a partner entity; (2) consideration of an increase to the statutory CLS filing fee surcharge in the foreseeable future; (3) grant coordination between legal services programs, legal services supporters, and the Wyoming Grant Assistance Program (WYGAP); and (4) a revision to Rule 6.1(b) of the Wyoming Rules of Professional Conduct addressing financial contributions by Wyoming lawyers to legal services programs. That proposed rule is at [Appendix B](#). Subject to any additional WJC assignments in response to these recommendations, this Working Group considers its work concluded.

**Partnerships.** The Partnerships Working Group convened to expand current partnerships, as well as explore and establish new partnerships, among entities involved in access-to-justice work and entities that serve populations who may have unaddressed legal needs. The Working Group’s efforts related to Family Resource Centers, county libraries, and senior centers were the subject of the Access to Justice Luncheon panel presentation at the State Bar Annual Meeting in September 2024. The Working Group recommends that it continue for another year to support forward momentum on projects already underway.

**Pipelines.** The Pipelines Working Group convened to explore opportunities to encourage future and new attorneys to engage in access-to-justice work. It is intended that its initiatives will serve as “pipelines” to ensure there will always be compassionate attorneys, in various stages of their careers, who are committed to pro bono and other ATJ work. This is important in any state, and particularly in Wyoming where the access to justice infrastructure is heavily reliant on volunteers. The Working Group recommends the creation of a Stewards of Justice Honor Roll program, *see* [Appendix F](#), and recommends this Group continue another year to prepare and launch that program.

**Alternative Service of Process.** The Alternative Service of Process Working Group assembled to evaluate a proposed rule change to Wyoming Rule of Civil Procedure 4, to allow alternative means for service of process. Historically, service by publication was the only method of alternative service when a litigant was unavailable for personal service. Various states have broadened the types of service available when parties are not locatable for personal service. State court service modernization efforts are a response to modern trends in communication, residential mobility, and the low success rate of service by publication to provide actual notice. In addition to other state models, the Working Group was guided by best practices materials compiled by the National Center for State Courts. The proposed rule change is attached at [Appendix D](#) and includes a cover memorandum describing the proposal in more detail and a plain language guidance document for use by court clerks, attorneys, litigants, and court staff. Subject to any final work in response to the recommended rule change, this Working Group considers its work concluded.

**Family Law Solutions.** The Family Law Solutions Working Group convened to consider, in short, (A) a menu of options to advance viable improvements in family law and (B) court-connected mediation. The Working Group recommends three initial efforts, two specific to family law. (1) A change to family law case captions, by developing an amendment to W.R.C.P. 10, and a change in certain language used in court forms. Neighboring states have done the same to deescalate family law litigation at the outset. (2) The development of a post-decree FAQ resource, in partnership with a justice partner such as Equal Justice Wyoming, the Family Law Section of the Wyoming State Bar, or other entity. (3) In non-family law, high-volume case types, a previous program for court-connected, facilitative-style mediation can be restarted in one county for small claims and eviction actions. It can be used to test the mediation principles and recommendations of the Working Group and later tailored to the nuances of family law. At the initiative of district court judges in the Working Group, these proposals are circulating in the district court conference for feedback. Larger topics that may be appropriate for future work were explored and are identified in this Report.

**Pro Bono.** The Pro Bono Working Group is one of the first ATJ 2.0 working groups. It assembled in 2022 to evaluate and propose incentives to increase pro bono service in Wyoming. In December 2023, the WJC authorized the group to continue its work for another year. The Working Group recommends three things—(1) a proposed change to the Rules Governing the Board of Continuing Legal Education to incentivize pro bono service through additional continuing legal education (CLE) credit, [Appendix C](#); (2) a high-level discussion of pro bono promotion by judicial and bar leadership, perhaps in conjunction with other higher-level discussions suggested by other working groups, *see* [Appendix G](#), and (3) the development of a different, permanent committee, modeled after those in other states, for ongoing attention to pro bono, [Appendix H](#). Subject to any final work in response to these recommendations, this Working Group considers its work concluded.

**Forms Automation.** In the Fall of 2023, the Wyoming Judicial Council asked ATJ 2.0 to evaluate forms automation, for interview-guided online completion of self-represented litigant forms. The Forms Automation Working Group assembled in late 2023 to begin its work. By Spring of 2024, it suspended its work due to higher priorities for available SJI grants and to wait and see how pending developments in artificial intelligence (AI) may impact this work. Members of the group continue to stay apprised of developments in forms automation in other states. A list of resources is provided in this Report to assist when this work is directed to restart.

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## Short List of Recommendations

### Funding

- Encourage and support EJWF leadership towards the evolutionary step of hiring a fundraising expert. page [13](#)
- Assign a high-level, ad hoc committee to evaluate and strategize a legislative increase in the CLS fee, including directing an update to the 2020 Needs Assessment as a precursor to a legislative request. page [13](#)
- Encourage and support EJW, EJWF, and legal services providers to work with WYGAP. page [13](#)
- Endorse a proposed rule change to Wyoming Rule of Professional Conduct 6.1(b) regarding private donations and direct it be forwarded to bar counsel. page [13](#) & [App'x B](#)

### Alternative Service of Process

- Endorse a proposed rule change to W.R.C.P. 4 to expand alternative service of process options, modeled after other state court modernization efforts, to better achieve actual notice to litigants at a lower cost. page [14](#) & [App'x D](#)

### Partnerships

- Direct this group to continue another year to support projects underway. page [17](#)

### Pipelines

- Adopt a Stewards of Justice Honor Roll recognition program. page [18](#) & [App'x F](#)
- Direct this group to continue for another year to launch the Stewards of Justice Honor Roll program. page [22](#)

### Family Law Solutions

- Direct the group to continue its engagement with the district court conference to develop (1) a rule change to W.R.C.P. 10 regarding case captions, and (2) language changes for court forms, modeled after other states' efforts to deescalate family law litigation at the outset. page [25](#)
- Direct the group to develop a post-decree FAQ and promote it with the district court conference and district court clerks. page [27](#)
- Direct a small working group to work with the Teton County Circuit Court to relaunch its prior free mediation service, using facilitative mediation in partnership with the University of Wyoming Ag Extension Office for small claims and eviction cases to test the efficacy of the recommended partnerships, training, and mediation style. page [31](#)

### Pro Bono

- Endorse a proposed rule change to increase the credit earned for pro bono service. page [38](#) & [App'x C](#)
- Conduct a higher-level stakeholder meeting to discuss (1) ongoing pro bono promotion and (2) a permanent pro bono committee, perhaps in conjunction with fundraising and law school outreach efforts identified by other working groups. pages [38](#), [39](#) [App'xs G, H](#)

# 2024 Working Group Reports & Recommendations

## Funding Working Group

### Summary

Civil legal services funding relies on a triumvirate of sources: government funding, grants, and private donations. Wyoming's funding model has been heavily dependent on government funding, which is in a steep decline. Deposits into Wyoming's Civil Legal Services ("CLS") Account have dropped dramatically since fiscal year 2016. The Account's revenue source is a \$10 state court filing fee surcharge established by the Wyoming Legislature in 2010. Reduced filing fee collections have resulted in reductions to the Account's balance. The \$10 surcharge has never been increased or otherwise changed. While a case for increasing the \$10 surcharge could be made, and should be considered at some point, additional sources for Wyoming civil legal services funding must be identified and developed to address the developing funding deficit.

The Funding Working Group was created at the direction of the Wyoming Judicial Council in December 2023, in response to the 2022-2023 ATJ 2.0 Report. The Working Group was invited to partner with the other groups to broaden the funding conversation, identify areas for research, and ultimately propose joint solutions. This topic aligns with the Access to Justice 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 Wyoming Judicial Branch 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.

Over the past year, the Wyoming Access to Justice Commission's ATJ 2.0 Funding Working Group has investigated resource and funding issues. This is a summary of the Committee's work and conclusions. The Working Group recommends: (1) the hiring of a dedicated fundraising expert; (2) consideration of an increase to the statutory CLS filing fee surcharge; (3) grant coordination between legal services programs, legal services supporters, and the Wyoming Grant Assistance Program (WYGAP); and (4) consideration of a revision to Rule 6.1(b) of the Wyoming Rules of Professional Conduct addressing pro bono service and financial contributions by Wyoming lawyers to legal services programs.

### 1. Current Funding for Civil Legal Services in Wyoming

#### a. Government Funding

CLS Account & Equal Justice Wyoming. For now, Wyoming is heavily reliant on government funding, namely the CLS Account established by the legislature. During its 2010 Budget Session, the Wyoming Legislature passed House Bill 61/House Enrolled Act 58, which established the CLS Account. Governor Freudenthal signed the bill on March 11, 2010. *See, e.g.*, Wyo. Stat. §§ 2-2-401, 5-2-121 through -122 (2010 Wyo. Sess. Laws ch. 109). The 2010 legislation imposed a \$10 surcharge on state court filing fees and court assessments. Wyo. Stat. § 2-2-401(a)(iv).



Revenue from the \$10 surcharge is deposited in the CLS Account. Wyo. Stat. § 5-2-121(a). The Legislature appropriates funds from the CLS Account to the Wyoming Judicial Branch Program, Equal Justice Wyoming (“EJW”), which distributes funds to legal services providers across the state.<sup>5</sup> These funds are also used for the operating costs of EJW.

The following table, updated as of October 2, 2024, summarizes the filing fee surcharge collected and deposited into the CLS Account since the inception of the account in Fiscal Year 2011:

**Civil Legal Service Fees Deposited**

**SUMMARY REPORT by Accumulative Totals**

Account: 530 101 Unit 0120 Rev-3311 530

10/2/2024

	Circuit	District	Muni	Chancery	Supreme	Interest	Revenue Totals	Expenditures	Accum. Rev Bal
<b>FY 11</b>	945,711.00	137,466.50	990.00	0.00	1,260.00	15,153.67	1,100,581.17	(5,766.94)	1,094,814.23
<b>FY 12</b>	1,289,652.85	124,194.06	1,580.00	0.00	1,774.00	60,986.75	1,478,187.66	(357,836.91)	1,120,350.75
<b>FY 13</b>	1,256,465.00	116,849.70	1,270.00	0.00	1,560.00	140,853.22	1,516,997.92	(739,160.18)	777,837.74
<b>FY 14</b>	1,223,558.06	126,889.46	1,090.00	0.00	1,710.00	65,671.69	1,418,919.21	(1,169,274.14)	249,645.07
<b>FY 15</b>	1,210,082.92	121,696.83	870.00	0.00	1,500.00	88,602.11	1,422,751.86	(1,009,774.42)	412,977.44
<b>FY 16</b>	1,060,493.84	128,427.43	610.00	0.00	1,560.00	77,749.88	1,268,841.15	(1,235,330.26)	33,510.89
<b>FY 17</b>	981,008.33	124,119.03	630.00	0.00	1,390.00	79,493.27	1,186,640.63	(1,305,387.29)	(118,746.66)
<b>FY 18</b>	984,034.33	121,261.33	1,910.00	0.00	1,350.00	82,685.44	1,191,241.10	(1,318,358.05)	(127,116.95)
<b>FY 19</b>	839,032.12	121,870.87	4,690.00	0.00	1,470.00	82,767.18	1,049,830.17	(1,335,432.68)	(285,602.51)
<b>FY 20</b>	849,686.81	119,938.27	2,635.00	0.00	1,500.00	55,050.78	1,028,810.86	(1,017,841.14)	10,969.72
<b>FY 21</b>	762,810.05	117,879.78	2,075.00	0.00	1,280.00	70,802.40	954,847.23	(1,192,052.84)	(237,205.61)
<b>FY 22</b>	686,422.15	111,885.21	7,660.00	70.00	1,380.00	28,173.26	835,590.62	(1,256,747.27)	(421,156.65)
<b>FY 23</b>	604,463.74	106,818.93	1,860.00	190.00	1,370.00	53,473.83	768,176.50	(1,029,646.47)	(261,469.97)
<b>FY 24</b>	654,229.97	102,696.53	3,200.00	320.00	1,260.00	89,277.99	850,984.49	(1,040,896.79)	(189,912.30)
<b>FY 25</b>	186,735.87	25,954.28	4,340.00	70.00	320.00	14,357.80	231,777.95	(180,799.23)	50,978.72
<b>FY 26</b>	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>Inception Total</b>	13,534,387.04	1,707,948.21	35,410.00	650.00	20,684.00	1,005,099.27	16,304,178.52	(14,194,304.61)	2,109,873.91

The column of the table titled, “Revenue Totals” (in green font), shows decreasing CLS Account revenue from a high of \$1,516,997.92 in Fiscal Year 2013 to a low of \$768,176.50 in Fiscal Year 2023 and \$850,984.49 in Fiscal Year 2024. The 2025 figure, \$147,734.83, represents three months of the current fiscal year.

The decrease in revenue is attributable to factors including a general decline in case filings in the courts and disruptions caused by the COVID-19 pandemic. Post-pandemic revenues remain on the decline. While there have been some increases to the overall filing fees charged in Wyoming state courts, there has been no attempt to change \$10 CLS surcharge since the 2010 legislation.

Claire Smith, the Chief Fiscal Officer of the Wyoming Judicial Branch, analyzed the current state of CLS funding and distributions, and projected the current rate of disbursements will deplete the CLS fund in approximately seven years if revenue does not increase.

Ultimately, the Committee believes an increase to the statutory CLS fee is warranted and should be considered, where an increase aligns with other judicial branch priorities.

<sup>5</sup> Current providers include Legal Aid of Wyoming (LAW), the Wyoming Coalition Against Domestic Violence & Sexual Assault (WCADVSA), the Wyoming Children’s Law Center (WCLC), a Medical-Legal Partnership (MLP), the Teton County Access to Justice Center (TCATJC), and the University of Wyoming College of Law Legal Clinics.

Legal Services Corporation. A second source of government funding is from the Legal Services Corporation (LSC). The LSC just celebrated its fiftieth anniversary. Established in 1974, it is a publicly funded 501(c)(3) that distributes federal funds, appropriated by Congress, through a competitive grant process to legal aid organizations who assist low-income Americans with civil legal matters. It issues 131 grants per year. Legal Aid of Wyoming (LAW) is the sole recipient of LSC funds in Wyoming. EJW does not administer these funds.

Other Government Funds. In addition to administering funding distributions from the CLS Account, EJW has administered several important funds to support legal services in recent years. However, these funds are not part of the CLS Account.

- Until recently, EJW managed federal Victims of Crime Act (VOCA) funds from the Attorney General's Office, Division of Victim Services for civil legal services to crime victims.
- EJW received \$784,461 in federal Emergency Rental Assistance Program (ERAP) funds for legal services to support housing stability during the COVID-19 pandemic.

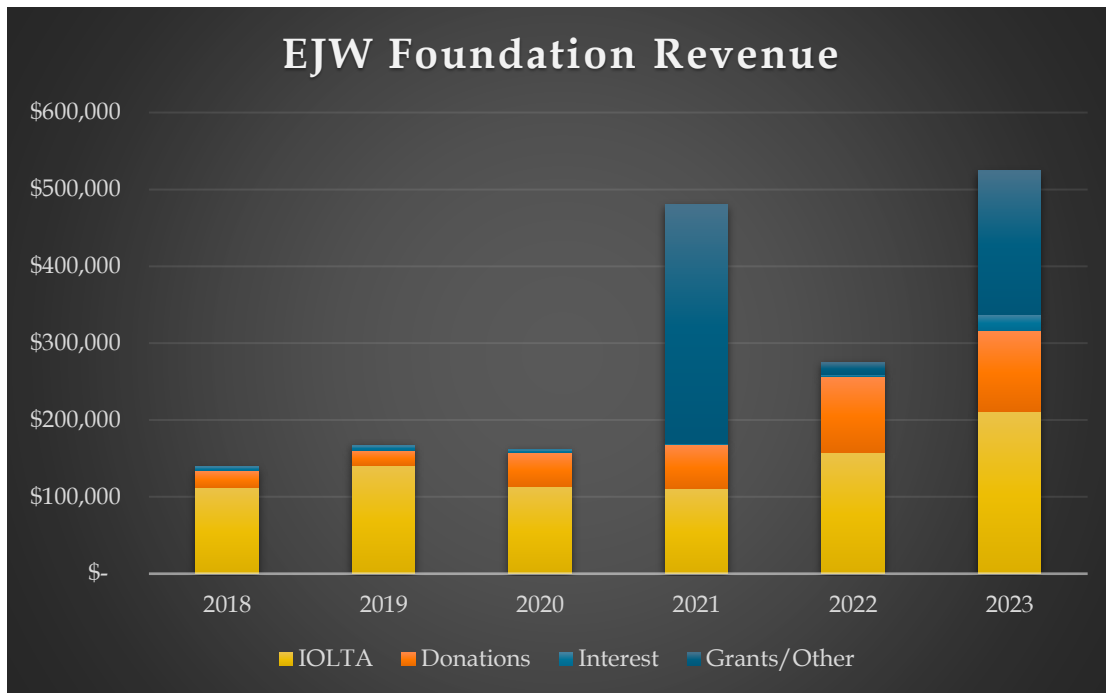
## **b. Private Funding**

Equal Justice Wyoming Foundation. The Equal Justice Wyoming Foundation (EJWF) is a Wyoming Nonprofit Corporation, tax exempt under Internal Revenue Code § 501(c)(3), and separate from but sharing a similar mission as EJW. It distributes Wyoming's Interest on Lawyers' Trust Accounts (IOLTA) funds and is a significant source of private donations in the triumvirate of funding sources. The Wyoming Access to Justice Commission helped establish EJWF in late 2010 and early 2011. At the time, the entity was named the Wyoming Center for Legal Aid Foundation. In 2015, the name of the entity was changed to EJWF and EJWF took over the responsibilities of the former Wyoming State Bar Foundation.

EJWF's mission is to strengthen and defend access to justice and civil legal services in Wyoming through fundraising and other supportive activities. In addition to private fundraising, EJWF administers IOLTA funding, applies for grants, and administers other special funding for legal services. EJWF raises and distributes funds to civil legal service providers. Its recent efforts warrant recognition. In recent years, EJWF moved funds to maximize pandemic-related higher interest rates; launched a giving challenge on WyoGives, a special day of giving every July facilitated by the Wyoming Nonprofit Network; worked with the Wyoming State Bar for a matching grant of \$40,000; received an additional variable match from the Hughes Charitable Foundation, based in Jackson, Wyoming; and collaborated with the Wyoming State Bar to add a voluntary contribution option on the annual attorney license renewal process.

Although they are separate entities with different purposes, EJWF and EJW have always worked together on their shared mission to support Wyoming legal services. From 2022 to 2024, EJW and EJWF conducted a joint grant application and distribution process and cycle. EJW staff has worked with the EJWF Board and on EJWF projects under a contract for staff services to manage EJWF. This table summarizes EJWF's revenue from Fiscal Years 2018-2023:





Other Private Fundraising. Legal services organizations also raise their own funds through private fundraising.

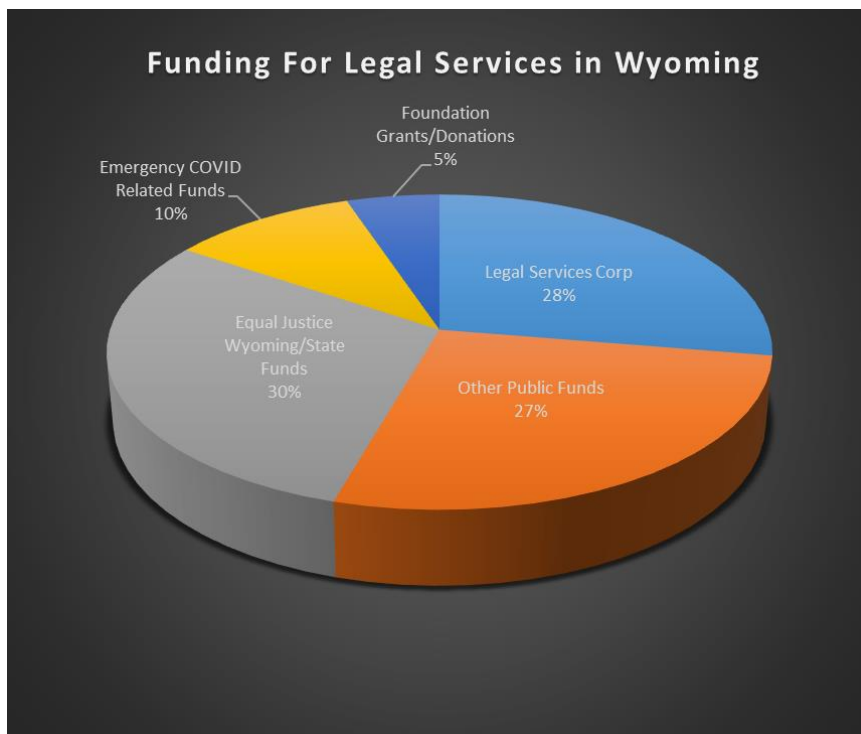
#### **c. Grants**

Temporary Federal Funding Related to COVID-19. Federal funding instituted during the COVID-19 pandemic provided some support for Wyoming legal services. Specifically, the American Rescue Plan Act of 2021 (ARPA) and Emergency Rental Assistance Program (ERAP), also started in 2021, provided some funding for Wyoming legal services providers while the CLS account was declining. However, ARPA and ERAP funds for legal services have ended. The end of this federal funding has exacerbated Wyoming's legal services funding problem.

Other Grants. EJWF has applied for several grants to increase support for legal services in Wyoming. In 2022, for example, EJWF applied for and received a large grant from the Hughes Charitable Foundation to support EJWF's efforts to grow Medical–Legal Partnerships throughout the state. There are federal, state, and private grants that could be used for legal services, but EJWF is somewhat limited in its ability to research and apply for grants because of its limited staff. Additionally, administering grants received by EJWF requires staff time and resources.

#### **d. Summary of Funding for Legal Service Providers**

The following chart summarizes all sources of funding for Wyoming's civil legal services providers:



Wyoming legal services providers receive funding from sources other than the CLS account. *See above*, footnote 1. But as the chart above shows, Wyoming government funding is a critical component of Wyoming's funding model for legal services.

## 2. Non-Profit & Private Fundraising in Wyoming

CLIMB Wyoming – an example of success. The Working Group invited Katie Hogarty, the Chief Executive Officer of CLIMB Wyoming, a well-known non-profit organization in Wyoming providing comprehensive job training and support to single mothers with children, to discuss non-profit fundraising in Wyoming. The key issues discussed by the Working Group were:

- CLIMB Wyoming's shift away from exclusive dependence on government funding to a more diverse funding system;
- The importance of having expertise and dedicated staff for private fundraising and grants;
- Incorporating the non-profit entity's mission, including story telling about the impacts of the entity's services, in fundraising plans and strategy; and
- Recognition that while all fundraising efforts may not be successful, even unsuccessful efforts have strategic and training benefits.

The Working Group feels these points are important to the success of EJWF, as well as the individual entities providing services (*see* footnote 5).

EJWF Board. The Working Group also met with the EJWF Board for an open conversation about the shared goal of legal services funding. The EJWF Board has made great strides in increasing funding, as discussed earlier in this report, and has considered other initiatives such as fundraising from corporate and private entities, enhanced marketing to distinct sectors of bar membership and law firms, pursuing grants that government entities cannot seek, and other ideas. It is a nimble organization characterized by creative thinking which has served it well. It is also an all-volunteer organization, supported through an administrative services agreement for limited use of EJW staff.

The Board has considered hiring a dedicated fundraiser or staff director in the past but recognizes the short-term impact that would have on available grants to legal services providers, particularly in an era when grants are diminishing due to decreased government funding.<sup>6</sup>

Rule Change to Rule of Professional Conduct 6.1(b). The Wyoming Judicial Council, comprised of judicial officers, has limited ability to impact private fundraising due to restrictions in the Code of Judicial Conduct. It also does not have authority over the EJWF, private donors, or legal services organizations to directly impact fundraising. It does, however, have authority over the rules of professional conduct.

Wyoming Rule of Professional Responsibility 6.1 is an aspirational rule, recommending that attorneys provide 50 hours of pro bono service each year to people of limited means. Rule 6.1(b) provides the option to provide \$500 in lieu of 50 hours of service. Wyoming's specification of a specific sum—\$500—has not been adjusted to accommodate for inflation and is worth \$259.11 in today's dollars.

In response to Wyoming's current Access to Justice funding crisis, the Funding Working Group recommends Wyoming's rule 6.1(b) and its related comment be modified from the current \$500 recommended annual donation to a greater amount depending on an attorney's or firm's billing rates, financial circumstances, and the cost of inflation. A proposal and redline of a rule change is attached as [Appendix B](#). This has been preliminarily reviewed by Bar Counsel. If the Wyoming Access to Justice Commission and the Wyoming Judicial Council endorse this effort, this proposal would be forwarded through the required channels for proposed rule amendments, i.e., through Bar Counsel to the Board of Officers and Commissioners, on to the public comment period, and ultimately to the Wyoming Supreme Court for consideration.

### 3. Grant Development

The Working Group met with Christine Emminger and Diana Cabriaes, the Administrator and Deputy Administrator, respectively, of the Wyoming State Budget Department's Grants Management Office. They gave a presentation on the new Wyoming Grant Assistance Program (WYGAP) programs and resources.<sup>7</sup>

WYGAP is a priority of Governor Gordon in conjunction with the CHIPS and Science Act and to secure available funding under the federal Inflation Reduction Act. It assists non-profit organizations, small businesses, local governments, state government agencies, and others to pursue and manage federal, state, and other grants. It is available to legal services providers to identify grants and should be available to EJW and the judicial branch, being mindful however of separation of powers issues that could arise. WYGAP serves as a hub not only for grant information but also for assistance in grant applications and administration.

The Working Group discussed the importance of grants to the overall funding picture, considered the possibility of EJW applying for state grants, and recognized that Wyoming's legal service providers could utilize WYGAP's programs and resources.

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<sup>6</sup> Likewise, a change in the administrative services agreement would impact available grants in the short-term if a change in the staffing structure were required.

<sup>7</sup> Wyoming Grant Assistance Program, available at <https://sbd.wyo.gov/grants/grant-assistance-program>.

#### 4. Conclusion & Recommendations

EJWF revenues including IOLTA, private donations, grants, and interest, have increased steadily over the past six years, from just over \$100,000 in 2018 to over \$300,000 in 2023. However, IOLTA and other interest rates fluctuate, private donations vary from year to year, and some grants are short lived or non-renewable. Over the same period, CLS funding and interest have dropped from \$1,191,241 in 2018 to \$768,176 in 2023. The CLS Fund has provided the majority of state funding for legal services since 2011. While EJWF will continue developing private and other sources of income in the future, the Committee concludes the decline of CLS funding requires action.

Based on its discussions and investigation, the Funding Working Group makes the following recommendations:

**A.** One of the state funding entities—probably EJWF—should hire a dedicated fundraising expert or work with a fundraising consultant to focus on private fundraising for Wyoming legal services. The Working Group recognizes that hiring a fundraising expert would require resources that would otherwise be distributed to legal services providers. However, given the dramatic decline and negative trend of state funds for legal services, planning for future revenue should be the top priority. The Wyoming Judicial Council has no authority to direct EJWF to make this evolutionary step. However, the Judicial Council, the Access to Justice Commission, and their respective members can encourage and support EJWF leadership in this regard.

**B.** The Working Group believes a statutory increase to the CLS fee is warranted based on the decreased revenue shown in the table above. The Working Group recommends that the Access to Justice Commission or Wyoming Judicial Council assign a high-level committee to discuss this issue with legal services stakeholders and to strategize how to fit such a request within judicial branch priorities for legislative action.

Any effort to increase the CLS fee will require comprehensive data about the need for additional funding for legal services in Wyoming. As a result, the Working Group recommends the Access to Justice Commission direct an update to the August 2020 Wyoming Civil Needs Assessment<sup>8</sup> focusing on funding deficits.

**C.** EJW, EJWF, and legal services providers in Wyoming should work with the Wyoming State Budget Department's Grants Management Office to determine if WYGAP programs and resources are available and would be beneficial to those entities. The Working Group believes EJW and EJWF should contact the Grants Management Office to discuss possible joint efforts to inform Wyoming legal services providers about WYGAP resources and possibilities.

**D.** The Working Group recommends Wyoming Rule of Professional Conduct 6.1(b) be modified. A proposal and redline of a rule change is attached as [Appendix B](#). If the Wyoming Access to Justice Commission and the Wyoming Judicial Council endorse this effort, this proposal would be forwarded through the required channels for proposed rule amendments, i.e., through Bar Counsel to the Board of Officers and Commissioners, on to the public comment period, and ultimately to the Wyoming Supreme Court for consideration.

Beyond any follow up tasks in response to this report, inclusive of forwarding the proposed change to Rule 6.1(b) to bar counsel to begin the process for a rule change, the Working Group considers its work to be concluded.

### **2023-2024 ATJ 2.0 Funding Working Group Members**

Hon. Lynne Boomgaarden, Justice, Wyoming Supreme Court  
 Hon. Kari Gray, Justice, Wyoming Supreme Court  
 Hon. Timothy C. Day, Co-Chair, ATJ 2.0, District Court Judge, Ninth Judicial District (retired)  
 Elisa Butler, State Court Administrator, Administrative Office of the Courts  
 Angie Dorsch, Executive Director, Equal Justice Wyoming  
 Walter Eggers, Attorney at Law  
 Maryt Fredrickson, Co-Chair, ATJ 2.0, Staff Attorney, Wyoming Judicial Branch  
 Katie Hogarty, CEO, CLIMB Wyoming  
 Tenille Straley, Co-General Counsel, Jackson Hole Trust Co. & President of EJWF Board

## **Alternative Service of Process Working Group**

The Alternative Service of Process Working Group evaluated the various states that broadened the types of service of process available when parties at the outset of an action are not locatable for personal service. Those states' efforts are a response to modern trends in communication, residential mobility, and the low success rate of service by publication through traditional means to provide actual notice. The Working Group was also guided by best practices materials compiled by the National Center for State Courts. The Working Group proposes a change to Wyoming Rule of Civil Procedure 4, to join those states which have modernized service of process, to include alternative means tailored to the case and parties to be served. This proposed rule, attached at [Appendix D](#), preserves service by publication rules and does not impact statutes requiring service by publication. [Appendix D](#) includes (1) a cover memorandum, (2) a proposed rule, (3) the rule in redline, and (4) a plain-language guidance document, modeled after those in other states, to assist court users.

The Wyoming Judicial Council endorsed this Working Group's charge in December 2023, in accordance with the commitment in article 1, section 8, of the Wyoming Constitution for open access to the courts without denial or delay; the Wyoming Judicial Branch's Strategic Plan, Priority 1 (Access to Justice) commitments to advance just and efficient resolution of disputes; and to complement efforts related to fee waivers and reductions.

The Working Group recommends the WJC now assign the proposed rule change to the Permanent Rules Advisory Committee – Civil Division. Subject to any additional assignments in response to this report, inclusive of forwarding the proposed change to the appropriate committee, the Working Group considers its work to be concluded.

### **Alternative Service of Process Working Group Members**

Chair, Mackenzie Williams, Senior Assistant Attorney General  
 Hon. Bobbi Overfield, District Judge, Fifth Judicial District  
 Jennifer Beeston, Chief Clerk, Second Judicial District, Albany County  
 Angie Dorsch, Executive Director, Equal Justice Wyoming  
 Maryt Fredrickson, Co-Chair, ATJ 2.0, Staff Attorney, Wyoming Judicial Branch  
 Nathan Yanchek, Senior Staff Attorney, Wyoming Judicial Branch

#### **Special Thanks:**

Jill Kiester, Clerk of Court, Seventh Judicial District Court  
 Janet Montgomery, Clerk of Court, Ninth Judicial District Court

<sup>8</sup> See <https://www.wyomingbar.org/access-to-justice-groups-weigh-results-of-civil-legal-needs-assessment/>

Anne Sutton, Clerk of Court, Ninth Judicial District Court  
 Elisa Butler, State Court Administrator  
 Cecelia Dunn, Judicial Assistant, Wyoming Supreme Court  
 Alex Taylor, Supreme Court Legal Extern, Spring 2024

## Partnerships Working Group

### History and Objectives

The Partnerships Working Group was approved for its work by the Wyoming Judicial Council in December 2023, in accordance with parts 1, 3, and 4 of the Judicial Branch’s Strategic Plan and the directive to coordinate access to justice, foster statewide delivery systems, and work toward integrated planning with interested agencies and entities identified in the Order Establishing the Access to Justice Commission. The Working Group organized in February 2024 with the objective of expanding current partnerships, as well as exploring and establishing new partnerships, among entities that are involved in access-to-justice work and entities that serve populations who may have unaddressed legal needs. It is intended that the partnerships will result in increased awareness of available resources and increased efficiency in identifying and addressing the legal needs of Wyoming’s citizens.

The Partnerships Working Group met six times. Robust discussions included updates on projects that are underway, evaluation of potential new opportunities for collaboration, and formulation of solutions to ongoing or anticipated challenges. The following sections provide an overview of the Group’s projects as well as plans for further development. The Working Group’s efforts related to Family Resource Centers, county libraries, and senior centers were the subject of the Access to Justice Luncheon panel presentation at the State Bar Annual Meeting in September 2024.

### 1. Family Resource Centers

Through Executive Branch entities and local providers, Family Resource Centers (FRCs) were established across the state to help consolidate information, resources, and services in “no wrong door” locations. There are FRCs in 22 counties and a pending contract in the final county, as well as discussions underway to establish FRCs in the communities of both the Northern Arapaho and the Eastern Shoshone.<sup>9</sup>

The Partnerships Group provided legal resource inventories and event information to FRCs so FRC staff will be able to issue spot and then connect families in need to legal assistance. This is an important process in the access to justice ecosystem because early diversion to legal resources can (1) facilitate resolution of legal issues as they arise, and (2) limit the compounding of legal issues thereby requiring more extensive legal assistance later. Members of the Partnerships Group presented an overview of available resources during an FRC cohort call and, if requested by FRC staff, may provide additional training in how to recognize unmet legal needs in their clients and patrons.

**Sustainability:** It is anticipated that Equal Justice Wyoming, the George W. Hopper Law Library, and the State Law Library will remain in contact with the Children’s Trust Fund, which oversees the Family Resource Centers. Resources and trainings will be provided as requested.

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<sup>9</sup> Wyoming Family Resource Centers Collective: <https://pcawy.org/frc-collective>



## 2. Libraries

Librarians from UW's George W. Hopper Law Library and the State Law Library have been expanding their outreach efforts to increase awareness among librarians and the general public of legal resources and access-to-justice services. Members of the Partnerships Working Group scripted and created nine educational videos for use by librarians and the public and made these videos available for free online.<sup>10</sup> The videos discuss library resources, access-to-justice resources, and other self-help legal information. Additional videos and web pages of legal resources are planned. The Working Group helped to identify opportunities to expand the videos' reach. Members of the Group will be making presentations to public library professionals from across the state; the presentations will provide education on law library resources and other access-to-justice services. The schedule included an October 2024 presentation at the annual meeting of the Wyoming Library Association. Members of the Group also collaborate with and offer training for staff from prison libraries, community college libraries, and District Court law libraries.

**Sustainability:** It is anticipated that the George W. Hopper Law Library, the State Law Library, and Equal Justice Wyoming will continue to develop outreach efforts to ensure public librarians around the state are prepared to guide patrons in addressing their legal needs. Resources and trainings will be provided as requested.

## 3. Senior Centers

The Partnerships Group identified administrators at senior centers as an important population with which to partner. The Group consulted the report of Governor Mead's 2017 Elder and Vulnerable Adult Task Force when evaluating the needs and opportunities for this partnership.<sup>11</sup> Members of the Partnerships Working Group met with officials from the Wyoming Department of Health Aging Division to strategize outreach efforts. Tawnya Plumb conducted in-person meetings at four senior centers around the state, in Greybull, Pine Bluffs, Burns, and Laramie. Information on legal research and resources was shared with senior center patrons. Information on legal needs was gathered. It was determined anecdotally that consumer protection assistance is a substantial unmet need for many seniors. A widespread fear of scams and lack of comfort with technology seem to hinder older adults' awareness of resources and willingness to access them.

**Sustainability:** Outreach to additional senior centers is planned. The Partnerships Group anticipates it will be necessary to engage in additional exploration of the legal needs of Wyoming's older adults, particularly with regard to opportunities for outreach and methods of service delivery.

## 4. Public Schools

The Partnerships Group identified public school counselors as an important population with which to partner in order to raise awareness of legal resources among families with children. Members of the Group sought to connect with school counselors in school districts around the state; however, efforts were hampered by the arrival of summer vacation. This endeavor will be renewed in the coming months with an objective of providing resources and training to school officials who work with families experiencing particular needs and challenges.

<sup>10</sup> George W. Hopper Law Library YouTube Channel: <https://www.youtube.com/@UWHopperLawLibrary>

<sup>11</sup> Report of Governor Mead's 2017 Elder and Vulnerable Adult Task Force: <https://www.courts.state.wy.us/wp-content/uploads/2017/03/20170120ReportToGovernor.pdf>

**Sustainability:** It is anticipated that Equal Justice Wyoming will continue to seek opportunities for outreach to help public school counselors provide access-to-justice information to the families they serve. Resources and trainings will be provided as requested.

## 5. Resources

The Partnerships Working Group wishes to note the importance of finding methods for leveraging collective resources. The Group is cognizant of the value of identifying grant or other funding opportunities that can maximize resources for current and future collaborative efforts.

## Recommendation

The members of the Partnerships Working Group respectfully recommend that this Group be permitted to continue for another year, retaining, as much as possible, its current membership in order to support forward momentum on projects already underway.

## Conclusion

The Partnerships Working Group is proud to report that substantial progress has been made in building and strengthening networks of legal service and social service providers. The Group is eager to continue its work establishing connections with and providing resources and trainings to Family Resources Centers, libraries, senior centers, and public schools. If the Access to Justice Commission and the Judicial Council authorize the Group to continue for a second year, meaningful progress is anticipated.

## Partnerships Working Group Members

Chair, Leora Hoshall, EJW Program Analyst, Equal Justice Wyoming  
 Hon. Lynne Boomgaarden, Wyoming Supreme Court  
 Hon. Judge Timothy C. Day, Co-Chair, ATJ 2.0, Ninth Judicial District Court (ret.)  
 Jen Davis, Health and Human Services Policy Advisor, Governor Gordon's Office  
 Angie Dorsch, Executive Director, Equal Justice Wyoming  
 Maryt Fredrickson, Co-Chair, ATJ 2.0, Staff Attorney, Wyoming Judicial Branch  
 Tracey McCormick, Assistant Librarian for Public Services, George W. Hopper Law Library  
 Nicole Neider, Executive Director, Children's Trust Fund & Prevent Child Abuse Wyoming  
 Tawnya Plumb, Director, George W. Hopper Law Library, UW College of Law  
 Sara Serelson, Former Executive Director, Children's Trust Fund & Prevent Child Abuse Wyo.  
 Matt Swift, State Law Librarian, Wyoming State Law Library  
 Hon. Bobbi D. Overfield, District Court, Fifth Judicial District (as available)  
 Elisa Butler, State Court Administrator (as available)

## Pipelines Working Group

### Objective

The Wyoming Judicial Council approved the formation of the Pipelines Working Group in December 2023. The work of this group aligns with a specific topic in the Wyoming Judicial Branch's Strategic Plan to explore opportunities for collaboration with the University of Wyoming and Wyoming State Bar membership. The Pipelines Working Group organized in March 2024 with the objective of exploring opportunities to encourage future and new attorneys to engage in access-to-justice work. It is intended that these initiatives will serve as "pipelines" to ensure there will



always be compassionate attorneys, in various stages of their careers, who are committed to pro bono and other ATJ work.

The Pipelines Working Group met six times. Robust discussions included evaluation of potential initiatives, review of research and fact-finding outcomes, and workshopping of proposals. The following sections provide an overview of the Group's explorations as well as recommendations for further development.

## 1. Extern Appreciation

The Pipelines Group researched and discussed whether formally showing gratitude for the work of law student externs who serve in access-to-justice programs can inspire long-term dedication to ATJ work. Anecdotal reports from ATJ externships and fellowships in other states indicate that a high percentage of individuals who participate in the programs go on to build careers in ATJ or other public service legal fields.<sup>12</sup> It is hoped that providing meaningful appreciation to students who engage in this work will inspire each generation of upcoming attorneys to become and remain involved in ATJ endeavors.

Across the state, there are externships housed within access-to-justice programs. The Pipelines Group discussed opportunities to recognize UW law students who participate in these programs. To this end, the George W. Hopper Law Library has established plans to include extern information, along with messages of gratitude, on its digital announcement board, which is prominently displayed at the library. Members of the Group will also explore options for including ATJ extern recognition in each year's College of Law graduation program.

The Pipelines Group also considered opportunities to connect appreciation for ATJ externs with the justice landscape beyond law school. The current and incoming Chairs of the Access to Justice Commission have both graciously agreed to provide letters of appreciation to law students who serve in these roles. Either the Commission Chair or the Chief Justice will write these letters each semester, coordinating with the University of Wyoming College of Law and Equal Justice Wyoming for extern contact information.

**Sustainability:** It is anticipated that faculty and staff at the UW College of Law and Supreme Court staff will collaborate three times per year (summer, fall, and spring) to gather the names and roles of individuals serving as ATJ externs. The Hopper Law Library staff will use this information for their announcements. To prepare and send letters of appreciation, Supreme Court staff, likely the appropriate Judicial Assistant, will work with the Commission Chair or Chief Justice.

## 2. Stewards of Justice Honor Roll and Optional Award

In 1997, the Conference of Chief Justices adopted a resolution asking judges to take a role in encouraging attorneys to increase pro bono efforts, including supporting recognition efforts for lawyers doing pro bono work.<sup>13</sup> A 2018 American Bar Association survey of lawyers in 24 states, titled *Supporting Justice IV*, identified judicial solicitation as most likely to increase pro bono

<sup>12</sup> One quantitative data point was provided: The Programs and Grants Counsel from the Ohio Access to Justice Foundation reported in correspondence that, of 88 fellows who served with them between 1999 and 2021, 86 went on to work in nonprofit or government positions.

<sup>13</sup> Conf. of Chief Justices, Resolution VII (1997), available at [https://www.americanbar.org/content/dam/aba/administrative/probono\\_public\\_service/other-documents/as/pro\\_bono.pdf](https://www.americanbar.org/content/dam/aba/administrative/probono_public_service/other-documents/as/pro_bono.pdf).

participation.<sup>14</sup> The Wyoming State Bar’s 2023 Bar Member Survey (question 48) identified recognition and encouragement from judges as two incentives to perform pro bono service.<sup>15</sup> Judges and judicial branches can participate in recognition programs, and can launch their own programs, in keeping with their roles promoting confidence in the judiciary and access to justice efforts. The Colorado Supreme Court, District of Columbia court system, and the Massachusetts Supreme Judicial Court Standing Committee on Pro Bono Legal Services are examples of judicial branch honor roll programs.<sup>16</sup>

The Pipelines Working Group proposes Wyoming join in this movement by establishing a low-cost, low-workload recognition program through a “Stewards of Justice” Honor Roll, modeled after the honor rolls used across the country to recognize pro bono work within states and cities. The Working Group considered how the State Bar might be involved in this Honor Roll. After fulsome discussion and consultation with bar leadership, the Working Group recommends this recognition program be housed within the Judicial Branch. It can serve as special, judicial recognition, distinct from other pro bono awards managed by the State Bar; this structure will also help eliminate concerns, raised by the practicing bar, regarding reporting of pro bono hours. This proposal leaves open the opportunity for the Wyoming Judicial Branch to issue unscheduled awards, styled Stewards of Justice Awards, such as this year’s certificate recognition of Court Navigator champions. This Honor Roll relates to the goals of the Pipelines Working Group because it is hoped that this program will inspire and incentivize new and as-yet-uninvolved attorneys to complete hours of pro bono service each year in order to be recognized. The Group observes that firms could tout their Stewards of Justice attorneys as part of their recruitment of new associates; this would help foster a lasting culture of dedication to access to justice.

The Group considered various practical questions, including whether the Honor Roll should be available for firms or for individuals, how many hours of pro bono service should be required to earn the recognition, how hours should be tracked or tabulated, and which entity should administer the program. The Group discussed the varied approaches taken by other states.<sup>17</sup>

After consultation with the Wyoming State Bar, the initial conclusions of the Pipelines Group are as follows:

- Recognition should be available annually.
- Recognition should be available in tiers.
- It will be important to emphasize that tracking and submission of hours is entirely optional and voluntary, for recognition purposes only.
- It will be important to emphasize the voluntary reports are only for court use in preparing the list of Honorees and the State Bar will not review the submitted hours.

<sup>14</sup> Am. Bar Ass’n, Standing Comm. on Pro Bono & Public Serv., *Supporting Justice IV* at 21 (April 2018), [https://www.americanbar.org/content/dam/aba/administrative/probono\\_public\\_service/other-documents/ls\\_pb\\_supporting\\_justice\\_iv\\_final.pdf](https://www.americanbar.org/content/dam/aba/administrative/probono_public_service/other-documents/ls_pb_supporting_justice_iv_final.pdf)

<sup>15</sup> Available at <https://www.wyomingbar.org/wp-content/uploads/2023-Bar-Member-Survey-Results.pdf>.

<sup>16</sup> Mass. Court System, *About the Pro Bono Honor Roll*, <https://www.mass.gov/info-details/about-the-pro-bono-honor-roll>; Colo. Supreme Court, Recognition for Pro Bono Services, <https://www.coloradojudicial.gov/recognition-pro-bono-services?language=es>; D.C. Courts, 2023 Capital Pro Bono Honor Roll, <https://www.dccourts.gov/about/pro-bono-honor-roll>.

<sup>17</sup> For example: Georgia: <https://www.gabar.org/programs/pro-bono-resource-center/pro-bono-awards-and-recognition>. Massachusetts: <https://www.mass.gov/info-details/about-the-pro-bono-honor-roll>. Michigan: <https://www.michbar.org/alawyerhelps/honorroll>. Washington: <https://www.wsba.org/connect-serve/pro-bono-public-service>. Wisconsin: <https://www.wisbar.org/formembers/probono/pages/pro-bono-honor-society.aspx>.

- It will be necessary to demarcate eligible and non-eligible services (for example, whether membership on an ATJ board counts as pro bono service or if the Honor Roll is available only for direct legal services).

Matters requiring further exploration and discussion include:

- Whether fifty hours of pro bono service is the appropriate minimum for the lowest tier. While fifty hours is recommended by Wyoming Rule of Professional Conduct Rule 6.1(a) of the rules of professional responsibility, some states use a lower number of hours for their lowest tier of recognition.
- Who will administer the program (judicial assistant, other court staff, or other person or entity).
- Whether and how law students can earn Honoree status.
- Whether to recognize only individual attorneys or also include a category for law firms.
- What form the recognition will take (for example, certificate or digital badge).
- What nominal operational costs will be involved.
- How hours will be submitted by attorneys and how frequently (written form, survey monkey, electronic form, or other option).

The anticipated process for this program is as follows:

- Announcement of the new award early in 2025, so practitioners can become aware of the opportunity. The announcement can be by press release and then circulated through the Wyoming State Bar's listserv.
- In August of each year, the Judicial Assistant for the Access to Justice Commission Chair or some other designated court staff can send the submission form and/or email message with necessary links to the Wyoming State Bar to circulate to its members as a voluntary reporting mechanism. Reports received will be accessible only to the court staff managing the project.
- Prior to September 1, the designated court staff person will assemble the survey results into a list, identifying gold, silver, and bronze level Honorees.
- The list will be provided to the State Bar by its Annual Meeting deadline (generally September 1) for recognition in Annual Meeting materials and at the annual Access to Justice Luncheon. The list of Honorees may also be published in the *Wyoming Lawyer* once a year.
- Court staff will send to the Honorees a recognition of some kind, such as a printed certificate (similar to "Best of" certificates that can be hung in an office) or a digital badge that can be added to firm signature blocks or web pages, or some combination of recognition methods.

Attached to this report at [Appendix F](#) is an example of the judicial branch recognition from the Chief Justice and Chief Judge of the D.C. Courts, with a link to the list of honorees.

The Pipelines Group would like to thank Sharon Wilkinson of the Wyoming State Bar for her participation in the discussions and research pertaining to this initiative.

**Sustainability:** It is anticipated that this program will not be onerous to maintain after it is prepared and launched. However, finalizing its structure and operations will require an initial outlay of effort. It is hoped that the Pipelines Working Group will be authorized to finalize the development of this program and collaborate with judicial branch staff to launch the first Honor Roll.

### 3. Mandatory Pre-Admission Pro Bono

In 2012, the State of New York enacted a rule that requires bar applicants, other than attorneys seeking admission without examination, to complete 50 hours of pro bono as a condition of admission.<sup>18</sup> New York provided a three-year period before implementing the rule; its effective date was January 1, 2015. The rule identified with some specificity what would qualify as pro bono service, to avoid the risk of unlicensed applicants engaging in the unauthorized practice of law. In response to New York's action, other states considered similar rules, as discussed in a comprehensive study prepared by the American Bar Association.<sup>19</sup> New Jersey proposed a mandatory pro bono pre-admission rule and produced a comprehensive report that identified dissenting and minority views;<sup>20</sup> the New Jersey State Bar passed a resolution opposing the rule. A 2013 report from Connecticut evaluates some of the criticisms of the New York rule as well as some of its possibilities to make a meaningful impact on the justice gap.<sup>21</sup> California also passed a similar rule for mandatory pro bono through legislation; the governor then vetoed the mandate.<sup>22</sup>

So far, no additional states have required pro bono service as a condition of admission. However, some state law schools, such as Idaho, do require 50 hours of public service as a condition of graduation.<sup>23</sup> In 2014, the Montana Supreme Court authorized for bar applicants a voluntary survey of pro bono activities; the same form is provided with annual license renewal.<sup>24</sup> In the absence of a guiding trend, the Pipelines Working Group did not pursue this topic further but provides these resources for future research if the Wyoming Judicial Council, Access to Justice Commission, Wyoming State Bar, or the University of Wyoming College of Law would like to consider this type of program in the future.

**Sustainability:** No additional action is anticipated at this time.

### 4. Potential Projects

The Pipelines Group discussed the prospect of a statewide pro bono engagement initiative and an Access to Justice Commission fellowship. Both projects are in early stages of conceptualization, and no action has been taken on either.

#### Statewide Pro Bono Engagement Initiative

It is hoped that through partnerships with other stakeholders this concept could be developed into an annual event or schedule of events. Attorneys and firms around the state could host law nights, offer presentations to the public on common legal needs such as estate planning and guardianship, and provide CLEs on family law to support practitioners who are interested in moving beyond their practice areas to engage in pro bono service. CLEs and engagement with the Young Lawyers Section could also be appropriate, as could programs at the law school and engagement with its Equal Justice Club. Individual stakeholders, including Equal Justice Wyoming, local bar associations, legal services providers, and the Wyoming State Bar, already provide many events such as these. Additional partnerships and collaboration in scheduling, branding, and marketing would help foster a statewide commitment to involvement in access to justice. This initiative could warrant collaboration with other pro bono promotion efforts, referred to in the Pro Bono Working Group's report.

#### Access to Justice Commission Fellowship

Fellowships are a part of the access-to-justice ecosystem in many states. They bring prestige to pro bono work, build skills for young lawyers, and build lifelong commitments to access to justice, whether through public interest careers or championing justice efforts through monetary donations.<sup>25</sup> Wyoming has not yet adopted the trend to build fellowships. It is hoped that a two-

year fellowship for new or mid-career attorneys could be established and private funding for it identified through the bar membership, private donors, or corporate donors.<sup>26</sup> A fellowship could be used, as in some states, to provide an intern at a legal services organization.<sup>27</sup> In the absence of a fellowship within Wyoming, the Working Group shared with University of Wyoming College of Law faculty a list of resources<sup>28</sup> for other fellowship opportunities available to UW students and graduates. It is hoped this information will circulate to the new Career Services Director to make students aware of various fellowship opportunities.

**Sustainability:** No additional action is anticipated for these potential projects at this time. It is hoped that the inclusion of these topics in this report will assist the Access to Justice Commission, Wyoming Judicial Branch, and any stakeholders using this report in considering new initiatives for development in the future.

## Recommendation

The members of the Pipelines Working Group respectfully recommend that this Group be permitted to continue for another year with directions to focus efforts on preparing for and then launching the Stewards of Justice Honor Roll program.

## Conclusion

The Pipelines Working Group is proud to report on these projects and the potential for growing commitment to access to justice. The Group is optimistic that the projects discussed above, whether pursued now or in the future, can help increase enthusiasm for taking on this challenging but essential work. If the Access to Justice Commission and the Judicial Council authorize the Group to continue for a second year, a successful rollout of the Honor Roll is anticipated.

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<sup>18</sup> Rules of the Ct. of Appeals for the Admission of Attorneys and Counselors at Law § 520.16, available at <https://www.nycourts.gov/ctapps/520rules10.htm#B16> and <https://ww2.nycourts.gov/attorneys/probono/baradmissionreqs.shtml>

<sup>19</sup> Am. Bar Assoc., *Bar Pre-Admission Pro Bono*, available at [https://www.americanbar.org/groups/probono\\_public\\_service/policy/bar\\_pre\\_admission\\_pro\\_bono/](https://www.americanbar.org/groups/probono_public_service/policy/bar_pre_admission_pro_bono/)

<sup>20</sup> New Jersey Courts, *Report of the Working Group on the Proposed Preadmission Pro Bono Requirement*, (April 30, 2013), available at <https://ncforaj.wordpress.com/wp-content/uploads/2013/05/nj-report-on-50-hr-rule.pdf>.

<sup>21</sup> Conn. Access to Justice Comm'n, *Report to the Conn. Judicial Branch at 15–16*, available at <https://ncforaj.wordpress.com/wp-content/uploads/2013/03/report-2-15-13-to-the-access-to-justice-commission-2-15-13.pdf>.

<sup>22</sup> D. Weiss, *California governor cites high law school costs in vetoing mandatory pro bono bill*, ABA Journal (Aug. 31, 2016), [https://www.abajournal.com/news/article/california\\_governor\\_cites\\_high\\_law\\_school\\_costs\\_in\\_vetoing\\_mandatory\\_pro\\_bo](https://www.abajournal.com/news/article/california_governor_cites_high_law_school_costs_in_vetoing_mandatory_pro_bo).

<sup>23</sup> Univ. of Idaho, Coll. of Law, *Pro Bono Program*, <https://www.uidaho.edu/law/academics/experiential-learning/pro-bono>.

<sup>24</sup> Mont. Supreme Court, *Voluntary Law-Related Pro Bono Activity Statement* (Oct. 3, 2014), available at <https://juddocumentservice.mt.gov/getDocByCTrackId?DocId=95217>.

<sup>25</sup> Legal Services Corporation, *Report of the Pro Bono Task Force, Recommendation 4* (Oct. 2012), available at <https://www.lsc.gov/sites/default/files/attach/2015/09/Report-ProBonoTaskForce-2012.pdf>.

<sup>26</sup> Sampling of ATJ fellowship programs in other states: Nevada: <https://bsl.app.box.com/v/ATJ-Fellowship-Information/>. Ohio: <https://www.nlada.org/node/51581>. Texas: <https://www.teajf.org/grants/fellowships.aspx>.

<sup>27</sup> Cleveland State University, <https://www.law.csuohio.edu/career/designyourcareer/publicservicefellowships>; University of Pennsylvania, <https://www.law.upenn.edu/live/news/14959-increasing-access-to-justice>; University of Utah, Lionel Frankel Public Interest Summer Fellowship, <https://www.law.utah.edu/fellowships-and-scholarships/lionel-frankel-public-interest-summer-fellowship/>.

<sup>28</sup> University of Utah College of Law list of Public Interest Fellowships: <https://www.law.utah.edu/cdo/public-interest-fellowships/>



## **Pipelines Working Group Members**

Chair, Leora Hoshall, EJW Program Analyst, Equal Justice Wyoming  
 Hon. Timothy C. Day, ATJ 2.0 Co-Chair, Ninth Judicial District Court (ret.)  
 Kayla Albertson, Welborn Sullivan Meck & Tooley P.C.; Young Lawyer's Section, Wyo. State Bar  
 Molly Dearing, Staff Attorney, District Court, Ninth Judicial District  
 Angie Dorsch, Executive Director, Equal Justice Wyoming  
 Maryt Fredrickson, Co-Chair, ATJ 2.0, Staff Attorney, Wyoming Judicial Branch  
 Dona Playton, Director, Family and Child Legal Advocacy Clinic, UW College of Law  
 Tawnya Plumb, Director, Hopper Law Library, UW College of Law  
 Kim Robèrt, Lawyer Referral Service Coordinator, Wyoming State Bar  
 Elisa Butler, State Court Administrator (as available)

## **Family Law Solutions Working Group**

### **Introduction and Overview**

The Family Law Solutions Working Group launched at the direction of the WJC in December 2023, in response to the *Family Law: The Beginning of Change* topic presented in the ATJ 2.0 2023–2024 Report. Its work aligns with the Wyoming Judicial Branch Strategic Plan, Priority 1 (Access to Justice) commitment to explore alternative approaches to resolve family law cases. It also responds to the Wyoming Civil Legal Needs Assessment from 2020 which reflected family law as the largest area of unmet civil legal need. The directive for 2024 was to gather a multi-stakeholder working group with family law expertise to consider, in short, (1) a menu of options to advance viable improvements in family law and (2) evaluate court-connected mediation, including mediation that may apply outside of family law in other high-volume case types.

The working group assembled broad expertise from the district court bench, the family law bar, the Family Law Section of the Wyoming State Bar, and members of the Wyoming Trial Lawyers Association. It considered the following discrete topics: (1) caption changes; (2) fast track dockets; (3) temporary orders and case management; (4) specialty courts; (5) semantics; (6) the use of special masters and commissioners; (7) post-decree matters; and (8) mediation including court-connected mediation, the need for facilitative mediation, and mediation training. The outcome of these discussions is presented in a menu format, arranged from appetizer (easiest), to first course (intermediate amount of effort and resources), to entrée (more complex, resource intensive).

**Summary of Recommendations.** The Working Group recommends three things. Two are changes to reduce the adversarial conflict in family law matters at the outset, modeled after similar changes adopted in other states. The first is a change to family law case captions—changing captions from *A versus B* to *In re Marriage of*, *In re Custody of*, etc. A related change is to incorporate discrete, non-adversarial language in court forms, such as standardizing the use of terms like “parenting plans,” “parenting time,” and other terms. Adopting such language through court forms creates a “trickle down” impact on litigants, attorneys, court staff, and courts but preserves district court discretion to use that court’s preferred language in orders and decrees. The second recommendation is to develop a plain language Frequently Asked Questions guide specific to post-decree matters, with a justice partner, that can then be provided directly by courts in Notices to Self-Represented Party, other materials courts may provide to self-represented litigants, or by district court clerks as a handout.

The third recommendation is about mediation. The Working Group recommends the launch (actually, a relaunch) of a non-family law pilot mediation program. Mediation programs, also referred to as civil diversion programs, are another area in the national access-to-justice spotlight in the last several years. Because family law mediation generally requires an additional layer of training and invite unique layers of conflict, piloting a mediation program outside of family law can test the feasibility of partnering with the University of Wyoming's facilitative mediation training program, the use of non-lawyer mediators, and other best practices identified by the Working Group. The Teton County Circuit Court previously used volunteer mediators, trained in facilitative mediation through the University of Wyoming Agricultural Extension Office, in a court-connected program for small claims. That court is amenable to developing and relaunching a program in partnership with a working group for both small claims and eviction actions. This recommendation responds to the Working Group's consensus that facilitative mediation is preferred and training and court-connection to mediation programs improve the use of mediation services.

Other larger topics that may be appropriate for future work are identified with references and resources. Certain aspects of the Working Group's work and recommendations were preliminarily vetted by a clerk of district court clerk and additional members of the district court bench.

### **Fundamental Principles & Data from Wyoming Courts**

Fundamental Principles. The Working Group's discussions reflected some consistent principles:

- Family law proceedings are unnecessarily adversarial within the design of general civil litigation. Those design features can be amended for family law matters.
- Wyoming can look to rule amendments and other solutions implemented in other states.
- Many family law proceedings are uncontested and can be resolved with limited judicial resources, thereby preserving judicial resources for unusually difficult cases.
- Except for a past mediation training and program provided by Equal Justice Wyoming, there has been no consistent mediation training resource or mediation requirements in Wyoming.
- Not all mediation styles are the same. Facilitative mediation is the preferred mediation style of family law disputes.

Data Points. The Working Group requested certain research from the Wyoming Judicial Branch's data team which generated the following preliminary data.<sup>29</sup>

- Statewide in a one-year period, from July 1, 2023 to June 30, 2024, there were 4,268 domestic relations cases filed in Wyoming.
- Roughly half of all family law cases filed in the same year, in a large, medium, and small court, had at least one self-represented party.
- Judges in the Working Group noted that self-represented cases are often resolved faster than family law cases with counsel, likely thanks to the hard work of existing access to justice services such as Volunteer Reference Attorneys, forms clinics, help lines, Free Legal Answers, other forms of brief advice, and limited scope services. Cases with counsel are where the disputed, adverse, and more time-consuming cases exist.

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<sup>29</sup> Not all data is yet available statewide as courts and clerks of district court offices work towards standardized data entry, and not all courts have had the current case management system for the entire data collection period. The data gathered relied on representative samples from a large court, medium court, and small court that used standardized data entry and had Full Court Enterprise for the entire year.

- Initial court data supports that anecdotal conclusion in medium and large courts: In a one-year period, the average times to resolve family law cases where parties were self-represented were:
  - 109 days, compared to 120 days in cases with counsel in a large court
  - 87 days compared to 117 days in a medium-sized court.
  - In the small court, the average days to resolve a case for self-represented parties were 86, compared to 56 days for cases with counsel. While that ratio is different than that of the other two courts, the overall time for case resolution was shorter for both self-represented and represented cases than resolution time in larger courts.

This initial data may reflect: (1) cases with limited assets and conflict points using court forms can be resolved quickly, leaving complex cases for additional court attention, and (2) Wyoming’s access to justice services—self-represented litigant forms, brief advice, Volunteer Reference Attorneys, Wyoming Free Legal Answers, and other resources<sup>30</sup>—are working.

## 1. Caption & Language Changes

The civil justice system is designed around an adversarial process, but family law is a special category of civil matter. Not all parties need the adversarial process but instead need direction to problem solving and collaboration, with the goal of some enforceable outcome to guide their families. Aspects of the civil justice system increase adversarial conflict in family law and detract from problem solving and collaboration. While adversarial litigation will likely always continue in some cases, many cases can be directed towards problem solving through the language used, the procedures used, and case management. The Working Group evaluated other states’ trends in case captions and language used in court orders and court forms as a vehicle to reduce animosity and contentiousness in family law matters.

Case Captions. Changing the caption in family law matters is a simple first step, aligning with numerous other states. The typical *Plaintiff v. Defendant* format unnecessarily creates an adversarial process at the outset, suggesting a party “wins” in a family law case, rather than reflecting the fundamental principles in family law which is to create solutions for a family.

Several states, including Wyoming’s immediate neighbors, Colorado and Utah, changed their captions in family law litigation to remove the adversarial *A versus B* dynamic at the outset of the proceedings.<sup>31</sup> The captions in Utah are now “In the matter of the marriage of Party A and Party B,” “In the matter of parentage of children of Party A and Party B,” “In the matter of the children of Party A and Party B.”<sup>32</sup> Colorado uses similar captions: “In re the Marriage of” and “In re Parental responsibilities concerning.” A sample caption form used in Utah appears below:

<sup>30</sup> Court Navigators are not identified here because the program launched in April 2024, is not yet statewide, and data from that program is not yet available.

<sup>31</sup> Wisconsin and California also use *In re Marriage of* case captions, with parties identified as Petitioner and Respondent.

<sup>32</sup> Utah R. Civ. P. 10(a)(5):

- (5) Domestic relations actions, as defined in Rule 26.1, must be captioned as follows:
  - (i) In petitions for divorce, annulment, separate maintenance, and temporary separation: “In the matter of the marriage of [Party A and Party B].”
  - (ii) In petitions to establish parentage: “In the matter of the parentage of children of [Party A and Party B].”



IN THE THIRD JUDICIAL DISTRICT COURT  
FOR SALT LAKE COUNTY, STATE OF UTAH

<p>In the Matter of the Marriage of:</p> <p>[NAME],</p> <p style="text-align: right;">Petitioner</p> <p style="text-align: center;">and</p> <p>[NAME2],</p> <p style="text-align: right;">Respondent</p>	<p>Civil No.</p> <p>Judge:</p> <p>The Honorable Commissioner:</p>
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Colorado and Utah achieved this caption change by rule. In Utah this is done through Rule 10, which governs case captions. In Colorado, it occurs through Rule 16.2, a comprehensive set of case management revisions for family law cases, expressly premised on the need to reduce the negative impact of family litigation.<sup>33</sup>

Adopting a caption change is a simple first step for Wyoming, with ample precedent from surrounding states. Moreover, the process of developing a caption change provides a meaningful vehicle to engage with the district court conference about future possibilities to reduce the adversarial nature of family law such as future efforts to revise Rule 16 (case management) or Rule 26.1 (discovery) for family law litigation.

Language Changes. A second step to reduce adversarial aspects in family law is to use non-adversarial language, again modeled after other states' practices. For example, in Colorado, a party does not get "visitation." A custody order merely assigns "parenting time." Arizona and New Mexico likewise do not request draft "visitation schedules" but instead request "parenting plans." There is no "award" of visitation or assets, but rather an allocation of parenting time and an allocation of property. Legal terms like joint custody, sole custody, residential custody, and shared custody are consistently misunderstood by families and get used in unnecessarily adversarial ways between hostile parties.

In Wyoming, some terms are codified by statute, such as "visitation." But using collaborative terms where possible, or in conjunction with the existing terms, can serve to encourage people towards collaboration and problem solving. For example, a decree may include a "visitation order" but then describe that order in terms of the parties' parenting plan, allocating parenting time, etc.

(iii) In petitions to otherwise establish custody, parent-time, or child support: "In the matter of the children of [Party A and Party B]."

(iv) If a domestic relations action includes additional interested parties, such as the Office of Recovery Services, they must be listed in the case caption after the text described above.

<sup>33</sup> Colo. R. Civ. P. 16.2 ("Family members stand in a special relationship to one another and to the court system. It is the purpose of Rule 16.2 to provide a uniform procedure for resolution of all issues in domestic relations cases that reduces the negative impact of adversarial litigation wherever possible.").

This effort does not require a rule change or statutory change, but instead can begin with language used in court forms. The Working Group recognizes that family law court forms were recently updated and circulated for final comments. This new effort would entail a set of form revisions for a new version at a later date, once the district court conference reached consensus on appropriate language. A change in court form language has a “trickle down” impact, by influencing the language attorneys, court staff, and courts use. However, it entirely preserves district court discretion to use each court’s preferred language in court orders and decrees.

**Recommendation and Proposed Action Plan:** The Working Group recommends the caption change used in Colorado and Utah be made in Wyoming, by rule amendment to W.R.C.P. 10. It also recommends the development of non-adversarial terminology to use in court filings and orders, to be incorporated into court forms, which then has a trickle-through effect on litigants and attorneys but preserves district court discretion. At the initiative of district court judges in the Working Group, these recommendations are circulating in the district court conference for initial feedback and to initiate further discussion. Some feedback may be available before the WJC meets to discuss this Report in December 2024.

If the Access to Justice Commission and the Wyoming Judicial Council endorse this effort, the Working Group suggests the following action plan: (1) the Working Group will draft a proposed rule change for case captions, and will include clerks of district court in that working group due to their insights on unforeseen hiccups in implementation;<sup>34</sup>(2) draft initial examples of non-adversarial language shifts; (3) work with the District Court Conference chair and district court judges on the Working Group to present the same at a district court conference meeting in 2025; (4) revise the proposals in response to the conference feedback; and (5) relay the proposed caption change to the Permanent Civil Rules Committee for review, through public comment, and eventually to the Wyoming Supreme Court for approval, and relay the other language changes to the Permanent Forms Committee.

Outreach concurrent with the rule change may also be appropriate with the practicing bar through partnerships with the Family Law Section of the Wyoming State Bar and Wyoming Trial Lawyers Association.

## 2. Post-Decree FAQ Resource

Family law litigants, whether self-represented or who come to counsel for assistance, frequently misunderstand post-decree obligations and options, such as: how to modify child custody or support, when to seek to modify after a parent gets a different job or a child ages out of child support, what to do when a parent moves, what to do if there was a mistake in the decree, what to do with assets or matters they left out of a stipulated decree, and other matters. The lack of understanding leads to parties engaging in self-help or delayed help, which then compounds disputes with contempt, arrears, and, when children are involved, impaired parent-child relationships.

**Recommendation and Proposed Action Plan:** The Working Group recommends a plain language Frequently Asked Questions (FAQ) guide be developed to address post-decree matters. This could be done with an ad hoc group in collaboration with a justice partner. Wyoming’s access to justice ecosystem has several existing partners for legal information through Equal Justice Wyoming, Legal Aid of Wyoming, the Wyoming Free Legal Answers platform, and other legal services providers. Wherever this FAQ is housed, the Working Group recommends (1) district courts be

<sup>34</sup> One district court clerk has already offered preliminary comments and points to consider.

made aware of the resource to include in any Notice to Self-Represented Litigant, which some courts use, and (2) be provided to clerks of court to provide as a link or handout at their offices. When such resources are provided by courts, litigants have greater trust that they are being referred to a reliable resource.

### 3. Fast-Track Dockets & Triage

Various courts around the country have launched fast-track or triage systems for family law matters and case types. The National Center for State Courts offers resources on how to use these systems as early as possible in family matters, endorsed by the Conference of Chief Justices and the Conference of State Court Administrators.<sup>35</sup> In short, triage systems use a pathway assignment system at the start of a case to achieve right-sized case management, including (1) uncontested cases that can be resolved with little judicial involvement (streamlined); (2) case types requiring little court attention and capable of expedited proceedings (general); and (3) complex and adversarial cases types requiring typical case management and use of judicial resources (complex).<sup>36</sup>

Alaska has a particularly successful model, resolving uncontested matters in 60 days, reserving judicial resources for the higher-conflict cases. California has an expedited proceeding for uncontested, no-children divorces. Tennessee's procedural rules allow for two choices: expedited divorce, used where nothing is contested, and contested divorce. In that state, expedited proceedings are resolved in 60 days for matters with no children, and in 90 days for matters with children. Utah requires parties to meet with a court commissioner for an initial proceeding. The commissioner then enters a scheduling order that is Tier 1 (simple with little judicial help needed), (2) Tier 2 (requiring some judicial involvement), and Tier 3 (complex). Some courts in Oregon have adopted an informal domestic relations trial process to improve access to family court for parties.<sup>37</sup>

A triage system early in a case, with a corresponding scheduling order and deadlines of what to provide and by what date, provides self-represented litigants and those represented by counsel with clear parameters for how to proceed early in a case. More than half of all family law cases, according to preliminary data, involve at least one self-represented litigant and could benefit from such an advance tool. This type of pathway-based case management tool can allow parties to seek exceptions, or opt-out, of expedited scheduling orders when needed.

Existing Fast-Tracks via Scheduling Orders. Two district courts in western Wyoming have used a triage system, implemented through initial scheduling orders. The first effort, launched in Teton County by Judge Day (now retired) sought to resolve certain uncontested cases within 60 days. This timeframe encountered some resistance as too swift. Parties in a family law case have a period of shock, distress, and grief which takes some time to work through before coming to the table in a meaningful way to work on solutions. The 60-day period did not allow for that human, emotional component and the initial stages of grief.

<sup>35</sup> E.g., NCSC, *The Progression of Family Justice Pathways*, [https://www.ncsc.org/\\_data/assets/pdf\\_file/0023/91823/The-Progression-of-Family-Justice-Pathways-Triage-1.0.pdf](https://www.ncsc.org/_data/assets/pdf_file/0023/91823/The-Progression-of-Family-Justice-Pathways-Triage-1.0.pdf).

<sup>36</sup> Pathway Approach to Civil Case Management, [https://www.ncsc.org/\\_data/assets/pdf\\_file/0016/25711/automated-civil-triage.pdf](https://www.ncsc.org/_data/assets/pdf_file/0016/25711/automated-civil-triage.pdf); see Family Justice Pathways <https://www.ncsc.org/consulting-and-research/areas-of-expertise/children-families-and-elders/familyjusticereforminitiative/case-management/triage>.

<sup>37</sup> <https://www.courts.oregon.gov/programs/family/forms/Pages/Informal-Domestic-Relations-Trial.aspx>

Since 2023, Sublette County uses a similar system that was modified in response to practitioner feedback about Teton County's system. It extended the expedited resolution period to four months. The initial scheduling order defaults to an expedited proceeding and allows parties to opt out depending on case complexity, issues, and whether issues are contested, by requesting a different scheduling order. This system can be shared with other district courts for further discussion and expansion to those courts interested in pursuing such as system. It can also be described in judicial education for new judges as one of the many available tools available.

Prior Effort by Rule. In 2014, a fast-track option was offered in some counties in Wyoming through the adoption of Temporary Rules for Expedited Marriage Dissolution Cases. It was an opt-in program. That effort received no use by practitioners. The consensus of the Working Group was that the lack of use of the expedited process was partly because it was an opt-in system. Parties represented by counsel at times wanted to opt in, but when the opposing parties were self-represented, they were reluctant to opt in, generally due to a misunderstanding and uncertainty about the expedited procedures. Self-represented parties were not exposed to the process and the possibility of opting in. The mandatory process used in western Wyoming inverts those barriers, by allowing an opt-out option and by exposing all parties to the case management procedures and timelines at the outset, regardless of representation.

**Recommendation:** There is no recommendation at this time. The case management tools used in western Wyoming can be presented or shared with the district court conference by contacting the judge(s) using the process.

#### **4. Temporary Orders and Case Management**

Temporary Orders. Case management practices around the state understandably vary from court to court and judge to judge. When a family law matter is filed, some courts enter an automatic temporary restraining order to prevent the disposition of assets. Those courts allow an option for a party to move for relief from that order. Some courts require a motion, response, and reply before entering a temporary restraining order, by which time assets may have been moved or disposed. In custody matters, some courts have a process for temporary custody orders and temporary support. Some courts do not, which (1) leaves children, via the custodial parent, without support until a final order is entered, sometimes up to a year later, and (2) leaves families without a parenting time schedule, holiday allocation, and decision-making authority for an extended period until a final order is entered.

The impact of delayed temporary orders tends to exacerbate the animosity and emotional turmoil that naturally exists at the start of a family law matter, which serves to drive parties further apart as the matter proceeds and diminishes their willingness to work together for a final resolution. Delays also impact children through lack of parenting time with both parents and the lack of child support.

Some states require temporary orders as a matter of course at the outset of domestic relations cases, and there are different models to achieve this. For example, California requires an appearance at "family reconciliation court" within 30 days, with a mediator/facilitator in the courthouse (a specially trained counselor or social worker) where the parties request temporary orders based on

the outcome of that meeting. Utah and Montana use court commissioners (Utah) or special masters (Montana)<sup>38</sup> to issue temporary orders.

Case Management. Discovery in family law matters remains time consuming, inefficient, and costly when discovery is opposed. Some states reduce the conflict in discovery by various means. For example, some courts require a meet-and-confer by the parties and that the parties propose a scheduling order. The tangible impact of that practice is that the parties begin speaking early in a case and moves parties farther along towards settlement discussions. Some states require certain disclosures automatically, without waiting for discovery requests, such as lists of accounts, assets, and debts, proposed parenting time schedules, and calculations of child support. The use of family reconciliation court, commissioners, and special masters identified above are used to streamline the necessary discovery and focus the parties' efforts on contested matters.

Other. The Working Group also noted there could be a valuable impact to standardizing the use of parenting courses and requiring a certification that the role of the GAL was discussed with the parties. The role of the GAL is frequently misunderstood, adding additional conflict.

**Recommendation:** The Working Group does not recommend any action at this time. This is a mid-level topic for future consideration, perhaps resulting in changes to Rule 16, for case management in family law cases (as done in Colorado), or Rule 26.1, for family law discovery.

## 5. Specialty Courts

The Wyoming Judicial Council already considered whether a specialty family law court should be created and answered that question in the negative. The Working Group concurs, after briefly evaluating this topic in response to some interest over the years from segments of the family law bar. The Working Group considering the methods other states use to develop specialty courts, which do not necessarily require the creation of a separate court and additional judges.

Some specialty courts around the country are not entirely separate courts but are instead created by rule and designate certain judges as the specialty judges for particular case types. For example, Utah designates three district court judges as the water law judges and for other types of specialty court. Some other judicial branches use a rotation of judges within the same district for certain case types to manage workloads, e.g., in a district of four judges, each judge may take all of a certain case type for one month at a time, for a total of three months per year. All cases of that type remain with that judge for the duration of the case. On balance, the cases are evenly distributed but the workload is largely isolated to particular periods, leaving some months of the year with a near-empty docket of that case type.

The Working Group agrees that even under the other formats, a specialty court is not viable in Wyoming. A traditional specialty court would face the hurdle of attracting judicial candidates, which is already a challenge in many districts when filling existing district court seats. The cost of a traditional family law court is another significant barrier. Some district court judges have a preference for family law cases and enjoy the different level of problem solving and human impact those cases entail. And a rotation system would not likely relieve any court but merely shift the

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<sup>38</sup> Mont. Code Ann. § 3-5-113; Mont. R. Civ. P. 53. See also Missoula County, Judges, <https://www.missoulacounty.us/government/civil-criminal-justice/district-court/judges> (describing the roles of two “Standing Masters” in Missoula County).

time in which certain work is done, creating unintended consequences in high-volume months for other case types.

**Recommendation:** The Working Group does not recommend any action and provides this report to preserve this discussion as a future reference.

## 6. Special Masters & Commissioners

The role of Special Masters and Commissioners in two neighboring states was identified earlier in this report (Temporary Orders & Case Management). According to a recent presentation by the American College of Matrimonial lawyers, special masters can be used for temporary orders (child support, restraining orders, and temporary support) and scheduling and discovery matters, including serving as the judicial officers that counsel can call during a deposition. The system is similar to that of federal magistrate judges. Wyoming has used a commissioner system in the past in Laramie County. Then-circuit court judge Thomas Campbell served as the commissioner for the district courts. These matters were substantive and used offers of proof.

Some district courts currently use circuit courts as special masters and commissioners, usually for child support matters. One county (Fremont) previously used district court commissioners for child support, paid for by the county commissioners through the existing district court commissioner statutes. That practice expired when Child Support Services increased its child support case work. The rules of civil procedure allow for district courts to use circuit courts in family law matters if both parties agree. Further exploration of this topic would require stakeholders from both the circuit and district judicial conferences if circuit courts could be used for this purpose.

**Recommendation:** The Working Group does not recommend any action at this time.

## 7. Mediation: Court Connected and Facilitative

The ATJ 2.0 2022-2023 Report directed a look at (1) mediation in family law and (2) as a potential tool in other, non-family case types. For both, the Working Group recommends future consideration of court-connected mediation and a preference towards facilitative mediation. The relaunch of a prior mediation program in non-family case types, which is presented first in this section, can be used as a pilot to test the model for family law mediation efforts and the other principles identified by the Working Group in this report. “Court connected” means some endorsement or connection to the trial courts as a reliable and legitimate program. This is often achieved by including that program in court processes, orders, or available services (such as on-site mediators). Other terms are “court adjunct” and “civil diversion.” Such programs do not need to be housed within a judicial branch and there are examples of such programs around the country.

Mediation is an area with significant nationwide attention and resources to draw from. In 2024, the American Bar Association’s House of Delegates unanimously approved Resolution 500. It urges lawyers and all stakeholders to increase the informed and voluntary use of Early Dispute Resolution (EDR), to emphasize the benefits non-adjudicative dispute resolution processes afford while also preserving the right to a jury trial. EDR is a form of alternative dispute resolution (ADR) that occurs early in a case. Studies show that civil litigants using ADR have greater satisfaction with the process



and outcome than from litigation, allows faster resolution, is cost effective, preserves relationships between parties, and allows for greater self-determination.<sup>39</sup>

Courts seeking to use mediation in high-volume case areas tend to offer some court-connection to a mediation service, which boosts confidence in the available service and makes it easier for self-represented litigants (which are the primary litigant type in high-volume case areas) to find the available resources. One way to have court-connected mediation is to partner with an entity that brings volunteer mediators to the courthouse for on-site mediations on days when certain case types are heard.<sup>40</sup> Another way is to maintain a roster of mediators who meet certain approved training or competency criteria. There are other examples as well.

Facilitative mediation is the most common mediation style in such programs because it allows for more self-determination and options for problem solving. Training and the adoption of uniform standards are also common characteristics in court-connected mediation.

### **a. Mediation in High-Need, Non-Family Law Matters**

Other states have developed mediation programs for high-volume, self-represented litigant case types, such as debt collection, small claims, and eviction. The National Center for State Courts developed best practices guides and other resources for states considering such programs.<sup>41</sup> While Wyoming's access to justice efforts often focus on family law, as the highest area of unmet civil legal need according to the 2020 Needs Assessment, debt collection and landlord-tenant were other high priority areas.

In Wyoming, a mediation program in non-family high-needs areas could be well suited for a pilot project. Teton County's Circuit Court previously had a mediation program for small claims matters.<sup>42</sup> The mediators were all volunteers but were required to complete a facilitative mediation training offered through the University of Wyoming Ag Extension office. Two to four mediators would arrive on small claims court day. The presiding judge would start small claims court and direct all parties to meet with the mediators for a short period. If they were unable to resolve the matter with the mediator, the parties could inform the court and the judge would hear the matter. The program was successful (two-thirds resolved by mediation), leaving few matters for trial. The court did not run the program. It merely partnered with a community organization who recruited volunteers, supervised the training through the University program, and ensured volunteers arrived on the designated days. The court's role was to recognize the program and encourage court users to use the free mediation service.

A subgroup of the Working Group initiated preliminary discussions with the presiding Circuit Court Judge, Hon. Erin Weisman, and the Clerk of Circuit Court in Teton County, David Baker. That

<sup>39</sup> See Am. Bar Ass'n, *ABA Unanimously Adopts Policy Encouraging Early Dispute Resolution* (May 29, 2024), [https://www.americanbar.org/groups/dispute\\_resolution/resources/just-resolutions/2024-may/aba-unanimously-adopts-policy-encouraging-early-dispute-resolution/](https://www.americanbar.org/groups/dispute_resolution/resources/just-resolutions/2024-may/aba-unanimously-adopts-policy-encouraging-early-dispute-resolution/).

<sup>40</sup> *Guidelines for Court-Connected Programs* (1997), available at <https://ncsc.contentdm.oclc.org/digital/api/collection/adr/id/3/download>. See also Institute for Court Mgmt., *Civil Litigation Resolved Through Mediation* (May 2013), available at [https://www.ncsc.org/\\_data/assets/pdf\\_file/0022/17158/civil-litigation-mediation.pdf](https://www.ncsc.org/_data/assets/pdf_file/0022/17158/civil-litigation-mediation.pdf).

<sup>41</sup> E.g., NCSC, *CCJ/COSCA Guiding Principles for Civil Diversion Programs*, available at [https://www.ncsc.org/\\_data/assets/pdf\\_file/0017/103355/CCJ-COSCA-Civil-Diversion-Guiding-Principles.pdf](https://www.ncsc.org/_data/assets/pdf_file/0017/103355/CCJ-COSCA-Civil-Diversion-Guiding-Principles.pdf); NCSC, *Eviction Diversion Initiative* (2024), available at <https://cdm16501.contentdm.oclc.org/digital/collection/ctcomm/id/321>; T. Hedeén, *Coercion & Self-Determination in Court-Connected Mediation: All Mediations Are Voluntary, But Some Are More Voluntary than Others*, 26/3 Justice System Journal (NCSC 2005).

<sup>42</sup> The presiding judge was Hon. Timothy C. Day.

court is amenable to restarting that program and suggested it also include eviction, aka forcible entry and detainer (FED) actions. Another advantage to piloting a mediation program in Teton County is that it can troubleshoot multiple language translation needs in such a program, due to a volume of court users with limited-English proficiency. This pilot program would be developed in partnership with that court and its presiding judge.

**Recommendation:** If the Access to Justice Commission and Wyoming Judicial Council would like to pursue a pilot program for mediation, ATJ 2.0 can collaborate with the Teton County Circuit Court to develop the program, including metrics for reporting success rates.

## **b. Mediation in Family Law Cases**

Court-Ordered Mediation. Laramie County requires mediation in family law cases. This was achieved through the vision and efforts of the district court judges. This effort and leadership by those judges advance a trend seen in other state courts (several of which are identified previously in this report) which require, by rule or statute, at least one mediation in family law cases. This court-directed effort to push people towards mediation is commendable and useful.

After several years of the program, user feedback reflects areas that could use some enhancement to maximize the utility of court-ordered mediation. The theme from that feedback is (1) that there is no court-connected mediation program to assist and (2) there is no requirement for mediation training, namely the use of facilitative mediation, by the mediators.<sup>43</sup>

- Some litigants, particularly unrepresented litigants, report that they feel pushed to resolution by mediators, do not understand what options are available to resolve their matter, and issues important to them are excluded or unheard.
- The typical style of mediation is positional mediation, not facilitative. For example, in matters with counsel, attorneys often approach mediation with adversarial approach, using pretrial memos as mediation statements, overlooking what the litigant hopes to achieve, and looking more for a positional determination by the mediator of who “wins.”
- The cost of mediation remains an issue. For parties who cannot afford counsel and who may qualify for a fee waiver, they are unable to waive the fee to a third-party mediator. There is an opt-out option from court-ordered mediation if a motion is filed, but this is an additional and largely unknown procedure for self-represented litigants as they navigate their way to a court order.
- Self-represented litigants are not guided towards mediators or educated on how it works, why it is useful, and how to shop for a mediator. The order for mediation does not direct the parties to any particular mediators but defers to the marketplace in that community. Litigants are left with an internet search to find a mediator and tasked to negotiate a price for mediation.
- Mediators have disparate styles, generally positional. There is no requirement for mediation training or any preference for facilitative mediation which is recognized as the preferred style in other states and which the National Judicial College uses for its mediation training.

EJW Grant Funded Program. EJW previously had a program in Laramie County, funded by a now-expired grant. EJW contracted with a mediation trainer from Colorado, for a 40-hour facilitative

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<sup>43</sup> The Model Standards of Practice for Family and Divorce Mediation, Standard II, requires a family mediator be qualified by education and training to undertake the mediation, including having education and training specific to the process of mediation <https://onlinelibrary.wiley.com/doi/epdf/10.1111/j.174-1617.2001.tb00598.x>.



mediation training. The trained mediators were available for free through EJW to self-represented litigants ordered to mediation. (The mediators were paid using grant funds.) However, without a court connection, or court endorsement of the program, the program was not well used. While EJW is court connected, as part of the Wyoming Judicial Branch, the free mediation program was not connected to the courts such that it was referred to by judges or court staff as a trusted or recommended resource. Self-represented litigants were distrustful of the mediation process when it was initiated by the opposing party and many of the attempts by one party to use the free service were thwarted when the other party refused to participate.

Other states using mandatory mediation offer a court-connected mediation program for litigants to utilize. The court connection boosts confidence that the mediation program is legitimate and unbiased. The Working Group discussed the value of such a program, such as having a roster of mediators or a mediation center and then courts order mediation to occur by a certain date, either using the services of the mediation center/roster of mediators or using a private mediator instead. Preserving the ability to use non-rostered or non-court-connected mediators preserves the market for other mediators and other mediation styles for those parties who want something different.

Law School Clinic Shift. The Family & Child Legal Advocacy Clinic at the University of Wyoming College of Law is exploring options for incorporating mediation as another service it offers. Professor Dona Playton is working with Lucy Pauley, the Mediation Coordinator, for the Wyoming Department of Agriculture,<sup>44</sup> to design a mediation training that incorporates a specific family mediation component. As that program pivots, it may provide valuable data points and best practices to consider.

Other State Approaches. Alaska courts offer a Parenting Plan Dispute Resolution and Early Resolution Program Mediation Agreement. The Early Resolution Program (ERP) is available for cases involving two self-represented litigants. A staff attorney reviews the matter to determine if it is appropriate for the program. Cases involving serious domestic violence, issues that require evidentiary findings, pending child abuse or neglect cases, or cases with a non-parent who is asserting a custodial claim are generally screened out.<sup>45</sup> The Early Resolution Program addresses many issues—self-representation in family law cases, triaging to determine the appropriate resolution approach, the importance of early intervention and the desire to use a simplified process and a problem-solving approach. An evaluation of ERP found it to be an effective and efficient way to resolve newly filed contested divorce and custody cases involving two self-represented parties. It resulted in much faster resolutions with 80% reaching agreement in a three-hour dispute resolution session without inducing parties to enter into unsustainable agreements.<sup>46</sup>

Utah likewise has a court-connected mediation program. It was created by statute. It required the development of a curriculum (a classroom training in facilitative mediation) and a small number of training hours under supervision. For family law cases, an additional training is also required. Once an attorney, or non-attorney, completes the training(s) and practice hours, they land on a special list

<sup>44</sup> <https://agriculture.wy.gov/mediation-program>. Lucy Pauley coordinates this program: [lucy.pauley@wyo.gov](mailto:lucy.pauley@wyo.gov). Another program called Mediation West in Scottsbluff, Nebraska offers trainings. <https://mediationwest.org/>.

<sup>45</sup> Jennifer Shack, Early Resolution Triage Program for Family Cases Increases Efficiency without Reducing Satisfaction (2020), <https://blog.aboutrsi.org/2020/program-evaluation/early-resolution-triage-program-for-family-cases-increases-efficiency-without-reducing-satisfaction/>. There is no fee for this service unless parents wish to mediate additional issues or require more time than allowed by program, and the services are available in person, by telephone, or by video/remote.

<sup>46</sup> Stacey Marz, Faster, Cheaper & As Satisfying an Evaluation of Alaska's Early Resolution Triage Program (2016), [faster-cheaper-as-satisfying-an-evaluation-of-alaskas-early-resolution-triage-program.pdf \(ncsc.org\)](https://www.ncsc.org/publications/faster-cheaper-as-satisfying-an-evaluation-of-alaskas-early-resolution-triage-program.pdf)

of court-approved mediators. Parties can pick from that list or can seek mediators in the legal marketplace. This system resulted in the creation of a non-profit entity, the Utah Dispute Resolution Center.<sup>47</sup> Litigants may use that center for free or may use the list of court-approved mediators (who are not free unless they work at the Center) or may seek private mediators elsewhere who did not do that training. This preserves the free market for mediation and parties' abilities to use different mediator styles as appropriate for the dynamics of a given case, but also provides a court-connected mediation system, for free or in the free market, for facilitative mediation.

#### Available Resources.

- Not all states require court-connected mediators to be attorneys, thereby broadening the number of available mediators. Using non-lawyer mediators may be useful in Wyoming which, in some counties has few attorneys or legal deserts leading to a small (or no) pool of attorney mediators. Most states with official court mediation rosters have minimum training and experience requirements.<sup>48</sup>
- Guidance materials regarding mediation training requirements, ethics, and standards is available through the American Bar Association.<sup>49</sup> The National Judicial College, Federal Judicial Center, and Association of Family & Conciliation Courts likewise offer resources.<sup>50</sup> Court-connected mediation programs, and private mediation rosters such as those through the American Arbitration Association, JAMS, and others, also require adherence to certain standards and a code of ethics.
- Other tools guiding mediation efforts in other states include adoption of the Uniform Mediation Act.<sup>51</sup> Twelve states adopted that Act including four that neighbor Wyoming: Idaho, South Dakota, Nebraska, and Utah. Among other things, that Act standardizes a mediation process and establishes a privilege of confidentiality for mediators and mediation participants.

**Recommendation:** The Working Group does not recommend any action in family law mediation at this time and provides this report as a foundation for future discussions.

<sup>47</sup> [www.utahdisputeresolution.org/family-mediation](http://www.utahdisputeresolution.org/family-mediation).

<sup>48</sup> Pepperdine University, *Court-Certified Mediator Qualification Requirements by State*, <https://onlinemasteroflegalstudies.com/career-guides/become-a-mediator/court-certified-mediation-requirements-by-state/>.

<sup>49</sup> Am. Bar Ass'n, *Course Material for What Judges and Court Staff Should Know About ADR* (Feb. 14, 2024), <https://www.americanbar.org/events-cle/ecd/ondemand/437410913/>; Am. Bar Ass'n, *FAMILY ADVOCATE* (Oct. 2023) (entire issue dedicated to family law mediation and ADR); *Behind the Curtain: Ethics for Mediators* (July 2, 2019), [https://www.americanbar.org/groups/professional\\_responsibility/publications/professional\\_lawyer/26/1/behind-curtain-ethics-mediators/](https://www.americanbar.org/groups/professional_responsibility/publications/professional_lawyer/26/1/behind-curtain-ethics-mediators/).

An ABA-AFCC Task Force is working on revising and updating the Model Standards of Practice for Family and Divorce mediation.

<sup>50</sup> Nat'l Judicial College, *Implementing and Evaluating a Court-Connected Alternative Dispute Resolution Program*, <https://www.judges.org/judicial-education/custom-courses/>; Fed. Judicial Coll., *Guide to Judicial Management of Cases in ADR* (2001), <https://www.fjc.gov/sites/default/files/2012/ADRGuide.pdf>; AFCC Access to Family Court Services Task Force, *A Guide for Family Mediators: Working with Self-Represented Litigants* (2017), <https://www.afccnet.org/Portals/0/PDF/Guide%20for%20Mediators.pdf?ver=IG-oMHISawHu3mIAj-cZBQ%3D%3D>.

<sup>51</sup> Uniform Law Commission, *Mediation*, <https://www.uniformlaws.org/committees/community-home?CommunityKey=45565a5f-0c57-4bba-bbab-fc7de9a59110>. The Uniform Law Commission makes available a legislative kit to accompany proposed bills.

## **Working Group Members**

Chair, Maryt Fredrickson, Co-Chair, ATJ 2.0, Staff Attorney, Wyoming Judicial Branch  
 Hon. Bobbi Overfield, Fifth Judicial District  
 Hon. Kate McKay, Ninth Judicial District  
 Hon. Melissa Owens, Ninth Judicial District  
 Hon. Robin S. Cooley, First Judicial District  
 Hon. Timothy C. Day, ATJ 2.0 Co-Chair, Ninth Judicial District Court (ret.)  
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 Rennie Phillips, Rennie Phillips Law, LLC  
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## **Pro Bono Working Group**

### **History and Objectives**

The Pro Bono Working Group assembled in 2022 as a collaboration with the Wyoming State Bar, Equal Justice Wyoming, and members of the practicing bar to evaluate how to further incentivize pro bono service in Wyoming. In December 2023, the Wyoming Judicial Council authorized the group to continue its work for another year. The Working Group’s foundation principles, identified in the ATJ 2.0 2022-2023 Report, continue and are reiterated here for continuity and as background for those unfamiliar with the prior report:

- Pro bono service will not fix the justice gap. The gap is too big and is getting bigger. Instead, pro bono service operates to shrink the gap.
- Pro bono service no longer means “take a case.” Thanks to the hard work of prior justice champions who developed the rule allowing unbundled legal services, pro bono service is a spectrum of service options: brief advice, legal clinics, limited scope representation, freelegalanswers.com, hotlines, chats, and other limited scope legal services.
- Pro bono service is not necessarily dependent on incentives. Incentives to do pro bono include recruitment vehicles and tools to help pro bono attorneys (such as reimbursing costs or providing malpractice insurance), but other key barriers reported by Wyoming 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 for solo practitioners.<sup>52</sup> A lack of information about existing resources and pro bono opportunities is another barrier.

### **Dashboard & Surveys**

*Dashboard.* In support of ATJ 2.0’s data-driven principles, the Pro Bono Group assembled baseline data in 2022-23. That data sheet is now rebranded as a Dashboard and is updated to include information from 2023-24 and is appended to this report at [Appendix E](#). It serves as a year-to-year snapshot of programs and attorney participation.

*Wyoming State Bar Survey.* 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. Those survey questions were numbered 41 to 49, and the survey results are available at <https://www.wyomingbar.org/wp-content/uploads/2023-Bar-Member-Survey-Results.pdf> as a resource. The survey identified the following as incentives to pro bono service which have formed the basis for the Pro Bono Working Group’s activities in 2024. Some of this data also correspond with and support efforts by the Pipelines Working Group:

- More CLE credit
- More training in unfamiliar areas of law
- Encouragement from judges or other legal professionals
- More marketing of pro bono opportunities
- More recognition of pro bono achievements around the state

A notable number of comments identified specific marketing needs—more education about opportunities including Modest Means, cost reimbursement, malpractice coverage, and how to do limited scope work; testimonials by attorneys about how easy and not-time-consuming it is to do brief advice or legal information service; and publicity about firms doing pro bono service.

Comments in the survey also suggested: more mentoring; more judicial understanding about limited scope services to ensure release from a case; a mechanism for government attorneys to do pro bono work; direct recruitment by judges similar to what previously occurred in an earlier iteration of public defender appointments; and mandatory pro bono.<sup>53</sup>

## Partnership Accomplishments in 2024

A natural result from working group meetings is that stakeholders enhanced their own existing programs. ATJ 2.0 does not take credit for those program enhancements but identifies them for the Commission and WJC as integral components of the pro bono sector of access to justice efforts.

Modest Means Rate Increase. Modest Means is not a pro bono program but a “low bono” program through the Wyoming State Bar. The Bar increased the hourly rate from \$80 per hour to \$100 per hour in 2024 in response to concerns that the prior rate was too low to recruit low bono attorneys.

Equal Justice Wyoming Opportunity List. EJW launched a pro bono opportunity webpage through the free platform it has access to, Paladin, similar to the Pro Bono Portal used in Utah, Idaho, Colorado, and other states. This is a resource for attorneys looking for pro bono opportunities and is a response to survey responses that reflected a lack of knowledge about how to find pro bono opportunities. EJW hopes to expand the use of the platform to include additional opportunities in the future. The platform can be found at <https://app.joinpaladin.com/!/equal-justice-wyoming/opportunities/>.

Increased Marketing and Pro Bono Placement. EJW’s VISTA volunteer in 2023-2024 worked on marketing, outreach, and connection building, including via social media. EJW and ATJ 2.0 provided articles to WTLA’s summer issue of *The Coffeehouse*. The State Bar had a booth at the

<sup>52</sup> Wyoming State Bar Member Survey 2023, Question 43, available at: <https://www.wyomingbar.org/wp-content/uploads/2023-Bar-Member-Survey-Results.pdf>.

<sup>53</sup> Mandatory pro bono was considered by the Pro Bono Working Group in 2022, and after a meeting with State Bar leadership in September 2022, the Working Group learned this was already considered after such efforts were attempted in other states. There is no appetite in Wyoming for mandatory pro bono.

WTLA annual conference that included pro bono materials. EJW had a booth at the Wyoming State Bar Annual Meeting and Judicial Conference that included pro bono materials and sign-up sheets.

Access to Justice Luncheon. EJW, the Wyoming State Bar, and ATJ 2.0 each have roles in the State Bar's Access to Justice Luncheon during the annual meeting and bar conference. In 2024, they collaborated on luncheon slide show materials to include client and volunteer testimonials, more information about the types of opportunities and available resources, and how to find pro bono opportunities.

Expansion of VRA Program. As reported in EJW's annual report, the Volunteer Reference Attorney (VRA) program expanded to include Teton County.

Continuation of Existing Resources: Training & Mentoring. EJW maintains a library of training materials for pro bono attorneys. It also offers free mentoring. These are designed to offset the barriers of competence and training that can deter pro bono service. Additional materials have been added to that bank of resources, available at <https://equaljustice.wy.gov/attorneys/>.

### **Proposal 1: Rule Change**

In 2023, the Working Group worked with Wyoming State Bar Staff to add pro bono questions to the annual member survey. In response to survey responses requesting an increase in pro bono credit, the Pro Bono Working Group proposes a modest set of rule changes to the Rules of the Board of Continuing Legal Education, to amend the current credit ratio and annual cap for CLE credit earned for pro bono service. That proposal, consisting of a redline of the affected rules and cover memo about the basis for the changes, is found at [Appendix C](#).

**Recommendation:** If the Wyoming Access to Justice Commission and the Wyoming Judicial Council endorse this proposed rule change, this proposal would be forwarded through the required channels for proposed rule amendments, i.e., through Bar Counsel to the Board of Continuing Legal Education (CLE Board) and the Wyoming State Bar Board of Officers and Commissioners, and onward through the rest of the established process for this category of rule changes.

### **Proposal 2: Pro Bono Promoter**

The second recommendation requires higher level involvement with decisionmakers than the Working Group can achieve. The Working Group asks that a meeting, likely only one, with key stakeholders convene to see whether, and how, additional attention can be given to pro bono promotion. Stakeholders likely include key judicial branch and ATJ Commission leadership, State Bar leadership, including an appropriate officer or commissioner, and leadership from the EJW Foundation.

The 2023 Wyoming State Bar Member Survey revealed a lack of knowledge by bar members of pro bono opportunities and support tools despite existing efforts to share that information. Promotion and outreach are currently managed jointly by EJW and the Wyoming State Bar. EJW dedicated additional VISTA volunteer resources to boost its outreach and pro bono promotion. Both organizations are operating at capacity and the personnel conducting this work wear several hats. Their efforts are sufficient to keep pro bono programming running, but to make meaningful progress, a dedicated promoter with a particular skill set is needed to enhance, expand, and grow the pro bono world of opportunities for attorneys and people in need of pro bono services.



While pro bono service will never solve the justice gap, it serves to shrink it. As such, recruitment of pro bono attorneys and promotion of opportunities is an ongoing need. Some states and law firms have dedicated staff for this purpose. In Utah, the Access to Justice Commission is housed within the State Bar. In 2022, its State Bar hired a law student on a contract basis to work on pro bono promotion.<sup>54</sup> That position was funded by the State Bar Foundation (i.e., IOLTA funds). A number of law firms dedicate a partner or other attorney to promote and recruit pro bono attorneys.<sup>55</sup>

The Working Group recommends a “pro bono promoter” or similarly-titled position be created within Wyoming’s access-to-justice ecosystem. In larger states, where access-to-justice offices and state bars have larger staffs, this need may be met with existing resources. In Wyoming, it is not. Recognizing the valiant efforts by both the State Bar and EJW to serve this need, limited bandwidth impairs achievement at this time, reflected by the 2023 survey results.

Potentially, such a Pro Bono Promoter position could overlap with other recommendations in this report including: the Pipeline Group’s recommendation for additional law school outreach and the Funding Group’s recommendation that paid staff or consultant be added to the EJW Foundation. A person dedicated to a pro bono promotion campaign and relationship building with pro bono attorneys and law firms could bridge the existing knowledge gap. It also allows for an additional leader to be installed and cultivated in Wyoming’s access-to-justice ecosystem. While a long-term position could be the best goal, it is possible such a position could be part-time or contract-based for a limited time. A draft job description and scope of work for a Pro Bono Promoter appears at [Appendix G](#).

**Recommendation:** The Pro Bono Working Group is not the appropriate body in its current format to identify the right entity and source of funds for a Pro Bono Promoter position. The Group recommends this topic be discussed through an ad hoc, short-term working group comprised of key leaders in stakeholder entities. Working Group members can be available on request.

### **Proposal 3: Revamp & Institutionalize this Committee**

The Working Group’s final recommendation is to create a permanent committee for continuous evaluation of pro bono in the state. This committee could be housed in the ATJ Commission, judicial branch, State Bar, or someplace else. Other states have such committees. The scope of work and proposed multi-stakeholder membership is included at [Appendix H](#).

The purpose of the current Pro Bono Working Group was to look at additional incentives to pro bono service. As reported in 2022-2023, Wyoming already offers more incentives than other states, and this year’s work seeks to enhance one incentive through the CLE rule change and supports the creation of a Pro Bono Promoter position. Subject to any additional tasks in response to this Report, the Working Group considers its work complete.

However, the Working Group recommends a permanent pro bono committee assemble, with a broader mission and broader group of stakeholders based on other models observed around the country. Such a group could potentially be housed within the ATJ Commission or within ATJ 2.0, although other models (discussed below) suggest other entities to house such a group. In 2018, the

<sup>54</sup> I. Flemming, *Key Learnings from Utah’s First-Ever “Pro Bono Promoter,”* (July 2023) <https://www.joinpaladin.com/pro-bono-blog/key-learnings-from-the-utah-state-bars-first-ever-pro-bono-promoter/>.

<sup>55</sup> Report on the Nature and Prevalence of Pro Bono Partner Roles Globally (Feb. 2020), available at <https://www.probonocentre.org.au/wp-content/uploads/2020/02/Report-on-the-Nature-and-Prevalence-of-Pro-Bono-Partner-Roles-Globally.pdf>.

Access to Justice Commission reported to the Wyoming Supreme Court that Wyoming has one of the highest rates of pro bono service based on the 2018 ABA national report. Unfortunately, according to the 2023 Wyoming State Bar Member Survey, the percentage appears to have diminished, with 53% of responding attorneys performing no pro bono service.

As noted earlier, pro bono service will never fix the justice gap; it merely shrinks it. Anecdotal data from a different working group (Family Law Solutions) showed that when judges are faced with self-represented litigants in a family law case, those cases are moving faster through the courts to resolution than cases that use counsel, because the parties have been assisted through pro bono brief advice or legal information services (e.g., Volunteer Reference Attorney, legal clinics, limited scope service, Free Legal Answers, etc.) and the parties therefore arrive with all of their materials complete and ready for review. That anecdote reflects that the broad spectrum of pro bono opportunities works. Those limited services are a key area for pro bono service.

Other Models. Other states have dedicated permanent multistakeholder committees to work on promoting and encouraging pro bono service within their states.<sup>56</sup> Sometimes they are housed within judicial branches and other states house them within state bar organizations. The Working Group therefore suggests such a long-term committee be formed, in consultation with the Access to Justice Commission, the Wyoming Judicial Council, and any other stakeholders and continue as a fixture in Wyoming's access-to-justice ecosystem. A proposed scope of work and list of members to include is attached at [Appendix H](#).

- Idaho has a Pro Bono Commission, established in 2008, that includes a charge of “encouraging lawyers to provide more pro bono service.” Its constituents are from Idaho’s state courts, Idaho’s federal courts, the Idaho State Bar, the Idaho Law Foundation, the University of Idaho College of Law, and Concordia University College of Idaho.<sup>57</sup>
- Massachusetts has a Permanent Standing Committee on Pro Bono Legal Services, established in 1999, housed within the judicial branch.<sup>58</sup>
- Utah’s Pro Bono Commission was created in 2012 and is housed as a permanent committee within the Utah State Bar (which houses the Access to Justice Commission in that state). It is comprised of two co-chairs (an intermediate appellate judge and a trial court judge); legal services organization representatives; pro bono counsel/private firm representatives; an elected bar commissioner; and staff from the state bar and judicial branch’s respective access to justice offices.<sup>59</sup>

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<sup>56</sup> Such a committee aligns with attorney and judicial ethics. Wyo. R. Prof’l Conduct 6.1(a); Wyo. Code of Jud. Conduct R. 1.2, comment 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.”); R. 3.7, comment 5 (“In addition to appointing lawyers to serve as counsel for indigent parties in individual cases, a judge may promote broader access to justice by encouraging lawyers to participate in pro bono publico legal services, if in doing so the judge does not employ coercion, or abuse the prestige of judicial office. Such encouragement may take many forms, including providing lists of available programs, training lawyers to do pro bono publico legal work, and participating in events recognizing lawyers who have done pro bono publico work.”); *see also* Wyo. Code of Jud. Conduct, Preamble(1) (“... strive to maintain and enhance confidence in the legal system.”).

<sup>57</sup> Idaho Pro Bono Week (2024), [https://www.id.uscourts.gov/Content\\_Fetcher/index.cfm/Idaho\\_Pro\\_Bono\\_Week\\_-\\_October\\_19-25\\_1958.pdf?Content\\_ID=1958](https://www.id.uscourts.gov/Content_Fetcher/index.cfm/Idaho_Pro_Bono_Week_-_October_19-25_1958.pdf?Content_ID=1958).

<sup>58</sup> Standing Committee on Pro Bono Legal Services, <https://www.mass.gov/info-details/standing-committee-on-pro-bono-legal-services>.

<sup>59</sup> <https://www.utahbar.org/pro-bono/commission/>.

- Florida’s Pro Bono Legal Service Committee is housed within its state bar, comprised of legal services provider representatives, private attorneys, a member of the bar foundation, and some state and federal court staff.<sup>60</sup>
- Texas has a Pro Bono Committee, housed within its state bar.<sup>61</sup>
- Virginia has a Pro Bono Council, housed within its State Bar, comprised of private attorneys, a law school faculty member, legal service provider representatives, bar staff, and several judges from various levels of the bench.<sup>62</sup> It was launched pursuant to a recommendation by a pro bono task force, hosts an annual pro bono summit, and issues a report each year measuring case placement, evaluating pro bono programs, and identifying areas of particular need identified through an annual survey to legal services organizations.

**Recommendation:** The Pro Bono Working Group recommends a broader, multi-stakeholder committee be formed to promote and encourage pro bono service on an ongoing, permanent basis.

### **Pro Bono Working Group Members**

Chair, Maryt Fredrickson, Co-Chair, ATJ 2.0, Staff Attorney, Wyoming Judicial Branch  
 Hon. Timothy C. Day, ATJ 2.0 Co-Chair, Ninth Judicial District Court (ret.)  
 Angie Dorsch, Equal Justice Wyoming  
 Cathy Duncil, Wyoming State Bar  
 Tyler Garrett, Hathaway & Kunz, P.C.  
 Rennie Phillips, Rennie Phillips Law, LLC  
 Kim Robèrt, Wyoming State Bar

## **Forms Automation Working Group**

### **Summary and Future Resources**

In the Fall of 2023, the Wyoming Judicial Council asked ATJ 2.0 to evaluate forms automation, for interview-guided online completion of self-represented litigant forms. The Forms Automation Working Group assembled in late 2023 to begin its work. By Spring of 2024, it suspended its work due to higher priorities for available SJI grants and to wait and see how pending developments in artificial intelligence (AI) may impact this work. Members of the group continue to stay apprised of developments in forms automation in other states.

The underlying concern with proceeding on forms automation prematurely is related to time and cost. Wyoming has limited resources to build a platform, and if an AI-influenced change is on the horizon, a platform could become obsolete quickly.

Equal Justice Wyoming’s work to automate the recently revised protection order forms with the existing Gavel platform was also suspended after the prioritization of other projects, including the creation of fillable PDF versions of the forms and changes to the pricing structure of the Gavel platform that was being used by EJW for document automation. Increases to the monthly pricing structure of Gavel and newly enforced document and per-seat license limits have necessitated a renewed review of the feasibility of the continued use of the platform.

<sup>60</sup> Pro Bono Legal Servs. Comm., <https://www.floridabar.org/about/cmtes/cmtes-cm/cmte-cm165/>.

<sup>61</sup> Pro Bono Committee, <https://www.tex-app.org/DrawCommittees.aspx?GroupCommitteeID=109>

<sup>62</sup> Pro Bono Council, [https://www.vba.org/page/pro\\_bono\\_council](https://www.vba.org/page/pro_bono_council)



Resources for Future Efforts. Despite the suspension, several members of the working group continue to stay apprised of forms automation developments by attending NCSC webinars, live conference sessions, flagging effective forms automation platforms when observed, and networking at conferences related to forms automation. If this work is to continue in the near term, here are some resources and data points:

- A meeting is recommended with Sam Glover, Clinical Fellow at Suffolk University’s Legal Innovation & Technology Lab. Suffolk’s Document Assembly Line is a free, open-source platform for courts and legal aid organizations, with extensions for e-filing, user testing, data collection and other features. Its regular meetings and forums are avenues where court partners share resources and innovations and discuss how each integrate appropriate, state-specific AI into their forms automation systems. Other states using this platform include Michigan, Illinois, Massachusetts, Vermont, Texas, Alaska and a few others.
- At the ABA/NLADA conference in 2024, Access to Justice Commission members from other states and a NCSC representative (Danielle Hirsch) shared the names of several forms automation vendors. The predominant platform shared by Access to Justice Commission members was LawHelp.<sup>63</sup> A simple way to gather a list of current vendors used in other states could be to ask the list serves through Access to Justice Commission chairs or the Self-Represented Litigant Network or to ask Danielle Hirsch.
- Kentucky uses A2J.org for its guided interview platform, which includes significant bells and whistles, including an avatar to guide participants.<sup>64</sup> A2J is an arm of the Center for Computer-Assisted Legal Instruction (CALI). Most law schools and law libraries are members of CALI. The guided interviews through this platform are created, at least in part, by law students, which could suggest an opportunity to reduce the financial cost labor resources and increase collaboration with the University of Wyoming College of Law.<sup>65</sup>
- The Stanford Legal Design Lab at Stanford Law School has a working group dedicated to researching, designing and evaluating how AI platforms can be used in the access to justice environment.<sup>66</sup>
- Utah formerly used an in-house system called OCAP. Judge Darrah of the Permanent Forms Committee has highlighted OCAP as a model, but that system was been replaced as of September 2024. The new system was preceded by approximately one year of discussion and planning, then funded at a cost of approximately \$2 million.

**Recommendation:** This Working Group has no recommendation at this time. It can begin re-evaluating available options when directed to do so.

### **Forms Automation Working Group Members**

Hon. Lynne J. Boomgaarden, Wyoming Supreme Court  
 Maryt Fredrickson, Co-Chair, ATJ 2.0, Staff Attorney, Wyoming Judicial Branch  
 Angie Dorsch, Executive Director, Equal Justice Wyoming  
 Henry (Hank) Wisdorf, Staff Attorney, Equal Justice Wyoming

<sup>63</sup> E.g., Hawaii Self-Help Interactive Forms, <https://www.lawhelp.org/hi/self-help-forms>

<sup>64</sup> Kentucky Court of Justice, Self-Help Portal, <https://www.kycourts.gov/Legal-Help/Pages/Self-Help-Portal.aspx>.

<sup>65</sup> <https://a2j.org/about>

<sup>66</sup> <https://justiceinnovation.law.stanford.edu/projects/ai-access-to-justice/>

## Appendix A – Mission & Guiding Principles

### 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

## Appendix B – Funding Rule Change to Rule 6.1(b)

### RECOMMENDATION TO THE WYOMING ACCESS TO JUSTICE COMMISSION AND THE WYOMING JUDICIAL COUNCIL TO SUBMIT A PROPOSED RULE REVISION RELATED TO ACCESS TO JUSTICE DONATIONS

Prepared and Submitted by the Wyoming Access to Justice Commission's  
ATJ 2.0 Funding Working Group  
Dated: October 22, 2024

#### PROPOSAL

The Access to Justice 2.0 (ATJ 2.0) Funding Working Group proposes a rule change to Rule 6.1(b) of the Wyoming Rules of Professional Conduct. If the Wyoming Access to Justice Commission and the Wyoming Judicial Council endorse this effort, this proposal would be forwarded through the required channels for proposed rule amendments, i.e., through Bar Counsel to the Board of Officers and Commissioners, on to the public comment period, and ultimately to the Wyoming Supreme Court for consideration.

**Executive Summary.** Wyoming Rule of Professional Responsibility 6.1 is an aspirational rule, recommending that attorneys provide 50 hours of pro bono service each year to people of limited means. Rule 6.1(b) provides the option to provide \$500 in lieu of 50 hours of service.<sup>67</sup> Beginning in 1998, Wyoming diverged from the American Bar Association's (ABA's) Model Rule 6.1(b).<sup>68</sup> The ABA's rule suggests monetary support "in addition to" pro bono service and "at an equivalent of the attorney's hourly rate" up to 50 hours per year.<sup>69</sup> Wyoming's more modest specification of a specific sum—\$500—has not been adjusted to accommodate for inflation and is worth \$259.11 in today's dollars.<sup>70</sup>

In response to Wyoming's current Access to Justice funding crisis, addressed in Access to Justice 2.0's annual report, the Funding Working Group recommends Wyoming's rule be modified to something in between the ABA Model Rule and Wyoming's current suggested contribution of \$500. It suggests the baseline contribution but encourages attorneys to consider their individual circumstances and practice in determining a contribution appropriate for the individual, or for firms making aggregate contributions. The Working Group hopes this rule change may increase private donations to legal service providers made by high-earning attorneys. However, in recognition of Wyoming's large volume of limited-income government and lower-earning attorneys, \$500 would remain a baseline recommendation. The rule change may also encourage attorneys who thought \$500 was too great a contribution to make some other contribution of financial support.

Ideally a rule change would be accompanied by marketing or public outreach by entities (e.g., Equal Justice Wyoming Foundation or Wyoming's legal service providers) or individuals able to conduct such outreach (e.g., private attorneys) to maximize the impact of the rule change. However, such marketing and outreach may be outside the scope of the Wyoming Judicial Council's authority

<sup>67</sup> Wyo. R. Prof'l Conduct 6.1 (2024).

<sup>68</sup> Wyo. R. Prof'l Conduct 6.1 (1998).

<sup>69</sup> Model R. of Prof'l Conduct 6.1 (2024).

<sup>70</sup> U.S. Inflation Calculator, available at <https://www.usinflationcalculator.com/>.

under Wyoming Code of Judicial Conduct R. 3.7(A)(2) which limits fundraising activities by judicial officers.

**Brief History & Other State Rules.** The ethical obligation for pro bono service was codified by various states between the late 1880s.<sup>71</sup> The first ABA Model Code of Professional Responsibility in 1969 adopted those long-standing canons by recommending pro bono service and “support” for legal aid organizations. In 1983, that rule was amended to “and by financial support for organizations that provide legal services to persons of limited means.” It was revised again in 1993 by adding an official comment that “[s]uch financial support should be reasonably equivalent to the value of the hours of service that would have otherwise been provided.”

Wyoming’s initial rules of Professional Responsibility included the same rule. In 1998, Wyoming changed its rule. The history or purpose of that rule change is not available.

Among Wyoming’s neighboring states, Colorado, Idaho, Nebraska, Montana, New Mexico and South Dakota use the ABA’s model rule and comment.<sup>72</sup> Not all states use the ABA’s Model Rule and comment. Some states explain the need for financial donations directly in the rule (instead of by comment).<sup>73</sup> Some other states also made a specific dollar recommendation, as Wyoming does. Nevada takes an entirely different approach in Rule 6.1 to allow civil sanctions to go to access to justice organizations.<sup>74</sup>

**Why This Is Needed.** Wyoming’s access to justice infrastructure is heavily dependent on state funding, through the Civil Legal Service Fund.<sup>75</sup> Private donations and grants increase the amount available to legal service organizations. State funding continues to decline, for reasons unrelated to the access to justice environment, while needs in this environment continue to increase and the costs for providing services increase concurrent to inflation.

Combatting the access to justice funding crisis is a multi-faceted effort of public funding, private donations, and grant funding. This proposed rule change targets the private funding facet. The rule change is designed to encourage higher-earning attorneys, or their firms who contribute in the aggregate on behalf of their attorneys, to either begin making contributions or to make greater contributions than they currently make per year, by encouraging attorneys to consider the relationship between their donation, hourly rates, inflation, and other financial considerations. Since Wyoming is characterized by a large volume of government attorneys and public interest attorneys who earn a more modest sum per hour, and a particularly high volume of solo and small firm

<sup>71</sup> J. Baillie & J. Bernstein-Baker, *In the Spirit of Public Service: Model Rule 6.1, the Profession and Legal Education*, 13 Minn. J. of Law & Inequality 51 (June 1995).

<sup>72</sup> Colo. R. of Prof’l Resp. 6.1, cmt. 9 (“Such financial support should be reasonably equivalent to the value of the hours of service that would have otherwise been provided.”); Idaho R. of Prof. Resp. 6.1, cmt. 9 (same); Neb. Sup. Ct. R. 3-506.1, cmt. 6; N.M. R. Prof’l Cond. 16-601, cmt.; Mont. R. of Prof’l Cond. 6.1(b)(3); S. D. Cod. Laws § 16-18 app. R. 6.1.

<sup>73</sup> Ariz. R. Sup. Ct. ER 6.1(d) (“The efforts of individual lawyers are not enough to meet the needs of the poor. The profession and government have instituted programs to provide direct delivery of legal services to the poor. The direct support of such programs is an alternative expression of support to provide law in the public interest, and a lawyer is encouraged to provide financial support for organizations that provide legal services to persons of limited means or to the Arizona Foundation for Legal Services & Education for the direct delivery of legal services to the poor.”).

<sup>74</sup> Nev. R. Prof’l Cond. 6.1(e)–(f).

<sup>75</sup> Wyo. Stat. §§ 5-2-121 to -122 (2023). The Civil Legal Services Fund is a fee-based funding mechanism. Specifically, the fund collects a filing fee surcharge of \$10 on each filing requiring a fee, including citations, in Wyoming state courts. Filing fee revenues collected in the Fund have decreased from a high in Fiscal Year 2013, and particularly over the past six years. Please see the Funding Working Group’s report in the ATJ 2.0 2024 Report for more details.

practitioners with unique small-firm financial constraints, \$500 remains a baseline recommendation in the rule.

Ideally a rule change would be accompanied by marketing or public outreach by entities (e.g., Equal Justice Wyoming Foundation or Wyoming’s legal service providers) or individuals able to conduct such outreach (e.g., private attorneys) to maximize the impact of the rule change. However, such marketing and outreach is outside the scope of this recommendation because it may be outside the scope of the Wyoming Judicial Council’s authority under Wyoming Code of Judicial Conduct R. 3.7(A)(2) which limits fundraising activities by judicial officers.

**Work of the Committee.** This proposal is only one component of the Funding Working Group’s work in 2024. The other work of this Group is provided in the ATJ 2.0 annual report. The proposed rule change has been reviewed with Bar Counsel.

We thank the Access to Justice Commission and the Wyoming Judicial Council for their consideration. We would be happy to address any questions or requests for revisions.

### **Proposed Wyo. R. Prof. Conduct 6.1(b) and Comment 9**

(b) In the alternative, a lawyer should voluntarily contribute financial support~~\$500.00 per year~~ to ~~any existing non-profit~~ organizations ~~that~~~~which~~ provides direct legal assistance to persons of limited means such as the Equal Justice Wyoming Foundation, Legal Aid of Wyoming, the University of Wyoming College of Law clinics, or ~~some other legal aid similar~~ organizations. The recommended donation is \$500 per year, although attorneys, or their firms donating in the aggregate, could consider a greater contribution informed by hourly billing rates, inflation, or other financial circumstances.

....

[Comment 9] Because the provision of pro bono services is a professional responsibility, it is the individual ethical commitment of each lawyer. Nevertheless, there may be times when it is not feasible for a lawyer to engage in pro bono services. At such times, or in addition to their pro bono service, a lawyer may discharge or enhance the pro bono responsibility by providing financial support to organizations providing free legal services to persons of limited means. Since 1998, these rules have suggested an annual contribution of \$500 without adjustment for inflation. Wyoming has a broad range of attorneys—from government lawyers to solo and small firm practitioners to large firms—each with unique financial circumstances. Attorneys, or their firms, may adjust their contribution(s), after considering circumstances such as hourly billing rate changes, overhead and other costs, tax considerations, inflation, costs or needs unique to their community, and personal concerns. In addition, at times it may be more feasible to satisfy the pro bono responsibility collectively, as by a firm’s aggregate pro bono activities or aggregate financial support.

# Appendix C – Pro Bono Credit Rule Change

## RECOMMENDATION FOR A PROPOSED RULE REVISION RELATED TO CLE CREDIT FOR PRO BONO SERVICE

Prepared and Submitted by the Wyoming Access to Justice Commission's  
ATJ 2.0 Funding Working Group

Dated: October 15, 2024

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### PROPOSAL

The Access to Justice 2.0 (ATJ 2.0) Pro Bono Working Group proposes a modest set of rule changes to the Rules of the Board of Continuing Legal Education, to amend the current credit ratio and annual cap for CLE credit earned for pro bono service. If the Wyoming Access to Justice Commission and the Wyoming Judicial Council endorse this effort, this proposal would be forwarded through the required channels for proposed rule amendments, i.e., through Bar Counsel to the Board of Continuing Legal Education (CLE Board) and the Wyoming State Bar Board of Officers and Commissioners, and onward through the rest of the established process for this category of rule changes.<sup>76</sup>

**Brief History & Other State Rules.** Wyoming was the first state to offer CLE credit for pro bono service. That leadership sparked a trend among state bars. Now, the majority of states offer credit for pro bono service at a ratio of either 2:1 or 3:1, meaning one credit is received for every two or three hours of pro bono service. As of November 2024, Florida offers the ratio of 1:1.<sup>77</sup>

**Bar Member Request for this Amendment.** In 2023, the Wyoming State Bar circulated its annual bar Member Survey, that included questions about pro bono service.<sup>78</sup> One of the questions to bar members was “What do you think would be an incentive for more attorneys to provide pro bono work in Wyoming.” Fifty-seven percent of survey respondents identified “More CLE credit for pro bono work” as an incentive to pro bono service. This was the number one response to the survey question. The Working Group’s proposal is a response to that data point.

**Issues Considered but Not Adopted.** A representative of the Pro Bono Working Group met with the CLE Board in early 2024. The Board relayed some initial thoughts for the Working Group to consider. The Working Group’s consideration of those initial issues is provided below:

<sup>76</sup> Bar counsel and Bar staff are aware of this proposed rule amendment and provided valuable review and comments to this proposal.

<sup>77</sup> Florida State Bar, Press Release (Nov. 1, 2024), <https://www.floridabar.org/the-florida-bar-news/florida-supreme-court-approves-cle-credit-for-pro-bono-work/>.

<sup>78</sup> 2023 Wyoming State Bar Member Survey Results, available at <https://www.wyomingbar.org/wp-content/uploads/2023-Bar-Member-Survey-Results.pdf>.



- To incentivize pro bono service within Wyoming, as opposed to pro bono service to residents in other states, the Working Group considered whether earning credit should be limited to in-state pro bono services. On one hand, requiring the pro bono service used for CLE credit to be limited to Wyoming residents could incentivize delivery of more in-state services by nonresident attorneys, perhaps by Wyoming Free Legal Answers or other means. However, a slight majority of Wyoming bar members are nonresident attorneys.<sup>79</sup> In subsequent discussions with State Bar staff, the Pro Bono Working Group elected to avoid adding an in-state limitation in the proposed rule amendment. The current CLE pro bono credit rule does not include an in-state limitation, and nonresident attorneys currently apply for pro bono credit based on their pro bono service without a state restriction.<sup>80</sup> Disparate treatment based on the location of pro bono services by non-resident bar members may raise unintended consequences including resistance, negative sentiments, or affirmative push-back from nonresident members. Moreover, while the Working Group focuses its efforts on Wyoming, it also recognizes that the civil justice gap affects citizens in all states. Pro bono service in any locale helps to shrink that gap.
- The Working Group considered whether to define pro bono for credit purposes more narrowly than how pro bono is defined in Rule of Professional Conduct Rule 6.1(a), namely whether to limit the credit earned to direct, civil legal services only. After subsequent discussions with Bar Staff, the Working Group elected to leave the scope of credited pro bono service unchanged. The current and historic practice is that that bar members apply for pro bono CLE credit using the full scope of 6.1(a) options—direct services, brief advice, criminal defense, and service on boards. 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. To avoid disrupting the current bar members’ historic practices and expectations, and to avoid inserting confusion into what pro bono service means between different rules, the Working Group recommends CLE credit remain available for all activities identified in Rule 6.1(a).
- The Working Group considered how earning CLE credit fits within the purpose of CLE, namely to support and promote attorney competence. The Working Group proposes amending the statement of purpose in the CLE Rules, to align with the current Model CLE rules promulgated in 2017 and vetted by an ABA Model Rules Committee. The current model rule is broader and includes, among other things, the role CLE activities play in promoting the rule of law, confidence in the legal system, and adherence to the ethical rules. Pro bono service is an integral part of the rule of law, by allowing more people meaningful access to the justice system and building confidence in that system and the rule of law. It is also part of the ethical rules through Wyoming Rule of Professional Conduct 6.1(a). This is explained further in an explanatory comment provided with the redlined amendments.
- The Working Group is aware that not all states offer CLE credit for pro bono work. Wyoming was the first state to offer CLE credit for pro bono service, and Wyoming already offers the ratio (2:1) while some other states apply a more limited 3:1 ratio. Only Florida offers a 1:1 ratio. However, the 2023 Wyoming State Bar Member Survey showed that 57%

<sup>79</sup> As of October 8, 2024, of Wyoming’s 3,408 active licensed attorneys, only 1,687 reside in Wyoming. 1,721 reside outside the state.

<sup>80</sup> Some non-resident attorneys provide pro bono service in Wyoming, including a pro bono award recipient in 2024 who provides service through Wyoming Free Legal Answers.

of responding bar members asked for a greater ratio for pro bono credit. This proposal responds to that request. In subsequent research through Bar staff, the Working Group learned that in recent years, the CLE Board considered a rule change to allow law professors to earn credit at a ratio of 1:1 to incentivize greater bar participation by law professors. While that rule change was ultimately not adopted, Bar staff noted that as some precedent and past appetite for a more generous credit ratio. Further, CLE credit is the only category under the current rules that is not earned at a 1:1 ratio or something more generous. Legal writing and judging competitions receive credit at a 1:1 ratio, and teaching CLE is credited at a more generous 1:3 ratio.

- In the initial meeting with the CLE Board, the Working Group left the proposed cap to annual CLE credit open ended. After further research and consultation with Bar staff, the Working Group recommends the cap change to 8 credits, which is the same number of credits available via self-study. Roughly half of the annual CLE credit requirements would remain within the other types of CLE opportunities.
- The current rules allow for CLE credit to be earned by mentoring attorneys doing pro bono work. The Working Group considered whether additional certification about mentoring should be required. After considering draft language for additional certification, the Working Group recommends the current Bar form (Application for CLE Credit) to verify mentoring occurred is appropriate. All CLE certification, whether in person, self-study, by legal writing, or other means requires only an attorney's affirmation that the activity was completed. In the absence of additional requirements to ensure meaningful attendance or affirmation for other types of CLE credit, the same reliance on attorneys' certification remain appropriate for CLE credit obtained by pro bono mentoring.

We thank the Access to Justice Commission and the Wyoming Judicial Council for their consideration. We would be happy to address any questions or requests for revisions.

### **Proposed Changes to Rules of Board of Continuing Legal Education**

The proposed rules are presented in a redline format. To further illustrate the proposed rule changes, the Working Group includes comments in **purple text**. The comments are illustrative only and are not proposed for inclusion as official comments.

#### **Rule 1. Purpose**

To maintain public confidence in the legal profession and the rule of law, and to promote the fair administration of justice, it is essential that lawyers be competent regarding the law, legal and practice-oriented skills, the standards and ethical obligations of the legal profession, and the management of their practices. By continuing their legal education throughout their practice of law, attorneys can better achieve those goals, inclusive of their obligation to competently serve their clients. These rules establish minimum requirements for such continuing legal education and the means by which the requirements shall be enforced.

Credits

[Adopted July 7, 2004, effective January 1, 2005.]

ABA MCLE, Purpose, Adopted February 6, 2017.



*Explanatory comment from Access to Justice 2.0: Pro Bono Working Group (not a proposed official comment)*

*Wyoming’s current statement of purpose is the original statement of purpose from Model CLE Rules adopted by the ABA House of Delegates in 1988. The ABA House of Delegates revised that statement of purpose in 2017. In conjunction with a rule amendment related to pro bono service, an adoption of the updated MCLE statement of purpose may be prudent and timely. The updated statement of purpose continues to prioritize attorneys’ ethical obligation for competence but now reflects more foundation principles reflected in other ethical rules—promoting “public confidence in the legal profession and the rule of law” and ethical obligations.*

- *Pro bono service promotes direct compliance with a particular ethical obligation (Rule 6.1(a) of the Rules of Professional Conduct encourages 50 hours of service per year).*
- *According to Wyoming’s Civil Legal Needs Assessment, the largest needs for pro bono help are in people-centered law, such as family law, debt collection, landlord-tenant disputes, discrimination, and immigration.<sup>81</sup> Nationwide, most attorneys do not practice in high-need areas and require training in these people-centric civil practice areas.<sup>82</sup> In Wyoming, which has a large volume of solo and small practitioners, one of the common barriers to doing pro bono work, identified by the 2023 Wyoming State Bar Member Survey, was the need for training in unfamiliar areas of law.<sup>83</sup> As such, for most attorneys, pro bono service necessarily demands skill development, training, and mentoring outside attorneys’ standard practice areas.*
- *The reference in the Model CLE statement of purpose to “public confidence in the legal profession and the rule of law” is significant. When legal needs are unmet—largely due to the high cost of legal services and the concurrent inability to meaningfully access the justice system without paid assistance—public confidence in the rule of law and legal profession diminishes. The number of people unable to access the justice system continues to grow. Nationwide studies show that (1) the justice gap is no longer limited to the indigent but now impacts the middle class, and (2) while in the late 1990s, most parties appeared with counsel, now the majority of civil cases filed in the United States involve at least one or more unrepresented party. Similar data is not available specific to Wyoming; anecdotal data from judges reflect a large volume of self-represented litigants, particularly in family law in the district courts and in all case types in the circuit courts.*

## **Rule 5. Standards for Continuing Legal Education Activity**

....

(c) An attorney may receive a maximum of **eight** hours of legal education credit each calendar year for providing pro bono public service as defined in Rule 6.1 of the Wyoming Rules of Professional Conduct. Such credit may be received at the rate of **one** credit hour for each hour of pro bono public service, including but not limited to (1) performing pro bono public service, (2) acting as a mentor for another attorney who is performing pro bono public service, and (3) acting as a mentor for an

<sup>81</sup> Wyoming Civil Legal Needs Assessment (Aug. 2020), available at <https://www.wyomingbar.org/wp-content/uploads/Sept-2020-Needs-Assessment-Exec-Summary.pdf>.

<sup>82</sup> See Legal Services Corp., *Report of the Pro Bono Task Force* (Oct. 2012) at 6 (describing challenges faced by small and solo practitioners and rural practitioners, and the corresponding need to provide training in high need areas).

<sup>83</sup> 2023 Wyoming State Bar Member Survey Results, available at <https://www.wyomingbar.org/wp-content/uploads/2023-Bar-Member-Survey-Results.pdf>.

eligible law student in accordance with Rule 9 of the Rules Governing the Wyoming State Bar and the Authorized Practice of Law. No pro bono hours may be carried over to any subsequent years.

...

*Explanatory comment from Pro Bono Working Group (not a proposed official comment)*

*Wyoming was the first state to offer CLE credit for pro bono service, and Wyoming offers that credit at ratio of 2:1, meaning for every two hours of pro bono service, one credit is earned.*

- *The 2023 Wyoming State Bar Member Survey showed that 57% of responding bar members asked for a greater ratio for pro bono credit. This proposal responds to that request.*
- *CLE credit is the only category under the current rules that is not 1:1 or something more generous. Legal writing and judging competitions receive credit at a 1:1 ratio and teaching CLE is credited at a 1:3 ratio.*
- *In subsequent research through Bar staff, the Working Group learned that in recent years, the CLE Board considered a rule change to allow law professors to earn credit at a ratio of 1:1 to incentivize greater bar participation by law professors. While that rule change was ultimately not adopted, Bar staff noted some precedent and appetite for a more generous credit ratio.*

*The Working Group recommends the cap change to 8 credits, which is the same number of credits available via self-study. Roughly half of the annual credit requirements would remain within the other types of CLE opportunities.*

## **RELATED AMENDMENTS**

### **Rules Governing the Wyoming State Bar and the Authorized Practice of Law**

#### **Rule 9. Limited Practice by Law School Clinic Supervising Attorneys and Law Students**

(a) Purpose of rule. The bench and the bar are primarily responsible for providing competent legal service for all persons, including those unable to pay for these services. This rule is adopted as one means to assist practicing attorneys to provide such services and to encourage clinical instruction by the College of Law of the University of Wyoming in various legal work.

(b) Definitions.

...

(3) “Indigent person” means the person to be represented shall meet the income-and-asset criteria ~~within the poverty guidelines of the Wyoming Center for Legal Aid.~~ of Wyo. Stat. § 5-2-122 or eligibility guidelines of the legal services organization facilitating pro bono service.

*Explanatory comment from Pro Bono Working Group (not a proposed official comment)*

*In a meeting in early 2024, Bar Staff suggested the rule defining “indigent person” be looked at in conjunction with the pro bono credit amendments. This definition of “indigent person” is tied to Rule 5(c) of the Rules of the Board of Continuing Legal Education which allows for mentoring credit to attorneys providing pro bono service or for mentoring law students practicing under Rule 9 of the Rules Governing the Wyoming State Bar and the Authorized Practice of Law.*

*The proposed amendment to the income and asset criteria set by the legislature when it created the Civil Legal Service Fund is in part a clean-up update, to reflect the current baseline criteria for civil legal services as funded through that Fund. Rather than refer to the initial entity that managed that Fund (Wyoming Center for Legal Aid) or its current name (Equal Justice Wyoming), a reference to the statute can be used. The new clause regarding the “eligibility guidelines of the legal services organization” reflects the broader criteria available through some legal services providers that provide services outside Civil Legal Services Fund grants which may rely on a different percentage of the federal poverty guidelines that that prescribed by Wyo. Stat. § 5-2-122.*

*This rule amendment likely would need to be routed through a different board than the CLE Board.*

### **Update to CLE application for pro bono credit**

SUBMIT CLE CREDIT: <https://www.wyomingbar.org/my-bar/submit-cle-credit/?type=pro-bono>  
PRO BONO

#### **PRO BONO INFO**

According to Rule 5(c) of the Rules of the Board of Continuing Legal Education, an attorney may receive a maximum of eight hours of legal education credit each calendar year for providing pro bono public service as defined in as defined in Rule 3 of the Rules of the Board of Continuing Legal Education. Such credit may be received at the rate of one credit hour for **each hour** of pro bono public service, including (1) performing pro bono public service, (2) acting as a mentor for another attorney who is performing pro bono public service, and (3) acting as a mentor for an eligible law student in accordance with Rule 9 of the Rules Governing the Wyoming State Bar and the Authorized Practice of Law.

#### **CREDIT DETAILS**

*Please fill out all fields.*

Date of Service:

I am requesting pro bono CLE credit for: (see Rule 5(c) of the Rules of the Board of Continuing Legal Education and Rule 6.1 of the Rules of Professional Conduct)

- ☐ Delivery of legal services for no fee or for a substantially reduced fee to persons of limited means
- ☐ Mentoring an attorney or law student in the delivery of pro bono legal services
- ☐ Participation in activities for improving the law, the legal system or the legal profession

Description of pro bono services or mentoring provided:

...

SUBMIT ☐ I certify under penalty of perjury that the above and foregoing information is true and correct.

# Appendix D – Modernization of Service of Process Rule Change

## RECOMMENDATION TO REFER CHANGES TO W.R.C.P. 4 ALLOWING ALTERNATIVE SERVICE TO THE PERMANENT CIVIL RULES COMMITTEE

**Prepared and Submitted by the Wyoming Access to Justice Commission's  
ATJ 2.0 Alternative Service of Process Working Group**

Dated: November 1, 2024

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### Special Thanks

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## Introduction and Executive Summary

The Access to Justice 2.0 Alternative Service of Process Working Group proposes that the Access to Justice Commission and Wyoming Judicial Council refer the attached proposal to the Permanent Civil Rules Committee to consider amending Rule 4 of the Wyoming Rules of Civil Procedure related to service by publication.<sup>84</sup> The Working Group specifically suggests amendments to allow Wyoming's courts to authorize alternative methods of service that are more likely to provide the person served with actual notice of the proceeding and are easier and cheaper than service by publication.

Alternative service is the category of non-personal service, historically confined to service by publication in a local newspaper. Expanding alternate service beyond service by publication, to include modern means of communication to increase the likelihood of achieving notice to parties, is a growing trend in state courts.<sup>85</sup> That trend is strong enough that the National Center for State

<sup>84</sup> Work on this proposal launched in December 2023 at the direction of the Wyoming Judicial Council which recognized this project (1) aligns with the commitment in article 1, section 8, of the Wyoming Constitution for open access to the courts without denial or delay, (2) aligns with the Wyoming Judicial Branch 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 (3) compliments ongoing efforts to develop consistent fee waiver or reduction policies.

<sup>85</sup> Alaska R. Civ. P. 4(e)(2), (3); Ariz. R. Civ. P. 4.1(k)(1)–(3); Conn. Gen. Stat. Ann. § 52-59b; Del. Fam. Ct. R. Civ. P. 4(d)(7); 10 Del. C. §§ 1065(a)(1)–(5), § 3104(d)(1)–(4); Me. R. Civ. P. 4(g)(1)–(3); Tex. R. Civ. P. 106(a)–(b), 501.2(b)(2), (e)(1)–(2), (f); Utah R. Civ. P. 4(d)(5)(A)–(C).

Courts (NCSC) developed best practice guides and other materials.<sup>86</sup> The Working Group relied on those materials and the examples provided by other states. While personal service is always preferred, alternative methods are increasingly more likely than publication to reach the person to be served.

The Working Group suggests that Rule 4 be amended to allow a party seeking alternative service to request court permission to do so. This would enable the litigant to present a method that, under the circumstances, is likely to reach the party to be served. Requiring court approval first ensures that the court will be satisfied at the outset that the method is satisfactory and can customize the order authorizing alternative service to fit the circumstances. The Working Group also suggests retaining service by publication, but as a last-preferred option if there is no other method that is calculated to provide actual notice.

The Working Group's Rule 4 suggestions are intended to only address alternative service. Service by publication is required by statute in certain contexts, and the Working Group intends that those publication requirements are unaffected by its suggestions. For example, name changes require that notice of the petition be published "in the same manner as service by publication upon nonresidents in civil actions." Wyo. Stat. Ann. § 1-25-103. This requirement is unaffected.

Finally, the Working Group recommends that the Judicial Branch implement an alternative service website as a supplement to Rule 4 changes. Other states, like Alaska, have implemented those websites to provide notice of legal proceedings. Implementation, however, would require both time and resources. The Working Group drafted its Rule 4 recommendations so that references to an alternative service website could be excised until the website is implemented.

The Working Group remains available to amend this proposal at the direction of the Access to Justice Commission and Wyoming Judicial Council. This proposal, once endorsed and moved to the Permanent Rules Advisory Committee - Civil, will conclude the Working Group's charge.

## **DEFINING THE PROBLEM**

### **History of Alternative Service**

Alternative service of process is a broad term that means "not personal service" and has long been part of the fabric of the justice system and other areas of government through service by publication. Colonial American communities used newspapers to educate the citizenry on government works and other public interest matters.<sup>87</sup> Throughout the nineteenth century, newspapers were the primary means for mass communication in the United States. As a result, citizens used newspapers to post notices to creditors, notices of stolen property, notices of divorce, and notices of the content

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<sup>86</sup> National Center for State Courts, *State court considerations for today's "notice and publication environment: Online variables & best practices* (Jan. 2024), available at [https://www.ncsc.org/\\_data/assets/pdf\\_file/0025/98233/State-court-considerations-for-the-changing-22notice-and-publication22-environment.pdf](https://www.ncsc.org/_data/assets/pdf_file/0025/98233/State-court-considerations-for-the-changing-22notice-and-publication22-environment.pdf); Alyce Roberts and Stacey Marz, *Opening Courts to the Public: Alaska Court System Legal Notice Website*, 30 Ct. Manager 4, (2015-16) available at <https://cdm16501.contentdm.oclc.org/digital/collection/tech/id/823>; National Center for State Courts, *Pandemic Era Procedural Improvements That Courts Should Adopt Permanently* (Sept. 2022), available at [https://www.ncsc.org/\\_data/assets/pdf\\_file/0030/84873/Pandemic-Improvements-10.31.2022.pdf](https://www.ncsc.org/_data/assets/pdf_file/0030/84873/Pandemic-Improvements-10.31.2022.pdf).

<sup>87</sup> Lauren A. Rieders, *Old Principles, New Technology, and the Future of Notice in Newspapers*, 38 Hofstra L. Rev. 1009, 1014 (2010).



of wills, and many states codified that practice.<sup>88</sup> Wyoming, by statute, requires notice by publication in certain types of cases. By rule, Wyoming also allows service through publication when a defendant or other party in a litigation matter cannot be found for personal service.

Due Process. The purpose of service, whether personal service or service by other means, is rooted in due process—“One essential element of our modern right to due process is the prohibition against courts exercising personal jurisdiction over a defendant unless the defendant has proper notice of the proceedings.”<sup>89</sup> Parties must be aware of a pending action so they may “participate and defend or vindicate [their] rights before a court issues a binding judgment.”<sup>90</sup> According to the United States Supreme Court, to satisfy due process service must be “reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.”<sup>91</sup>

Early Recognition of Newspapers as Inadequate. Traditional alternative service is service by publishing in a newspaper of local circulation, local to the plaintiff or petitioner in a judicial proceeding. But in 1950 the United States Supreme Court recognized the inadequacy of service by publication in *Mullane v. Central Hanover Bank & Trust Co.*:

Chance alone brings to the attention of even a local resident an advertisement in small type inserted in the back pages of a newspaper, and if he makes his home outside the area of the newspaper’s normal circulation the odds that the information will never reach him are large indeed. The chance of actual notice is further reduced when, as here, the notice required does not even name those whose attention it is supposed to attract, and does not inform acquaintances who might call it to attention.<sup>92</sup>

### **Changes in Communication Culture and Costs**

Seventy-four years after *Mullane*, the modern era brings opportunities to obtain more meaningful service, more calculated to reach the person to be served. Some of the bases to expand alternate service options cited by the NCSC is that newspapers are no longer in widespread use and have declining readership in print and online.<sup>93</sup> In some rural Wyoming communities, there are no newspapers of general circulation. People are also more likely to relocate to other communities in the modern era than in prior generations. To its credit, the Wyoming Press Association posts public notices that appear in print versions of Wyoming newspapers online, which increases the reach of service by publication.<sup>94</sup> Nevertheless, publishing notice of a divorce in a newspaper in Casper, where the plaintiff lives, when the defendant is certainly living somewhere in Ohio but without an

<sup>88</sup> N.C. Rev. Stat. Ch. 31, § 98 (1837); 1822 R.I. Pub. Law. 220-21; J 1872 S.C. Laws, Title V, § 158; John Haywood, A *Manual of the Laws of North-Carolina, Arranged under Distinct Heads in Alphabetical Order. With References from One Head to Another, When a Subject is Mentioned in Any Other Part of the Book Than under the Distinct Where It is Placed*, 402 (1801); 5 John Bioren, *Laws of the Commonwealth of Pennsylvania, from the Fourteenth Day of October, One Thousand Seven Hundred* 185 (1812).

<sup>89</sup> Cale J. Bradford & Michael Brian Coppinger, Jr., *Technology and Process: How Changing Rules and Technology Will Impact the Legal Profession, the Justice of Due Process Protections, and How We Judge Competence*, 55 Ind. L. Rev. 215, 220 (2022).

<sup>90</sup> Robin J. Effron, *The Lost Story of Notice and Personal Jurisdiction*, 74 N.Y.U. Ann. Surv. Am. L. 23, 27 (2018).

<sup>91</sup> *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950).

<sup>92</sup> *Id.* at 315

<sup>93</sup> NSCS, *State court considerations*, *supra* n.86.

<sup>94</sup> *Wyoming Public Notices*, <https://www.wyopublicnotices.com/>

address to effect actual service, remains the game of chance for achieving actual service, as the *Mullane* decision described. By contrast, email, text messages, and social media private messaging are widespread, afford “read receipt” assurances in some instances, and are generally not limited by geography and relocation of parties.<sup>95</sup>

Service by publication is also cost-prohibitive to indigent and self-represented plaintiffs, creating further barriers to access to justice.<sup>96</sup> Newspapers charge by the inch and the notice must appear at least once a week for four consecutive weeks.<sup>97</sup> A public notice of a legal matter, averaging 49 lines, varies in cost from \$249 to \$420 for the four-week period.<sup>98</sup> Even when an indigent litigant otherwise qualifies for a fee waiver for court matters, publication costs are paid to a third-party newspaper and not waivable by the courts. This can create a substantial financial deterrent to litigants in pursuing their legal rights and remedies. Government agencies also must serve by publication, impacting state agency budgets without achieving meaningful service.

### TRENDS AND MODELS TO MODERNIZE SERVICE OF PROCESS

There are growing state and federal efforts to adopt electronic means of service, reflective of the modern era and more reasonably calculated to achieve notice to the party to be served. Unlike service by publication, electronic means of service in other states requires some attestation by a plaintiff about the time spent communicating with the defendant over phone, email, or social media account; some evidence proving the defendant regularly uses the chosen medium; and the ability to provide “read receipts,” when available, as evidence the notice was received and viewed.<sup>99</sup> These and similar mechanisms provide some assurance that the method of service is reasonably calculated to reach the person to be served, instead of relying on the recipient reading a newspaper or newspaper website.

Modernization of service has become such a trend that the National Center for State Courts issued a best practices guide in 2022 and an updated resource in 2024 devoted to the topic.<sup>100</sup> Alaska and Connecticut are acknowledged as earlier pioneers of alternate service. Delaware, Texas, Utah, provide additional models.<sup>101</sup> This proposal is modeled after those resources and developed by this multi-stakeholder Working Group.

<sup>95</sup> Andrew C. Budzinski, *Reforming Service of Process: An Access-to-Justice Framework*, 90 U. Colo. L. Rev. 167, 215–16 (2019).

<sup>96</sup> See, e.g., Budzinski, *supra* n. 95; Jennifer Lee Case, *Why Notice by Newspaper Publication Fails to Meet Mullane’s Desire-to-Inform Standard and How Modern Technology Provides a Viable Alternative*, 45 Ga. L. Rev. 1095 (2011); Ronald J. Hedges et al., *Electronic Service of Process at Home and Abroad: Allowing Domestic Electronic Service of Process in Federal Courts*, 4 Fed. Cts. L. Rev. 55 (2010).

<sup>97</sup> W.R.C.P. 4(m) (2023).

<sup>98</sup> As of September 2024, legal ad publishing rates were: Wyoming Tribune Eagle: \$15.00 per column inch; Casper Star Tribune: \$1.44 per line (3-5 word per line); Thermopolis Independent Record: \$11.00 per column inch; The Sheridan Press: \$8.90 per column inch; Laramie Boomerang: \$12.25 per column inch; Rawlins Times: \$10.00 per column inch; Rock Springs Rocket Miner: \$11.00 per column inch. Ad length of 7 column inches (approx. 49 lines) run once a week for four weeks results in the following: Wyoming Tribune Eagle: \$420.00 (\$105 per week); Casper Star Tribune: \$282.24 (\$70.56 per week); Independent Record: \$308.00 (\$77 per week); The Sheridan Press: \$249.20 (\$62.30 per week); Laramie Boomerang: \$343.00 (\$85.75 per week); Rawlins Times: \$280.00 (\$70 per week); Rock Springs Rocket Miner: \$308.00 (\$77 per week).

<sup>99</sup> Budzinski, *supra* n. 95 at 218–19

<sup>100</sup> *Supra* n.86.

<sup>101</sup> *Supra* n.85.

## DESIGN AND DECISION POINTS

### **Rule 4 Revisions**

The Working Group recommendation for Rule 4 revisions may be summarized as follows:

1. The litigant seeking alternative service asks the court for permission to do so and provides justification.
2. The court, if it grants the request, specifies how service will be made and proven.
3. The litigant effectuates service and provides documentation of that fact to the court, at which point the case proceeds as usual.

To illustrate how seeking alternate service would work, the Working Group also developed a guidance document, modeled after the guidance materials provided in other states, to help guide litigants, courts, and clerks in how to select which type or service to use and how to achieve the selected service.

The Working Group considered various options at each stage of the process. For example, it opted to avoid articulating any particular form or forms of service in the rule itself in favor of a general approach. The general approach gives litigants and courts the most flexibility to choose appropriate service methods, while accommodating future technological developments. The Working Group opted to retain service by publication as a final option for service if no other method was likely to provide actual notice. At the same time, it took the opportunity to streamline the process.

### **Judicial Branch Alternative Service Website**

The Working Group, along with proposing a Rule 4 revision rule change, recommends that the Wyoming Judicial Branch create a mechanism to post notices of all alternative service to a publicly accessible website hosted by the Judicial Branch. This is a common, additional tool offered by several other states. The website serves two purposes. First, publishing to the website could serve as a form of alternative service similar to service by publication. Second, publishing to the website would be a standard part of all other forms of alternative service in order to provide a centralized, virtual location where court papers would be publicly available.

Here, for example, are images of Alaska's public notice website (<https://courts.alaska.gov/notices/index.htm>). The front page provides various categories, not all of which would initially apply in Wyoming:



Alaska Court System  
TRIAL COURTS

HOME ADMIN APPEALS FORMS LIBRARY MEDIA RULES SELF-HELP TRIAL COURTS

Home / Trial Courts / Legal Notices

## Legal Notices

All notices are Adobe Acrobat PDF documents.

**LEGAL NOTICES**

- ▶ Name Change Judgments
- ▶ Name Change Requests
- ▶ Notice to Absent Parent: Child's Name Change
- ▶ Notice to Absent Parent or Unknown Parent
- ▶ Notice to Absent Party
- ▶ Notice to Absent Spouse
- ▶ Notices from Other Courts

**RECENT FILINGS & CASE DISPOSITIONS**

- ▶ Adult Change of Name Cases Filed \*
- ▶ Adult Change of Name Cases Granted \*
- ▶ Criminal Cases Filed \*\*
- ▶ Criminal Dispositions \*
- ▶ Divorces and Dissolutions Granted \*
- ▶ Estate Cases Filed \*
- ▶ Forcible Entry and Detainer Cases Filed \*
- ▶ General Civil Cases Filed \*\*

The links in the “Legal Notices” box lead to a PDF list of the parties, the publication dates for service, and the case number. The case number is a link to the notice issued by the clerk of court. For example, here is an image of the “Notice to Absent Party” document (<https://public.courts.alaska.gov/web/scheduled/docs/lnwabd.pdf>) as of the date this section is drafted:

Alaska Court System WWW.COURTS.ALASKA.GOV		
NOTICE TO ABSENT PARTY		
<u>Case Number</u>	<u>Absent Party</u>	<u>Publication Dates</u>
<a href="#">1JU-24-00021SC</a>	Justice Sky	09/24/2024 - 10/23/2024
<a href="#">1JU-24-00631CI</a>	Kaitlyn Imboden	10/03/2024 - 11/01/2024
<a href="#">1JU-24-00696CI</a>	Frederick David Lauth	10/04/2024 - 11/02/2024
<a href="#">1KE-24-00030CI</a>	Shawn S Roberts	09/19/2024 - 10/18/2024
<a href="#">3AN-22-01244SC</a>	Jesse Wayne Laudahl	10/09/2024 - 11/07/2024
<a href="#">3AN-23-01225SC</a>	Allen Hanson	10/04/2024 - 11/02/2024
<a href="#">3AN-24-00040SC</a>	Julia Vinuya	09/19/2024 - 10/18/2024
<a href="#">3AN-24-00077SC</a>	Vida C. Alexia	10/09/2024 - 11/07/2024

While the Working Group believes that a Legal Notices Website would be substantially beneficial, it is aware that development, implementation, and maintenance requires time and perhaps funding that may not be immediately available. The current recommended rule changes add references to an alternative service website, but the Working Group deliberately crafted the reference to be easily excisable without affecting the remainder of the rule.

## **CONCLUSION**

For all the reasons explained above, the Wyoming Access to Justice Commission's ATJ 2.0 Alternative Service Working Group respectfully recommends that the Access to Justice Commission and the Wyoming Judicial Council endorse this proposal and these proposed rule changes allowing alternative service to the Permanent Civil Rules Committee. The Working Group also recommends that the Council explore providing a publicly available alternative service website to increase access and availability of information in which a party must resort to alternative service.

The ATJ 2.0 Alternative Service Workgroup stands ready to provide any additional information requested by the Wyoming Judicial Council and will conduct any additional research requested by the Council.

We thank the Wyoming Judicial Council for its consideration.

## **APPENDIX A-1: DRAFT WYO. R. CIV. P. 4 CHANGES**

### ***ALTERNATIVE SERVICE WORK GROUP: SUGGESTED RULE 4***

#### ***(CLEAN COPY)***

\* \* \* \*

(k) *Alternative Service*. Alternative service is service by means other than personal service. Alternative service includes service by publication or any other means reasonably calculated to provide actual notice unless a specific method is provided by law. Alternative service may be had in the following cases:

(1) When the defendant resides out of the state, or the defendant's residence cannot be ascertained, and the action is:

- (A) For the recovery of real property or of an estate or interest therein;
- (B) For the partition of real property;
- (C) For the sale of real property under a mortgage, lien or other encumbrance or charge;
- (D) To compel specific performance of a contract of sale of real estate;

(2) In actions to establish or set aside a will, where the defendant resides out of the state, or the defendant's residence cannot be ascertained;

(3) In actions in which it is sought by a provisional remedy to take, or appropriate in any way, the property of the defendant, when:

(A) the defendant is a foreign corporation, or

(B) a nonresident of this state, or

(C) the defendant's place of residence cannot be ascertained,

(D) and in actions against a corporation incorporated under the laws of this state, which has failed to elect officers, or to appoint an agent, upon whom service of summons can be made as provided by these rules and which has no place of doing business in this state;

(4) In actions which relate to, or the subject of which is real or personal property in this state, when

(A) a defendant has or claims a lien thereon, or an actual or contingent interest therein or the relief demanded consists wholly or partly in excluding the defendant from any interest therein, and

(B) the defendant is a nonresident of the state, or a dissolved domestic corporation which has no trustee for creditors and stockholders, who resides at a known address in Wyoming, or

(C) the defendant is a domestic corporation which has failed to elect officers or appoint other representatives upon whom service of summons can be made as provided by these rules, or to appoint an agent as provided by statute, and which has no place of doing business in this state, or

(D) the defendant is a domestic corporation, the certificate of incorporation of which has been forfeited pursuant to law and which has no trustee for creditors and stockholders who resides at a known address in Wyoming, or

(E) the defendant is a foreign corporation, or

(F) the defendant's place of residence cannot be ascertained;

(5) In actions against personal representatives, conservators, or guardians, when the defendant has given bond as such in this state, but at the time of the commencement of the action is a nonresident of the state, or the defendant's place of residence cannot be ascertained;

(6) In actions where the defendant is a resident of this state, but has departed from the county of residence with the intent to delay or defraud the defendant's creditors, or to avoid the service of process, or keeps concealed with like intent;

(7) When an appellee has no attorney of record in this state, and is a nonresident of and is absent from the state, or has left the state to avoid the service of notice or process, or the appellee keeps concealed so that notice or process cannot be served;

(8) In an action or proceeding under Rule 60, to modify or vacate a judgment after term of court, or to impeach a judgment or order for fraud, or to obtain an order of satisfaction

thereof, when a defendant is a nonresident of the state or the defendant's residence cannot be ascertained;

(9) In suits for divorce, alimony, custody, visitation, support, to affirm or declare a marriage void, or the modification of any decree therefor entered in such suit, when the defendant is a nonresident of the state, or the defendant's residence cannot be ascertained, or the defendant keeps concealed in order to avoid service of process;

(10) In actions for adoption or for the termination of parental rights;

(11) In all actions or proceedings which involve or relate to the waters, or right to appropriate the waters of the natural streams, springs, lakes, or other collections of still water within the boundaries of the state, or which involve or relate to the priority of appropriations of such waters including appeals from the determination of the state board of control, and in all actions or proceedings which involve or relate to the ownership of means of conveying or transporting water situated wholly or partly within this state, when the defendant or any of the defendants are nonresidents of the state or the defendant's residence or their residence cannot be ascertained.

*(1) Requirements for Alternative Service.*

(1) Motion and Affidavit Required. Before alternative service can be made, the party seeking service shall file a motion for alternative service with a supporting affidavit of the party, or the party's agent or attorney, stating:

(A) that service of a summons cannot be made within this state, on the defendant to be served by publication or alternative means, and

(B) stating the defendant's address, if known, or that the defendant's address is unknown and cannot with reasonable diligence be ascertained, and

(C) detailing the efforts made to obtain an address, and

(D) that the case is one of those mentioned in subdivision (k), and

(E) the requested means of service is reasonably calculated to provide actual notice to the defendant and the factual basis to support that assertion. If no other alternative service is reasonably calculated to provide actual notice to the defendant, the moving party may request that the court allow alternative service by publication [or posting on the Wyoming Judicial Branch's alternative service website]. The party may proceed to make service when the court enters an order approving the means for the alternative service.

*(2) Order.*

(A) The court shall find that personal service of a summons pursuant to Rule 4(e) cannot be made on the defendant to be served; and

(i) The manner of alternative service proposed by the serving party is reasonably likely to provide actual notice to the defendant; or

(ii) That no other manner of service is reasonably likely to provide actual notice to the defendant and therefore service by publication shall be required.

(B) The court order allowing alternative service shall:

(i) State the requirements for service, which may include a requirement that the serving party include a copy of the court's order with the documents to be served;

(ii) State how the serving party must prove service occurred; and

(iii) State the conditions under which service is deemed complete.

(3) Alternative Service by Publication. When alternative service is required by law or by order of the court, the following provisions apply.

(A) The person seeking service shall effectuate service as required by the court's order permitting alternative service.

(B) For service by publication:

(i) Address in publication. In any case in which service by publication is made when the address of a defendant is known, it must be stated in the publication.

(ii) Service by publication must be made by the clerk for four consecutive weeks in a newspaper published:

(a.) in the county where the complaint is filed; or

(b.) if there is no newspaper published in the county, then in a newspaper published in this state, and of general circulation in such county; and

(c.) if publication is made in a daily newspaper, one insertion a week shall be sufficient; and

(d.) publication must contain

(I) a summary statement of the object and prayer of the complaint,

(II) mention the court wherein it is filed,

(III) notify the person or persons to be served when they are required to answer, and

(IV) notify the person or persons to be served that judgment by default may be rendered against them if they fail to appear.

(iii) Notice to and from clerk. Immediately after the first publication the party making the service shall deliver to the clerk a certificate of mailing to the clerk for signature and seal and one (1) copy of the papers served and a copy of the publication. The certificate of mailing shall state that the clerk mailed the provided papers to the served party—and

a description of papers served—at their last known address by certified mail. The party making service shall tender the cost of mailing as provided by Rule 4(x).

(m) *Additional Measures.* As an additional means of providing notice of pending matters subject to service, notice of alternative service, whether by publication or other means, shall also be posted on [the Wyoming Judicial Branch’s alternative service website by sending a copy of the court’s order approving alternative service to . . . .]

(n) *Proof of Service.* After the serving party accomplishes service pursuant to the court’s order or Rule, the party shall:

(1) If service was by publication, file the affidavit of the publisher showing the requisite publications.

(2) If service was by other alternative means, file a notarized statement that service was accomplished according to the court order accompanied by evidence to support the statement as provided in the order permitting service.

[(3) If service was by posting to the Judicial Branch alternative service website, insert details here.]

(o) *Alternative Service by Publication upon Unknown Persons.* When an heir, devisee, or legatee of a deceased person, or a bondholder, lienholder or other person claiming an interest in the subject matter of the action is a necessary party, and it appears by affidavit that the person’s name and address are unknown to the party making service, proceedings against the person may be had by designating the person as an unknown heir, devisee or legatee of a named decedent or defendant, or in other cases as an unknown claimant, and alternative service by publication may be had as provided in these rules for cases in which the names of the defendants are known.

\* \* \* \*

***ALTERNATIVE SERVICE WORK GROUP: SUGGESTED RULE 4  
(STRIKE/UNDERSCORE COPY)***

\* \* \* \*

(k) *Alternative Service by Publication.* Alternative Sservice by publication is service by means other than personal service. Alternative service includes service by publication or any other means reasonably calculated to provide actual notice unless a specific method is provided by law. Alternative service may be had where specifically provided for by statute, and in the following cases:

(1) When the defendant resides out of the state, or the defendant’s residence cannot be ascertained, and the action is:

(A) For the recovery of real property or of an estate or interest therein;

(B) For the partition of real property;

(C) For the sale of real property under a mortgage, lien or other encumbrance or charge;

(D) To compel specific performance of a contract of sale of real estate;

(2) In actions to establish or set aside a will, where the defendant resides out of the state, or the defendant's residence cannot be ascertained;

(3) In actions in which it is sought by a provisional remedy to take, or appropriate in any way, the property of the defendant, when:

(A) the defendant is a foreign corporation, or

(B) a nonresident of this state, or

(C) the defendant's place of residence cannot be ascertained,

(D) and in actions against a corporation incorporated under the laws of this state, which has failed to elect officers, or to appoint an agent, upon whom service of summons can be made as provided by these rules and which has no place of doing business in this state;

(4) In actions which relate to, or the subject of which is real or personal property in this state, when

(A) a defendant has or claims a lien thereon, or an actual or contingent interest therein or the relief demanded consists wholly or partly in excluding the defendant from any interest therein, and

(B) the defendant is a nonresident of the state, or a dissolved domestic corporation which has no trustee for creditors and stockholders, who resides at a known address in Wyoming, or

(C) the defendant is a domestic corporation which has failed to elect officers or appoint other representatives upon whom service of summons can be made as provided by these rules, or to appoint an agent as provided by statute, and which has no place of doing business in this state, or

(D) the defendant is a domestic corporation, the certificate of incorporation of which has been forfeited pursuant to law and which has no trustee for creditors and stockholders who resides at a known address in Wyoming, or

(E) the defendant is a foreign corporation, or

(F) the defendant's place of residence cannot be ascertained;

(5) In actions against personal representatives, conservators, or guardians, when the defendant has given bond as such in this state, but at the time of the commencement of the action is a nonresident of the state, or the defendant's place of residence cannot be ascertained;

(6) In actions where the defendant is a resident of this state, but has departed from the county of residence with the intent to delay or defraud the defendant's creditors, or to avoid the service of process, or keeps concealed with like intent;

(7) When an appellee has no attorney of record in this state, and is a nonresident of and is absent from the state, or has left the state to avoid the service of notice or process, or the appellee keeps concealed so that notice or process cannot be served;

(8) In an action or proceeding under Rule 60, to modify or vacate a judgment after term of court, or to impeach a judgment or order for fraud, or to obtain an order of satisfaction thereof, when a defendant is a nonresident of the state or the defendant's residence cannot be ascertained;

(9) In suits for divorce, alimony, custody, visitation, support, to affirm or declare a marriage void, or the modification of any decree therefor entered in such suit, when the defendant is a nonresident of the state, or the defendant's residence cannot be ascertained, or the defendant keeps concealed in order to avoid service of process;

(10) In actions for adoption or for the termination of parental rights;

(11) In all actions or proceedings which involve or relate to the waters, or right to appropriate the waters of the natural streams, springs, lakes, or other collections of still water within the boundaries of the state, or which involve or relate to the priority of appropriations of such waters including appeals from the determination of the state board of control, and in all actions or proceedings which involve or relate to the ownership of means of conveying or transporting water situated wholly or partly within this state, when the defendant or any of the defendants are nonresidents of the state or the defendant's residence or their residence cannot be ascertained.

(l) *Requirements for Alternative Service ~~by Publication~~.*

(1) Motion and Affidavit Required. Before ~~alternative service by publication~~ can be made, the party seeking service shall file a motion for alternative service with a supporting affidavit of the party, or the party's agent or attorney, an affidavit of the party, or the party's agent or attorney, must be filed stating:

(A) that service of a summons cannot be made within this state, on the defendant to be served by publication or alternative means, and

(B) stating the defendant's address, if known, or that the defendant's address is unknown and cannot with reasonable diligence be ascertained, and

(C) detailing the efforts made to obtain an address, and

(D) that the case is one of those mentioned in subdivision (k), and

(E) the requested means of service is reasonably calculated to provide actual notice to the defendant and the factual basis to support that assertion. If no other alternative service is reasonably calculated to provide actual notice to the defendant, the moving party may request that the court allow alternative service by publication [or posting on the Wyoming Judicial Branch's



alternative service website]. ~~When such affidavit is filed, the party may proceed to make service when the court enters an order approving the means for the alternative service by publication.~~

(2) ~~Publication and Notice to Clerk~~Order.

(A) ~~Address in publication.~~—~~In any case in which service by publication is made when the address of a defendant is known, it must be stated in the publication. The court shall find that personal service of a summons pursuant to Rule 4(e) cannot be made on the defendant to be served; and~~

(i) The manner of alternative service proposed by the serving party is reasonably likely to provide actual notice to the defendant; or

(ii) That no other manner of service is reasonably likely to provide actual notice to the defendant and therefore service by publication shall be required.

(B) ~~Notice to and from clerk.~~—~~Immediately after the first publication the party making the service shall deliver to the clerk copies of the publication, and the clerk shall mail a copy to each defendant whose name and address is known by registered or certified mail and marked ‘Restricted Delivery’ with return receipt requested, directed to the defendant’s address named therein, and make an entry thereof on the appearance docket. The court order allowing alternative service shall:~~

(i) State the requirements for service, which may include a requirement that the serving party include a copy of the court’s order with the documents to be served;

(ii) State how the serving party must prove service occurred; and

(iii) State the conditions under which service is deemed complete.

(C) ~~Affidavit at time of hearing.~~—~~In all cases in which a defendant is served by publication of notice and there has been no delivery of the notice mailed to~~

~~the defendant by the clerk, the party who makes the service, or the party’s agent or attorney, at the time of the hearing and prior to entry of judgment, shall make and file an affidavit stating~~

~~(i) the address of such defendant as then known to the affiant, or if unknown,~~

~~(ii) that the affiant has been unable to ascertain the same with the exercise of reasonable diligence, and~~

~~(iii) detailing the efforts made to obtain an address.~~

~~Such additional notice, if any, shall then be given as may be directed by the court.~~

(3) Alternative Service by Publication. When alternative service is required by law or by order of the court, the following provisions apply.

(A) The person seeking service shall effectuate service as required by the court's order permitting alternative service.

(B) For service by publication:

(i) Address in publication. In any case in which service by publication is made when the address of a defendant is known, it must be stated in the publication.

(ii) Service by publication must be made by the clerk for four consecutive weeks in a newspaper published:

(a.) in the county where the complaint is filed; or

(b.) if there is no newspaper published in the county, then in a newspaper published in this state, and of general circulation in such county; and

(c.) if publication is made in a daily newspaper, one insertion a week shall be sufficient; and

(d.) publication must contain

(I) a summary statement of the object and prayer of the complaint,

(II) mention the court wherein it is filed,

(III) notify the person or persons to be served when they are required to answer, and

(IV) notify the person or persons to be served that judgment by default may be rendered against them if they fail to appear.

(iii) Notice to and from clerk. Immediately after the first publication the party making the service shall deliver to the clerk a certificate of mailing to the clerk for signature and seal and one (1) copy of the papers served and a copy of the publication. The certificate of mailing shall state that the clerk mailed the provided papers to the served party—and a description of papers served—at their last known address by certified mail. The party making service shall tender the cost of mailing as provided by Rule 4(x).

(m) *Publication of Notice.*—The publication must be made by the clerk for four consecutive weeks in a newspaper published:

(1) in the county where the complaint is filed; or

(2) if there is no newspaper published in the county, then in a newspaper published in this state, and of general circulation in such county; and

~~(3) if publication is made in a daily newspaper, one insertion a week shall be sufficient; and~~

~~(4) publication must contain~~

~~(A) a summary statement of the object and prayer of the complaint,~~

~~(B) mention the court wherein it is filed,~~

~~(C) notify the person or persons to be served when they are required to answer, and~~

~~(D) notify the person or persons to be served that judgment by default may be rendered against them if they fail to appear.~~

*Additional Measures.* As an additional means of providing notice of pending matters subject to service, notice of alternative service, whether by publication or other means, shall also be posted on [the Wyoming Judicial Branch's alternative service website by sending a copy of the court's order approving alternative service to . . . .]

~~(n) *When Service by Publication is Complete; Proof.*—~~

~~(1) *Completion.*— Service by publication shall be deemed complete at the date of the last publication, when made in the manner and for the time prescribed in the preceding sections; and~~

~~(2) *Proof.*— Service by publication shall be proved by affidavit.~~

~~(3) For purposes of Rule 4(u), when service is made by publication, a defendant shall be deemed served on the date of the first publication.~~

*Proof of Service.* After the serving party accomplishes service pursuant to the court's order or Rule, the party shall:

(1) If service was by publication, file the affidavit of the publisher showing the requisite publications.

(2) If service was by other alternative means, file a notarized statement that service was accomplished according to the court order accompanied by evidence to support the statement as provided in the order permitting service.

[(3) If service was by posting to the Judicial Branch alternative service website, insert details here.]

(o) *Alternative Service by Publication upon Unknown Persons.* When an heir, devisee, or legatee of a deceased person, or a bondholder, lienholder or other person claiming an interest in the subject matter of the action is a necessary party, and it appears by affidavit that the person's name and address are unknown to the party making service, proceedings against the person may be had by designating the person as an unknown heir, devisee or legatee of a named decedent or defendant,

or in other cases as an unknown claimant, and alternative service by publication may be had as provided in these rules for cases in which the names of the defendants are known.

\* \* \* \*

## **APPENDIX A-2: DRAFT ALTERNATIVE SERVICE GUIDANCE**

### **Alternative Service in Wyoming**

#### **General Information**

When a lawsuit is filed with the court, Wyoming law requires the plaintiff/petitioner to personally serve the defendant/respondent to notify them about the case, provide them with copies of the complaint or petition and all documents filed, and to give them a timeframe to respond. If personal service on the defendant/respondent is unachievable because you do not know their physical address or for some other reason, or if you believe the defendant/respondent is trying to avoid service, you may request alternative service from the court.

#### **When to Request Alternative Service**

You can request alternative service approval from the court after you have been unsuccessful in locating the defendant/respondent despite reasonably diligent efforts. It is not enough to say, “I don’t know where they are” or “We no longer speak.” Here is an example of what may be considered to constitute “reasonable diligence.”

- September 1 – I called defendant’s brother because I know the defendant speaks with his brother often. His brother would not tell me where the defendant is.
- September 2 – I called defendant’s former employer at Example LLC and spoke with defendant’s former boss. He said he hasn’t heard from defendant in over a year.
- September 4 – I internet searched the defendant’s name and found defendant has a Facebook page, which lists defendant’s current city as Denver.

You might also request alternative service when you have contact with a person but cannot get their physical address. For example, “He won’t give me his physical address but we do chat about the kids by What’s App and we also exchange information about the kids by email.”

#### **Process for Alternative Service**

- File a Motion for Alternative Service with an affidavit detailing the efforts to locate the defendant/petitioner.
  - In the joint filing of the Motion for Alternative Service and affidavit, the plaintiff/petitioner must state:
    - The type of legal action they are bringing;

- Their efforts to locate and serve the defendant/respondent and why those actions were unsuccessful;
  - The defendant/respondent's address or, if unknown, the efforts to find the defendant/respondent's address;
  - An explanation of the method(s) of alternative service most likely to provide actual notice to the defendant/respondent.
- Order for Alternative Service

The court may enter an order finding that personal service cannot be made on the defendant/respondent with reasonable diligence and that alternative service is permitted. If the order is entered, it will detail which method(s) of service is permitted, how to complete service, and how to prove service was completed.

- Proof of Service

The plaintiff/petitioner may serve only by the method(s) ordered by the court. Once service is complete, the plaintiff/petitioner must file proof of service according to the court order.

- The table below provides examples of alternative service and the proof of service the court may order:

If the judge ordered service by	Service is	To prove service
Mailing the document to the last known address	Mailing the document with return receipt requested to the address specified in the order	Provide the return receipt; <u>and</u> an affidavit that service was completed by alternative means
Publication in the Legal Notices section of the specific newspaper ordered by the court	Providing the newspaper with a copy of the Summons for publication. The newspaper publishes the notices for the ordered amount of time.	Proof of publication provided by the newspaper <u>and</u> an affidavit that service was completed by alternative means
Text message, whether by SMS or by What's App, Telegram, or a similar app	Sending the defendant/respondent a text message notifying them that a case has been filed, the court where it has been filed, and the court case number (and anything else the court ordered)	A printed copy of the text message <u>and</u> an affidavit that service was completed by alternative means

Email message	Sending the summons and complaint or petition to the defendant/respondent's email address	A printed copy of the email message <u>and</u> an affidavit that service was completed by alternative means
Social media (Facebook, Instagram, etc.)	Posting a message on the person's social media page, or sending a message through a social media platform notifying them the case has been filed, the court where it has been filed, and the court case number (and anything else the court ordered)	A printed copy of the post or message <u>and</u> an affidavit that service was completed by alternative means
Publication on the Wyoming Judicial Branch's alternative Service website	Publishing the complaint and summons on the Wyoming Judicial Branch's alternative Service website	A printed copy of the posted notices <u>and</u> an affidavit that service was completed by alternative means

If the court ordered a combination of these methods, the plaintiff/petitioner must provide proof that they have completed all steps for each ordered method, but only file one consolidated affidavit that service was completed by alternative means.

## Appendix E – Pro Bono Dashboard

### Access to Justice 2.0 Pro Bono Dashboard Last updated October 30, 2024

**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 3,408 lawyers licensed for active practice in Wyoming. Of those, 1,687 reside in Wyoming and 1,721 are nonresidents.<sup>102</sup> The U.S. Census Bureau estimates Wyoming’s population at 584,057.<sup>103</sup> One county in Wyoming (Weston County) is considered a legal desert, meaning there

<sup>102</sup> State bar membership data was gathered on October 8, 2024.

<sup>103</sup> U.S. Census Bureau, Quick Facts: Wyoming, <https://www.census.gov/quickfacts/WY> (population estimates July 1, 2023).

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.<sup>104</sup>

## A Snapshot of Wyoming's Pro Bono Work<sup>105</sup>

### 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.
- In 2023, 147 attorneys applied for Pro Bono CLE from the Wyoming State Bar. There were 434.5 credits approved, including 37.5 hours of ethics credit.

### State Bar Reimbursement of Costs

- In 2022, a total of \$9,552.26 was paid by the Wyoming State Bar to reimburse out of pocket costs for pro bono expenses. This reimbursement was for 20 cases.
- In 2023, a total of \$3,734.97 was paid by the Wyoming State Bar to reimburse out of pocket costs for pro bono expenses, for 10 cases.

### Modest Means

- As reported in the 2023-2024 ATJ 2.0 report, there were 204 applications submitted to the Wyoming State Bar's Modest Means Program, which allows for reduced-rate legal services (then \$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.
- As of October 18, 2024, there were 154 applications submitted. Of those, 41 were qualified applicants; 25 were matched for services; and 16 could not be placed with an attorney. In 2024, the Wyoming State Bar increased the hourly cap to \$100 per hour.

### Volunteer Lawyers/"I'll Do One" Program

- In fiscal year 2022 (ending June 30, 2022), 102 cases were handled through Equal Justice Wyoming's pro bono program.
- In fiscal year 2023 (ending June 30, 2023), 119 cases were handled through this program.
- In fiscal year 2024 (ending June 30, 2024), 60 cases were handled through this program.

### 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 2024, Teton County became the eighth VRA location in the state. Four of the locations hold sessions twice a month and the other four hold sessions once a month. Sixty-

<sup>104</sup> A. Tomisich, *Rural Law & the Access to Justice Crisis*, THE COFFEE HOUSE (May 2024), available at <https://www.wytla.org/?pg=CoffeeHouse>.

<sup>105</sup> 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.



nine attorneys participated as volunteers and 948 individuals were served through the VRA program.

### **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.
- In 2024, 357 questions were answered, which was 96 percent of the questions asked on the site. The top two volunteers answered 129 and 60 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. Two clinics in Laramie were held during the year, but difficulty in getting meaningful attendance at the events after the pause during the pandemic has required reconsideration of how to plan future clinics around the state.

**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
- 74 individuals in fiscal year 2023
- 75 individuals in fiscal year 2024

### **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 Pro Bono Working Group is not dedicated to funding but provides this data

- In 2022, the Equal Justice Wyoming Foundation (EJWF) received \$18,640 from attorneys through the Wyoming State Bar's License Fee Statements. Attorneys, judges, firms, and others also made direct contributions to EJWF for a total of \$98,756 in unrestricted donations.
- In 2023, EJWF received \$17,549 from attorneys through the Wyoming State Bar's License Fee Statements. Attorneys, judges, firms, and others also made direct contributions to EJWF for a total of \$104,710 in unrestricted donations.

# Appendix F – Stewards of Justice Pro Bono Honor Roll Example

2023 Capital Pro Bono Honor Roll

## **Open Letter to the 2023 Capital Pro Bono Honor Roll Registrants from Chief Judge Anna Blackburne-Rigsby and Chief Judge Anita Josey-Herring**

April 29, 2024

On behalf of the D.C. Courts, in partnership with the D.C. Access to Justice Commission and the D.C. Bar Pro Bono Center, we want to express our deep gratitude to each of you who qualified for recognition on the 2023 Capital Pro Bono Honor Roll. As you may know, since 2011 the D.C. Courts have recognized attorneys who have contributed 50 hours or more of pro bono service in the calendar year. As chief judges, we are acutely aware of the significant obstacles faced by individuals with limited resources who all too frequently must represent themselves in proceedings, often against represented parties. We salute you for using your time, talents, and expertise to ensure that those who cannot afford an attorney have meaningful access to justice.

Each year we are encouraged by the incredible number of registrants for the Capital Pro Bono Honor Roll, and this year surpassed expectations. For 2023, 5,034\* attorneys registered for the Honor Roll, with 2,825\* (56%) providing 100 hours or more of pro bono service, thus qualifying for the High Honor Roll. This represents at least now 392,950\* hours of pro bono service. It also is deeply gratifying to see that our legal community's pro bono commitment spans across all types of practice. The 2023 Honor Roll members hail from 166 firms, solo practices, federal and local government agencies, corporations, associations, and public interest organizations.

We are exceedingly proud of the robust tradition of pro bono service in the District of Columbia's legal community. We applaud those attorneys who embrace their ethical obligation, as contained in Rule 6.1 of the D.C. Rules of Professional Conduct, to perform at least 50 hours of pro bono work annually. The District of Columbia is fortunate to have a truly exemplary cadre of legal services organizations whose attorneys work every day to make access to justice a reality. Yet there remains a significant gap between those who need legal services and those who the legal services community with their limited resources can help. The continued participation of pro bono counsel is simply indispensable to our civil justice system. It will take all of us, working together, to make the equal access to justice a reality in the District.

Thank you for answering – and in many cases exceeding – the call to service embodied by Rule 6.1. We know that your actions stem not only from a commitment to your ethical obligations, but also from your principled belief in equal access to justice. We are pleased to recognize your dedication by including your name on this year's Capital Pro Bono Honor

Roll.

Sincerely,  
 Anna Blackburne-Rigsby  
 Chief Judge  
 District of Columbia Court of Appeals

Anita Josey-Herring  
 Chief Judge  
 Superior Court of the District of Columbia

*\*These numbers have been updated as of May 6, 2024.*

### **About the Capital Pro Bono Honor Roll**

The District of Columbia Courts, with assistance from the D.C. Access to Justice Commission and the D.C. Bar Pro Bono Center, established the Capital Pro Bono Honor Roll as part of the 2011 National Celebration of Pro Bono. Since then, it has continued annually to celebrate the pro bono contributions made by D.C. Bar members and others authorized to practice under D.C. Court of Appeals Rule 49. The Honor Roll recognizes the vital role that private and government lawyers play in providing pro bono services to those who cannot afford counsel, as well as to disadvantaged small businesses and community-based nonprofits.

To register for the Capital Pro Bono Honor Roll, lawyers submit a declaration indicating they provided 50 or more hours of pro bono service in the calendar year. Lawyers who provided 100 or more hours of pro bono service qualify for the High Honor Roll. For 2023, 5,034 attorneys registered for the Honor Roll, with 2,825 providing 100 hours or more of pro bono service, thus qualifying for the High Honor Roll. Registrants are listed on the DC Courts website by name and by law firm/organization.

**2023 Pro Bono Honor Roll by Name:** <https://www.dccourts.gov/about/pro-bono-honor-roll>

**2023 Pro Bono Honor Roll and High Honor Roll, by affiliation (law firm or organization):** <https://www.dccourts.gov/about/pro-bono-honor-roll>

## Appendix G – Pro Bono Promoter Job Description

Potential Job Description: The Pro Bono Promoter is generally responsible for planning/coordinating events to promote pro bono work with the private bar throughout Wyoming, including advertising initiatives and pro bono campaigns, and developing pro bono relationships with private practitioners. Duties include coordinating pro bono efforts with private practitioners, various courts, and organizations such as the Wyoming State Bar, Equal Justice Wyoming, and legal services organizations. Developing strategic plans for communicating a brand message to private practitioners is an important aspect of the role of the Pro Bono Promoter. Another primary duty is to ensure pro bono marketing campaigns achieve their objectives. Several specific duties and responsibilities are as follows, which can be used as metrics during the Pro Bono Promoter's review process:

- Create integrated pro bono marketing campaigns based on Wyoming legal market segments (rural v. urban, small firms v. big firms, etc.) to get new private practitioners involved in pro bono and build repeat attorneys who consistently take on pro bono matters year-after-year.
- Supervise the execution, monitoring and measurement of pro bono marketing campaigns and their success. Ensure pro bono marketing campaign implementation follows organizational guidelines set forth by the Wyoming Supreme Court and Wyoming State Bar.
- Build strong professional relationships with private practice firms and attorneys concerning involvement with pro bono matters.
- Compile regular reports of pro bono marketing campaign performance and results.
- Improve new pro bono marketing campaigns using data and feedback from existing and previous projects conducted by organization such as Equal Justice Wyoming.
- Organize pro bono promotional events with the private practice bar (such as a pro bono summit during the annual state bar meeting).

## Appendix H – Permanent Pro Bono Committee

If the Access to Justice Commission and Wyoming Judicial Council agree that a permanent committee would be warranted, the Pro Bono Working Group provides this initial framework, intended as a starting point in the development of such a committee.

*Mission and Purpose:* Improve and encourage voluntary pro bono legal services throughout the state, including low bono and limited scope and other unbundled services.

### *Tasks:*

- Meet every two months to look at innovative methods of encouraging pro bono service.
- In the short term: expand the government pro bono program launched in 2022 by the ATJ Commission.
- Monitor State Bar member survey results every two years which identifies barriers and incentives to pro bono service.
- Monitor ABA and LSC Pro Bono reports, recommendations, and initiatives.
- Provide or partner with other organizations (EJW, local and state bars) for statewide programming during Pro Bono Week at the end of October each year.
- Prepare a pro bono report each year for the Access to Justice Commission to report on achievements during the year and perhaps updating data from the Working Group's Data Sheet on an ongoing basis to measure progress over time.
- Partner with EJW, bar staff, and ATJ 2.0 on annual Access to Justice Luncheon messaging.
- Have one or more members join National Association of Pro Bono Professionals (NABPRO) to access webinars, resources, list serves about pro bono programming and issues around the country.<sup>106</sup> The cost is \$55 per year. Until 2024, Wyoming had no members in this organization, although EJW has always had access to NABPRO resource.

*Membership:* As a starting point, the committee could use a chair or two co-chairs, ideally judicial officers from different levels of the judicial branch; legal services organization representatives; pro bono counsel/private firm representatives; an elected bar commissioner; and staff from the state bar and judicial branch's respective access to justice offices.

- It may be appropriate to include one or more nonlawyers with direct contact to the populations served by pro bono services, such as those helping in social services, victims' advocates, county and state ombudsman representatives working in high-need areas (housing, elder care, family resource centers)
- It may be appropriate to add a representative from Wyoming's federal district courts in light of recent calls from that jurisdiction for pro bono attorneys.<sup>107</sup> While the Wyoming Access to Justice Commission generally focuses on state courts, as a committee of the state judicial branch, including a federal judicial officer on a committee provides an opportunity to collaborate and share ideas since both the federal bench and state court pro bono efforts target the same pool of attorneys.
- If other partners arise in the future who operate in the ATJ sphere, such as law libraries or fundraising organizations, a stakeholder from those entities could be appropriate to add.

<sup>106</sup> <https://napbpro.wildapricot.org/>.

<sup>107</sup> Hon. Alan B. Johnson, *Prisoner Civil Rights Claims: The Basics and How You Can Help*, THE COFFEE HOUSE (Summer 2024).

DECEMBER 2024<sup>3</sup>

# THE GUIDE TO JUDICIAL BRANCH EMPLOYMENT

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

WYOMING JUDICIAL BRANCH

PUBLISHED DATE: AUGUST 2022

REVISED: DECEMBER 2024<sup>3</sup>

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## WELCOME

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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

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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.

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## EMPLOYMENT AT-WILL

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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

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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.

### (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, 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.

(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.

(e) *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) *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-exempt 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.

(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.

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

Reimbursement for out-of-state travel shall comply with Wyo. Stat. Ann. §§ 9-3-102 and 9-3-103.

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.

Exceptions to these policies must be approved in writing by the Chief Justice for Supreme Court, Chancery Court, and Circuit Court employees and by a District Judge for exceptions applicable to his/her staff.

### 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 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.

(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 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.

(j) *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.

(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 obligations.

(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)~~ fifteen (15) 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	no 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 and full-time or part-time status, 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)

Part-time employee's maximum accrual is prorated based on percentage of full-time status.

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. Except when transferring into a judgeship, 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. Any State employee transferring into a judgeship cannot carryover leave and must be paid by their employing agency in accordance with applicable policy.

(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)~~fifteen (15) minute increments.

Accrual. Employees accrue sick leave according to the number of hours worked in the month, as follows:

160 or more hours	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.** Employees who have been employed for at least six (6) months, exhausted all available paid leave, and have a legitimate need for additional sick leave, may request to the Judicial Officer or State Court Administrator donated sick leave. Judicial Officers or the State Court Administrator will notify Human Resources if the leave request is approved. In extreme emergency situations, the minimum employment requirement may be waived with Judicial Officer or State Court Administrator approval, as applicable.

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~~ Judicial Officer or State Court Administrator, 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. Employees with less than one (1) year of service may receive up to eight (8) hours of advanced sick leave. 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. Except when transferring into a judgeship, an ~~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. Any State employee transferring into a judgeship cannot carryover leave and must be paid by their employing agency in accordance with applicable policy.

(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)~~fifteen (15) 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.

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 31<sup>st</sup> 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) *Administrative Leave.*

Administrative Leave is discretionary paid time off granted by a Judicial Officer or State Court Administrator to an employee to participate in meetings, training seminars, or for other purposes.

Upon declaration, the Chief Justice may close courts and state offices for the traditional observance of local celebrations or for other reasons deemed necessary. District Court and Circuit Court Judges may close offices for their courts in observance or local celebrations or for other reasons deemed necessary.

~~(d)~~(e) *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)~~(f) *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.

Part-time employees may take an additional day off during a holiday week when a holiday falls on their regularly scheduled day off. The day off may vary from the observed holiday for a full-time employee.

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 scheduled 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)~~(g) 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.

~~(e)~~(h) 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.

~~(f)~~(i) 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).



~~(+)(j)~~ *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 a~~ scheduled employees' time away from work is treated as ~~paid administrative~~ leave and the employee's pay will not be reduced to cover the absence. Employees who are on approved leave when the court closes for inclement weather ~~or are not otherwise scheduled to work~~ are not eligible for ~~administrative this~~ 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 a~~ closure will be required to use compensatory and/or annual leave to cover the absence.

~~(+)(k)~~ *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)).

~~(+)(l)~~ *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.

(m) 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 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; and 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.~~ safeguard privileged and confidential information by keeping case-related information secure and discussing it only with authorized individuals. ~~and~~ Judicial Branch employees will not misuse their positions to obtain unauthorized benefits. Employees shall avoid conduct that could compromise or appear to compromise the impartiality of the judiciary, including abstaining from discussing cases, court matters, or judgments outside of official duties. 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.<sup>1</sup> 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, and 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

<sup>1</sup> Code of Judicial Conduct, Rule 2.3.

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.

(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 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:

- a. 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;
- b. 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;
- c. Political Activities: Making statements on social media which violate the Judicial Branch's restrictions on political activities is prohibited;
- d. 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;
- e. 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;
- f. 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;

- g. 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
- h. 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



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.

An employee who is absent from work for three (3) consecutive workdays without proper notification and authorization may be considered to have voluntarily separated from the Branch.

### (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 8.2



### PERSONNEL RECORDS REQUEST

Employee Name \_\_\_\_\_

Date \_\_\_\_\_

I hereby request a copy of the following personnel records concerning my employment at the Wyoming Judicial Branch from the inception of employment to date (please check all that apply).

- ☐ Personnel File
- ☐ Medical File
- ☐ Form I-9
- ☐ Payroll and timekeeping records
- ☐ Benefits forms

Note: The Wyoming Judicial Branch is not the custodian of record for State of Wyoming benefits and can only provide those forms given to the Wyoming Judicial Branch Human Resources department.

I hereby release and discharge all causes of action, claims or demands for damages, fees or costs that may be asserted against the Wyoming Judicial Branch, or their officials, employees and agents for providing any and all of the above requested records.

I agree to pay \$\_\_\_\_\_ for the cost of retrieval and copying of these documents. A photocopy of this request shall be as valid as the original. This release shall expire six (6) months from the date of signature.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature

STATE OF WYOMING                    )  
  ) ss.  
COUNTY OF \_\_\_\_\_ )

Subscribed and sworn to before me by \_\_\_\_\_ on this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Witness my hand and official seal.

\_\_\_\_\_  
Notary Public

My Commission expires: