

# WYOMING JUDICIAL COUNCIL

## BUSINESS MEETING MINUTES

Vee Bar Ranch

March 10, 2026

**Members:** Chief Justice Lynne Boomgaarden (chair), Justice Kari Gray, Justice Robert Jarosh, Judge Dawnessa Snyder, Judge Joseph Bluemel, Judge Scott Peasley, Judge John Prokos, Judge Sean Chambers, Judge Susan Stipe

**Others Present:** Justice Bridget Hill, Judge Matthew Castano, Judge Benjamin Burningham, Elisa Butler, Claire Smith, Kurt Zunker, Katie Hogarty, Cathy Duncil

### WJC BUSINESS

#### 1. Approval of Minutes

The Wyoming Judicial Council approved the minutes from the December 15, 2025 Council Meeting.

Attachment 5.1 – Draft December Minutes

The Council reviewed the minutes from the meeting on December 15, 2025. Justice Jarosh moved to approve the minutes, with a second from Judge Prokos. Without further discussion, the motion passed unanimously on voice vote.

#### 2. Equal Justice Wyoming Grants

The Wyoming Judicial Council approved the grant allocation as recommended by the EJW Advisory Committee.

Chief Justice Boomgaarden noted that the Council had been provided with the recommendations, executive summary, factors considered, and supporting spreadsheet from the EJW Advisory Committee regarding the recommendation for allocation of grant funding. She then turned to the Committee co-chairs – Katie Hogarty and Cathy Duncil – for a high-level overview of the grant recommendations.

Katie Hogarty emphasized that funding decisions have a direct impact on Wyomingites, particularly families and individuals most in need. In making its recommendations, the Committee considered the constraints of limited and declining funding alongside increasing need, with a focus on achieving the strongest return on investment.

The Committee prioritized funding for Legal Aid of Wyoming and the Coalition, recognizing that these entities serve the greatest number of individuals across the broadest geographic areas. Discussion also included the Children’s Law Center, with interest expressed in conducting a deeper review of its data and outcomes in the next year.

Chief Justice Boomgaarden noted the reduction in available funds and inquired whether the Committee needed to utilize reserve funds for the current grant cycle to fully fund the recommendation. Cathy Duncil reported that reserves were not used.

It was further noted that, based on the information provided, the Committee funds approximately seventeen percent (17%) of Legal Aid of Wyoming. Historically, the majority of that program’s funding was provided through national sources, specifically the Legal Services Corporation. Chief Justice Boomgaarden asked whether that funding had

	<p>remained static, and it was confirmed that this remained the general understanding.</p> <p>Judge Snyder asked about the cause of decreased funding levels. Cathy Duncil explained that grant funds are generated primarily through a ten-dollar (\$10) court fee, particularly traffic citations. As citation volume is tied to law enforcement activity, lower issuance rates have contributed to reduced funding.</p> <p>Following Council discussion, Judge Chambers moved to approve the grant allocation recommendation from the EJW Advisory Committee, with a second from Judge Bluemel. The motion passed unanimously on voice vote.</p>
<p><b>3. Treatment Court Grants</b></p> <p>The Wyoming Judicial Council approved the grant allocation as recommended by the Behavioral Health Committee.</p>	<p>Chief Justice Boomgaarden noted that the Council was provided with the recommendations, and the executive summary from the Behavioral Health Committee regarding the Committee’s recommendation on allocation of grant funding. She turned to Judge Castano for an overview of the grant recommendations by the Behavioral Health Committee.</p> <p>Judge Castano explained that this was the first round of funding allocation following the program’s transition from the Department of Health (DOH). The Committee developed application materials, which were distributed and received in mid-December, and subsequently reviewed. The recommendations before the Council reflect the outcome of that review process.</p> <p>A total of six-point-two million dollars (\$6.2M) was available for allocation across seventeen treatment courts for the biennium. In its review, the Committee considered both requested funding amounts and the historic funding model, which has been based on program capacity, or “seats.” Of the total amount, four-hundred thousand dollars (\$400,000) was derived from surcharge funds associated with the Court Supervised Treatment Fund. In several instances, recommended awards were lower than requested amounts, based on prior trends showing that certain programs had historically reverted unused funds at the end of the biennium. Following allocations, approximately three-thousand seven-hundred dollars (\$3,700) remained unallocated.</p> <p>Judge Castano discussed the allocation of surcharge funds, which the Committee considered separately. These funds were distributed to support training and travel, program expansion, including requests related to mental health diversion, and incentives. It was further noted that, historically, surcharge funding administered through the DOH had been restricted to specific line items. Under the current model, those restrictions have been removed, and funds are now provided as block grants, allowing programs greater flexibility to adjust expenditures as needed throughout the biennium.</p> <p>Judge Castano advised that the Committee has developed program standards and is working toward implementing a formal certification process. Future funding considerations may be tied to compliance with these standards to ensure programs meet established performance</p>

	<p>benchmarks.</p> <p>Chief Justice Boomgaarden invited questions from the Council. Judge Chambers asked about the amount of surcharge funding collected annually or per biennium, as well as trends over time. Judge Castano replied that four-hundred thousand dollars (\$400,000) had been collected for the current biennium. Claire Smith indicated that more detailed historical data was not immediately available but is being tracked moving forward. Justice Gray asked to clarify that surcharge funds represent a distinct funding source. Claire confirmed that was correct. Most of the funding is derived from tobacco settlement funds, supplemented by general funds. Circuit courts were identified as the primary generators of surcharge revenue.</p> <p>Judge Castano emphasized that this has been a significant year for program development, particularly with the implementation of a peer review process through the Committee. This effort was described as a reestablishment of a similar process that had existed in prior years. Judge Chambers shared that his program participated in the initial peer review and described the experience as highly beneficial. Chief Justice Boomgaarden noted that, while funding sources have remained consistent following the program’s transition from DOH, administrative oversight has strengthened through the adoption of standards and the implementation of peer review. Overall, it was expressed that the program is in a strong position, with continued opportunities for improvement.</p> <p>Justice Jarosh asked about the peer review process, and what that entailed. Judge Castano explained that programs are paired together, with the reviewing program conducting an on-site visit, engaging in stakeholder interviews, and observing program operations. The process provides an opportunity for collaboration and feedback among peers. A report is then generated, including findings and recommendations.</p> <p>Following Council discussion, Judge Prokos moved to approve the grant allocation recommendation from the Behavioral Health Committee, with a second from Judge Snyder. The motion passed unanimously on voice vote.</p>
<p><b>4. URDC 909</b></p> <p>The Wyoming Judicial Council recommends adoption of amendments to URDC 909 to the Wyoming Supreme Court.</p> <p>Attachment 8.2 – Proposed Amendment to URDC 909</p>	<p>Judge Snyder presented the proposed rule change to the Uniform Rules of District Court. An issue pertaining to URDC 909 was initially brought to the attention of the District Court Conference from an attorney. The attorney expressed concern that the Rule is in conflict with a 2025 statutory change. Upon review, the conference determined that there was no substantial conflict, but that the Rule could benefit from a few minor changes to ensure the Rule is in line with state statute pertaining to settlements for minors.</p> <p>The proposed amendment is set forth in Attachment 8.2, with the primary amendment changing the term “conservator” to “representative.”</p> <p>Following Council discussion, Judge Bluemel moved to recommend adoption of the amendment by the Wyoming Supreme Court, and Judge Prokos seconded the motion. The motion passed unanimously on voice vote.</p>

## WJC AND OTHER COMMITTEES

### 5. Judicial Performance Evaluation Committee

The Wyoming Judicial Council approved the Purpose and Structure of the Judicial Performance Evaluation Committee.

[Attachment 9.1 – Proposed Purpose and Structure for the JPE Committee](#)

Chief Justice Boomgaarden presented the recommended purpose and structure of the Judicial Performance Evaluation Committee. The Committee members appointed by their court conferences met to discuss and provide a recommended purpose and structure for the newly created Judicial Performance Evaluation Committee. That discussion resulted in Attachment 9.1.

Discussion from the Council centered around membership of the Committee. The Council discussed involvement of the Chancery Court Judge as a member of the Committee to ensure input from all jurisdictional levels. All members agreed that the Chancery Court Judge should be a member of the Committee.

Some members voiced concern about including attorneys as members, indicating that some may have motives that could impede the work of the Committee. Following discussion, the Council decided that input from attorneys is imperative to ensure a well-rounded evaluation tool; however, it opted to make attorneys non-voting members of the Committee to maintain decision-making by members of the Branch.

Following Council discussion, Judge Chambers moved to approve the purpose and structure of the Judicial Performance Evaluation Committee with the discussed amendments. Judge Snyder seconded the motion. The motion passed unanimously on voice vote.

### 6. Technology Committee

The Wyoming Judicial Council tabled the vote on the Draft Identification and Authentication Policy to a future meeting.

Justice Hill presented the draft Identification and Authentication Policy, explaining that it stems from the Technology Committee's earlier work to identify governance needs and develop a series of policies for Council review. The policy outlines how users and devices verify identity, how system access is granted and managed, and incorporates best practices from National Institute of Standards and Technology and the Cybersecurity and Infrastructure Security Agency. Most provisions reflect existing Judicial Branch practices, with notable updates to password length, multi-factor authentication requirements, and VPN login procedures. The policy also emphasizes granting only the minimum access necessary for each role and coordinating access changes between the HR and IT divisions of the Administrative Office of the Courts (AOC).

During questions, Judge Prokos asked whether password-change prompts will specify required length and characters. Justice Hill will follow up. Chief Justice Boomgaarden added a solution may be to notify users when a password fails and why.

Judge Peasley raised concerns about judges not being included in "any access requests." Justice Hill clarified the policy addresses changes in access level, not troubleshooting. The Council discussed potential overlap with the Device Security and Acceptable Use Policy. Elisa Butler noted the new policy is broader and may need consolidation with the earlier policy.

Chief Justice Boomgaarden highlighted apparent redundancies and inconsistencies, such as conflicting provisions on whether access requests

	<p>must originate only from the HR Division. She suggested a consistency review and revisiting December’s decision to broaden access, including changes to phrasing around access “based on job performance.”</p> <p>Judge Bluemel reiterated ongoing access challenges when judges handle cases from other jurisdictions. The Council emphasized ensuring the policy does not contradict the December access expansion, and to ensure appropriate implementation of that access expansion.</p> <p>Justice Gray noted the distinction between access and system authorization. Justice Hill agreed clarification is needed, especially regarding the IT Division’s ability to troubleshoot for district courts.</p> <p>Chief Justice Boomgaarden concluded that the policy is not ready for a vote. Justice Hill will return it to the Technology Committee for a consistency review, possible consolidation with related policies, clarification on password-requirement messaging, and confirmation that the policy does not impede IT troubleshooting.</p>
<p><b>7. PRAC – Chancery Court Division</b></p> <p>The Wyoming Judicial Council approved the proposed amendment to the Chancery Court Rules, making the recommendation to the Wyoming Supreme Court for adoption.</p> <p><a href="#">Attachment 11.1 – Memo and proposed Amendment to the Wyoming Rules of Civil Procedure for Chancery Court</a></p>	<p>Judge Burningham presented the proposed amendment to the Chancery Court opt-out rule, following last year’s comprehensive review by the Chancery Court Division of the Permanent Rules Advisory Committee. He explained that the current rule allows any defendant to unilaterally opt out before the answer deadline, unless a valid forum-selection clause designates chancery court, requiring automatic dismissal of the case. This automatic dismissal has been criticized for undermining chancery’s purpose of timely, cost-effective resolution, as plaintiffs must refile and repay fees.</p> <p>He further noted that the dismissal requirement conflicts with statute, which contemplates removal to district court rather than mandatory dismissal. The division considered several alternatives, including eliminating opt-out entirely, requiring good cause, or tying opt-out to a jury demand. Ultimately, the division recommends a narrower change: retaining unilateral opt-out but replacing automatic dismissal with removal to district court. This compromise preserves a defendant’s ability to seek a jury trial while preventing delay and unnecessary duplicative costs for plaintiffs.</p> <p>Chief Justice Boomgaarden thanked Judge Burningham and asked whether the division had considered procedural logistics. He confirmed that they had, noting discussions with the district court clerk representative and that procedural mechanics are reflected in Rule 40.1(c). Under the proposal, existing answer and motion deadlines would transfer to district court upon removal. Alternatively, the removal order could set new deadlines if needed.</p> <p>Regarding communication, Judge Burningham stated that the division intends to publish an article in the <i>Wyoming Lawyer</i> and could also incorporate the update into ongoing CLE presentations if needed.</p> <p>There being no further questions, Judge Burningham was excused.</p> <p>Following Council discussion, Judge Bluemel moved to recommend adoption of the amendment to the Chancery Court Rules to the Wyoming</p>

	Supreme Court for adoption, with a second from Judge Prokos. The motion passed unanimously on voice vote.
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**FUTURE WJB MEETING DATES:**

	Monday, June 8, 2026 @ a.m. to Noon in Cheyenne, WY
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	Monday, September 14, 2026 @ 1 p.m. to 5 p.m. in Casper, WY
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	Monday, December 14, 2026 – virtual meeting
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	Monday, March 15 <sup>th</sup> and Tuesday, March 16 <sup>th</sup> , 2027 – location TBD (circuit court conference selection)
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# WYOMING JUDICIAL COUNCIL

## MINUTES

Virtual Meeting – Teams

December 15, 2025

8:00 A.M. – 12:20 P.M.

**Members Present:** Chief Justice Lynne Boomgaarden (chair), Justice Kari Gray, Justice Robert Jarosh, Judge Dawnessa Snyder, Judge Joseph Bluemel, Judge Scott Peasley, Judge John Prokos, Judge Sean Chambers, Judge Susan Stipe

**Others Present:** Elisa Butler, Claire Smith

### WJC BUSINESS

#### Welcome

Chief Justice Boomgaarden welcomed the Council and thanked them for their service.

#### 1. Judicial Performance Evaluation

The Council voted to form a standing committee devoted to the design and implementation of a judicial performance evaluation program with the voting membership to include two supreme court justices, two district court judges, and two circuit court judges and non-voting membership to include members of the Wyoming State Bar, the Communications Director of the Administrative Office of the Courts (AOC) and one other AOC member.

[Attachment 1.1 – IAALS: Recommendations for Modernizing Judicial Performance Evaluation](#)

Chief Justice Boomgaarden led a conversation regarding judicial performance evaluation. She identified the need for the development of a new judicial performance evaluation tool, noting ongoing dissatisfaction with the current attorney survey and its perceived lack of value to judges, members of the Bar, and the public.

The Chief Justice provided historical context regarding the existing judicial poll and advised the Council that the Wyoming State Bar does not intend to continue funding the survey in the future. Although the Bar will administer the survey and publish results in 2026, that administration will be the final iteration. She further noted that bar membership appears divided on the overall utility of either a Judicial Poll or a broader Judicial Performance Evaluation Program.

Chief Justice Boomgaarden explained that consideration of judicial performance evaluation has been underway with the Wyoming Judicial Council since the adoption of the current Strategic Plan and outlined how those conversations have evolved over time. She also shared information regarding challenges encountered by other states in implementing performance evaluation systems, as well as lessons learned from those efforts. She noted that, as many states are moving in a similar direction, there is a substantial body of research, models, and resource material available to inform the design of a Wyoming program.

On behalf of the Executive Committee, Chief Justice Boomgaarden presented a recommendation that the Council approve the creation of a Judicial Performance Evaluation Committee charged with designing and implementing a Judicial Performance Evaluation Program.

Judge Snyder conveyed the District Court Conference’s support for forming a committee and emphasized the value of receiving performance feedback. Judge Chambers likewise expressed support and suggested the committee be composed of two members from each judicial conference, along with the Communications Director from the Administrative Office of the Courts (AOC) and one additional AOC staff member to support

	<p>the work.</p> <p>Judge Prokos asked whether the existing Bench-Bar Committee related to the Judicial Poll remained in existence. Chief Justice Boomgaarden confirmed that the Committee still formally exists but is not currently active. She added that, with the Judicial Branch assuming ownership of judicial performance evaluation, there is interest in establishing a judicially led committee structure that includes bar participation.</p> <p>Judge Stipe asked whether there is a plan in place for 2027, when the Bar will no longer administer the Judicial Poll. Chief Justice Boomgaarden responded that the proposed committee’s formation is intended to ensure a program framework is established before that transition occurs. Judge Stipe also inquired about potential legislative interest in a Judicial Performance Evaluation Program and whether funding may be available. The Chief Justice indicated that legislative involvement at an early stage could present risks. With respect to funding, she cautioned against assuming that a newly designed program would necessarily require substantial financial resources.</p> <p>Council members expressed interest in involving additional stakeholders in the program’s development but generally agreed that broader participation may be more appropriate at a later phase. Chief Justice Boomgaarden advised that a Purpose and Structure document would be developed for the committee and that participation would be further evaluated during its initial meetings.</p> <p>Judge Bluemel voiced support for establishing the committee and stated his view that voting membership should be limited to judicial officers. He then moved to create a standing committee of the Wyoming Judicial Council devoted to the development and implementation of a Judicial Performance Evaluation Program. His motion specified voting membership to include two Supreme Court justices, two district court judges, and two circuit court judges, with non-voting membership to include representatives from the Wyoming State Bar, the Communications Director of the AOC, and one additional AOC staff member. Judge Stipe seconded the motion.</p> <p>During discussion, Judge Peasley expressed concern regarding limiting voting membership solely to judicial officers and the perception such a structure might create for the bar and the public.</p> <p>Following discussion, the motion passed by majority vote, with Justice Gray voting in opposition. Justice Gray stated that, based on the information presented, similar programs in other jurisdictions have not demonstrated significant success. She also raised concerns regarding the absence of identified funding and questioned whether the anticipated benefits would justify the level of work required to develop and maintain such a program.</p>
<p><b>2. Public Audio Streaming in the Trial Courts</b></p> <p>The Council voted to make streaming available to judges who wish to utilize</p>	<p>Elisa Butler informed the Council of a recent equipment failure in a district court that resulted in the unintended audio streaming of a court hearing without the court’s knowledge or approval. The incident was attributed to aging and failing equipment. Ms. Butler requested guidance from the</p>

<p>it, with the understanding that if streaming equipment fails, it will not be replaced. The Council determined that judges may opt out of streaming and directed that training on Microsoft Teams Live Event be made available to courts interested in that option.</p> <p>Attachment 2.1 – Streaming Malfunction Analysis</p>	<p>Council regarding how to proceed with streaming in trial courts statewide. She outlined several options for consideration:</p> <ul style="list-style-type: none"> <li>• <b>Enable streaming capability for courts.</b> If implemented, courts should test the streaming function daily to ensure proper operation.</li> <li>• <b>Use Microsoft Teams Live Event.</b> This option would allow members of the public to view hearings but would require individual chambers to set up each Live Event.</li> <li>• <b>Create standard Microsoft Teams meetings and distribute links to the public.</b> This approach presents risks, as participants could potentially unmute themselves or activate cameras inappropriately.</li> </ul> <p>Judge Snyder asked whether streaming could be enabled or disabled for individual courts. Ms. Butler confirmed that this is technically feasible. Judge Snyder also asked whether the failing equipment should be replaced statewide to prevent similar incidents. Ms. Butler noted that other courts use equipment of the same age and that replacement would need to be addressed as part of a broader discussion regarding technology expenditures for the Branch.</p> <p>Chief Justice Boomgaarden shared feedback received during a visit to Campbell County, where concerns were expressed that not all hearings are streamed and that the Branch’s investment in technology may not be fully utilized if streaming functionality is not consistently used.</p> <p>Judge Bluemel discussed the practical challenges associated with streaming in trial courts, including the administrative burden of testing streaming capabilities daily.</p> <p>The Council determined that the decision whether to stream hearings should remain within each judge’s discretion.</p> <p>Judge Snyder moved to make streaming available to judges who wish to utilize it, with the understanding that if streaming equipment fails, it will not be replaced. The motion also provided that judges may opt out of streaming and directed that training on Microsoft Teams Live Event be made available to courts interested in that option. Judge Prokos seconded the motion.</p> <p>During discussion, Justice Gray asked whether equipment from courts that opt out of streaming could be repurposed to replace failing equipment in courts that choose to continue streaming. Ms. Butler indicated that this would be possible.</p> <p>Judge Peasley asked whether disabling streaming in trial courts would result in cost savings. Ms. Butler responded that while some savings might occur, they would likely be minimal.</p> <p>The motion passed unanimously, with all Council members voting in favor and none opposed.</p>
<p><b>3. Rules Policy</b></p> <p>The Council voted to recommend</p>	<p>Chief Justice Boomgaarden presented the draft Rules Policy to the Council for discussion and action. She explained that the purpose of the policy is to provide clarity regarding the process by which rule proposals move from</p>

<p>adoption of the <i>General Order Amending Policy on Submission of Rule Changes to the Wyoming Supreme Court</i>.</p> <p>Attachment 3.1 – General Order Amending Policy on Submission of Rule Changes to the Wyoming Supreme Court</p>	<p>inception through review and ultimately to adoption.</p> <p>Chief Justice Boomgaarden also conveyed the Executive Committee’s recommendation that the draft order be approved for execution.</p> <p>Justice Jarosh asked whether the Council wished to consider expanding opportunities for public comment on proposed rule changes. Chief Justice Boomgaarden responded that the proposed order is not intended to limit additional opportunities for public comment during other stages of the process where appropriate.</p> <p>Justice Jarosh moved to recommend adoption of the order by the Wyoming Supreme Court. Judge Stipe seconded the motion.</p> <p>During discussion, Judge Snyder noted the timing of rule changes, providing that the new process may result in a longer timeline for adoption. Chief Justice Boomgaarden acknowledged that rule changes will generally take more time under the proposed policy and indicated that proponents of rule changes will need to account for that extended timeline.</p> <p>The motion passed unanimously, with all members voting in favor and none opposed.</p>
<p><b>4. Communications Plan</b></p> <p>The Council voted to approve the 2026-2027 Wyoming Judicial Branch Strategic Communications Plan.</p> <p>Attachment 4.1 – 2026-2027 Wyoming Judicial Branch Strategic Communications Plan</p>	<p>Jacob Just presented the proposed 2026–2027 Strategic Communications Plan for the Wyoming Judicial Branch. He explained that the Plan was developed in response to the Branch’s current strategic plan and is intended to support and advance those broader strategic goals.</p> <p>Mr. Just outlined the need for a comprehensive communications plan, identifying several challenges the Plan is designed to address, including: the absence of a formal communications infrastructure within the Branch; the need to strengthen public confidence in the court system; and inconsistencies in internal communications.</p> <p>The Plan establishes five primary objectives:</p> <ol style="list-style-type: none"> <li>1. Develop a communications infrastructure for the Branch.</li> <li>2. Increase internal awareness of available communications resources.</li> <li>3. Promote standardization and brand consistency.</li> <li>4. Strengthen media and external stakeholder relations.</li> <li>5. Enhance community engagement and public education efforts.</li> </ol> <p>The Plan also includes evaluation measures to assess the effectiveness of implemented strategies and ensure that identified tasks and initiatives achieve their intended outcomes.</p> <p>Chief Justice Boomgaarden expressed her appreciation for the Plan and for the work Mr. Just has completed to date.</p> <p>Judge Bluemel requested additional information regarding the role of social media and social media influencers under the Plan. Mr. Just explained that there are multiple approaches the Branch could take with respect to social media engagement. He noted that as implementation progresses, further discussion will be needed to determine the Branch’s level of comfort and to establish a framework for decision-making in this area.</p>

	<p>Chief Justice Boomgaarden asked whether resources are available through the National Center for State Courts or other organizations to help inform these discussions. Mr. Just indicated that such resources are available and may be utilized as needed.</p> <p>Chief Justice Boomgaarden requested that policy questions and feedback arising during implementation of the Plan be brought back to the Council for consideration.</p> <p>Judge Prokos moved to approve the Plan. Judge Chambers seconded the motion. The motion passed unanimously, with all members voting in favor and none opposed.</p>
<p><b>5. Administrative Judge Policy</b></p> <p><i>The Council approved the Supervision of Circuit Court Clerical Staff and Performing Administrative Duties in Counties Without a Resident Judge and Circuit Courts with Multiple Judges in a Single Location Policy.</i></p> <p>Attachment 5.1 – Supervision of Circuit Court Clerical Staff and Performing Administrative Duties in Counties Without a Resident Judge and Circuit Courts With Multiple Judges in a Single Location Policy</p>	<p>Judge Chambers reviewed the history of the Administrative Judge Policy. He reminded the Council that, in June, a recommendation had been made to repeal the policy. At that time, Judge Chambers requested that the policy not be repealed and instead that circuit court judges be given the opportunity to review and propose revisions.</p> <p>Attachment 5.1 reflects the result of that review. Judge Chambers explained that the circuit court judges concluded it is advisable, in locations with multiple judges supervising staff, to designate one judge to serve as the primary supervisor. They further determined that courts with multiple judges should have a designated judge responsible for taking administrative action when necessary.</p> <p>Judge Chambers then walked the Council through the amended policy and noted that it was approved by the Circuit Court Judges Conference at its December meeting.</p> <p>Following discussion, the Council approved the Administrative Judge Policy.</p>
<p><b>6. Technology Reductions</b></p> <p>Attachment 6.1 – Optional Reductions</p>	<p>Elisa Butler provided a high-level overview of potential technology reductions that may need to be considered depending on funding availability. Chief Justice Boomgaarden clarified that no action was being requested at this time and that the discussion was intended only to provide background information and lay the foundation for future deliberations.</p> <p>Judge Snyder suggested that the list should include a discussion item addressing a potential reduction in Technology and Applications staff as a means of reducing costs.</p> <p>Judge Prokos emphasized the importance of highlighting the cost-savings technology initiatives provide to litigants and to the Branch, particularly with respect to travel expenses and magistrate costs.</p> <p>Judge Bluemel expressed concern about certain proposed reductions that could significantly alter court practices, noting that some of the items under consideration may, in fact, be beneficial and should be carefully evaluated.</p> <p>Chief Justice Boomgaarden provided additional context regarding the budget hearing held in early December and the potential impact of receiving no additional funding in the upcoming budget session.</p> <p>Judge Peasley noted that technology investments benefit not only judges,</p>

	<p>but also attorneys, litigants, law enforcement, and the public.</p> <p>Justice Gray asked for clarification regarding the purpose of the document. She stated her understanding that the listed items are currently included in the budget, but that the document is intended to identify areas where reductions would be least harmful should funding not be approved in the upcoming session. She emphasized that the purpose is not to advocate for cutting technology, but to prepare for potential funding shortfalls.</p> <p>Chief Justice Boomgaarden confirmed that this understanding was correct, and indicated the Council may need to make some difficult decisions following the 2026 legislative session.</p>
<p><b>7. Judicial Nominating Commission</b></p>	<p>Chief Justice Boomgaarden reported that the Judicial Nominating Commission (JNC) has been actively reevaluating its rules and processes.</p> <p>She advised that during the upcoming legislative session, legislation is likely to be introduced that would require Senate confirmation of JNC members. Additional bills may be proposed to require Senate confirmation of Supreme Court Justices and potentially all judges. There may also be proposed legislation to require the election of Justices and judges.</p> <p>Chief Justice Boomgaarden reported that the JNC has undertaken efforts to improve public understanding and engagement in the judicial selection process, including the issuance of press releases and other informational materials. The JNC also conducted a survey of members of the Wyoming State Bar regarding topics related to applying for judicial vacancies and the JNC process, which received a 27% response rate.</p> <p>The JNC is currently working to revise the expression of interest and the candid appraisal forms. The objective is to simplify the forms while ensuring that applications effectively highlight the attributes central to merit-based judicial selection.</p> <p>For the next judicial vacancy, the JNC plans to hold a public meeting when visiting the community for interviews. The purpose of the meeting will be to provide information about the judicial selection process, rather than to solicit public vetting of applicants.</p>
<p><b>8. Bench/Bar Relations</b></p>	<p>Chief Justice Boomgaarden reported that she has traveled to communities throughout the State and expressed her appreciation for the gracious welcome she received in each location.</p> <p>She observed a strong desire for renewed in-person engagement and identified this as an important opportunity for the Branch to strengthen local relationships between the bench and the bar.</p> <p>Chief Justice Boomgaarden encouraged judges to take proactive steps within their local communities to foster engagement with members of the bar. She acknowledged that encouraging participation from prosecutors and public defenders has proven particularly challenging. To address this, she reported that she is working to engage leadership within those groups to increase involvement and participation.</p> <p>Chief Justice Boomgaarden also noted that she has met regularly with bar leadership, and that those meetings have been productive and beneficial.</p>

**9. PRAC – Chancery Court Division**

The Council approved recommendation of the proposed amendment to the Wyoming Supreme Court for adoption.

Attachment 9.1 – Memo and Proposed Chancery Court Rule Amendments

Judge Burningham presented proposed amendments to the Chancery Court Rules. He explained that the amendments are the result of a year-long review conducted by the Chancery Court Division of the Permanent Rules Advisory Committee. The review process included a public comment period, which prompted additional discussion and revisions to the proposals.

Six proposals are before the Council, as outlined in Attachment 9.1. Judge Burningham noted that each proposal received either positive public comment or no public comment. Importantly, all six proposals were unanimously recommended for adoption by the members of the Chancery Court Division.

Judge Burningham advised that one additional proposal—relating to the ability to object to proceeding in chancery court—generated significant public comment. The Division continues to work on that rule, and it is not before the Council at this time.

He summarized the six proposals as follows:

1. The first proposal aligns the Chancery Court Rules with the eFiling Rules.
2. The second proposal reflects the operational reality that the Chancery Court functions without a court reporter.
3. The third proposal conforms the rules to the statutorily expanded jurisdiction of the Chancery Court.
4. The fourth proposal balances the statutory requirement to publish opinions with the statutory obligation to maintain confidentiality in trust proceedings when necessary.
5. The fifth proposal extends the timeframe for removing matters from district court to chancery court.
6. The sixth proposal formally recognizes cases that fall within the specialization of the Chancery Court but may not be appropriate for resolution within the court’s abbreviated timelines.

Judge Bluemel inquired whether there was a particular reason the Chancery Court elected to proceed with an electronic recording system rather than request a court reporter position. Judge Burningham responded that while hiring a court reporter remains an option, he is concerned about the feasibility of securing an additional position in the current legislative environment. He indicated that he is not opposed to employing a court reporter but believes the court must retain flexibility given current circumstances.

At Judge Bluemel’s request, Judge Burningham provided cost information, noting that the annual subscription cost for the recording system is approximately \$12,000, which is substantially less than the cost of a full-time court reporter. Claire Smith further explained that the Chancery Court does not currently have a vacant court reporter position and that, if a full-time reporter were to be hired, the Branch would need to request

	<p>authorization for a new position from the legislature.</p> <p>Judge Chambers moved to recommend all six proposals to the Supreme Court for adoption. Judge Snyder seconded the motion. There was no further discussion. The motion passed unanimously, with all members voting in favor and none opposed.</p>
<p><b>10. PRAC – Civil Division</b></p> <p>The Council voted to table the proposed amendment until the Civil Rules Division of the Permanent Rules Advisory Committee could gather and consider public comment to the rule change.</p> <p>Attachment 10.1 – Proposed Amendments to WRCP 4; Alternative Service of Process</p>	<p>Justice Jarosh presented the recommendation of the Civil Division of the Permanent Rules Advisory Committee. He explained that, as part of the Access to Justice (ATJ) 2.0 initiative, a working group was formed to evaluate alternatives to service by publication. The group’s work was prompted by the low success rate of service by publication and the need to account for modern communication methods.</p> <p>The working group’s efforts resulted in a proposed amendment to Rule 4. The Civil Division made several minor, primarily clerical, revisions to the draft and now recommends adoption of the proposal reflected in Attachment 10.1.</p> <p>Justice Jarosh stated that the Civil Division recommends the proposal be distributed for public comment, whether through the Wyoming Judicial Council or directly by the Civil Division. He further noted that the original ATJ 2.0 draft included provisions for a Judicial Branch-administered service website. Those provisions were removed from the current proposal due to the administrative demands associated with developing and maintaining such a website. However, the Division retained placeholder language should the Branch wish to pursue that initiative in the future.</p> <p>Judge Prokos expressed support for amendments to service rules that would promote quicker and more effective service.</p> <p>Judge Bluemel requested additional information regarding the types of alternative service that courts would be authorized to approve and indicated that public comment on that issue would be beneficial.</p> <p>Judge Snyder moved to table the matter pending receipt of public comment. Judge Bluemel seconded the motion. The motion passed unanimously, with all members voting in favor and none opposed.</p>
<p><b>11. Access to Justice Commission</b></p> <p>Attachment 11.1 – Strategic Alignment Plan</p>	<p>Justice Gray provided an update on the recent strategic alignment session involving the Access to Justice (ATJ) Commission, the Equal Justice Wyoming (EJW) Advisory Committee, and the Equal Justice Wyoming Foundation (EJW Foundation or Foundation). The strategic alignment session offered an opportunity to clarify the respective functions of the three entities and to better define their working relationships.</p> <p>Historically, EJW and the EJW Foundation operated in closely connected ways. EJW staff provided support to the Foundation, and grant funding for both entities was combined. The alignment session fostered a clearer understanding of how the two organizations can operate separately while remaining coordinated in mission and strategy.</p> <p>Justice Gray summarized the respective roles of the three groups:</p> <ul style="list-style-type: none"> <li>• <b>EJW</b> administers grants and also serves as an access point and coordinating body for partner organizations.</li> </ul>

	<ul style="list-style-type: none"> <li>• <b>The EJW Foundation</b> primarily provides grants and funding support.</li> <li>• <b>The ATJ Commission</b> functions primarily as a policy and strategy body, serving as a think tank rather than an implementing entity.</li> </ul> <p>She described the alignment session as productive and inspiring, noting that it resulted in a clearer alignment of goals and strategies and reduced confusion. One significant outcome was the decision to designate a representative from each entity to attend the meetings of the other groups to ensure coordination and avoid duplication of efforts.</p> <p>Justice Gray reported that the most significant current initiative affecting these access to justice groups is the statewide Needs Assessment, which will provide valuable data regarding access to justice needs and offer a framework to guide resource allocation and strategic planning.</p> <p>The ATJ Commission met immediately following the alignment session and expressed interest in convening another Access to Justice Summit. The Summit is planned for January and will include invitations to ATJ 2.0 participants, working groups, and members of the bar. The goal of the Summit is to identify four to six priority initiatives for further exploration and development by working groups, with the aim of achieving meaningful improvements in access to justice.</p> <p>Chief Justice Boomgaarden noted that the prior Summit included participation from University of Wyoming entities beyond the College of Law, as well as the Wyoming Business Council. She suggested that the ATJ Commission may wish to consider extending invitations broadly to encourage diverse participation.</p> <p>Chief Justice Boomgaarden thanked Justice Gray for her report and indicated that the Council looks forward to reviewing the results of the Summit.</p>
<p><b>12. Technology Committee</b></p>	<p>Justice Hill appeared before the Council to provide an update on several initiatives the Technology Committee has been working on over the past few months.</p>
<p>The Council voted to approve the recommendations of the Technology Committee to approve the <i>FSX, FCE, and Private PASS Policy</i> amendments; however, the Council further approved amendments to Section III.F.1. to provide that district and chancery court staff have access to all information, including confidential information, in district and chancery courts across all identified applications.</p> <p>Attachment 12.1 – Draft Amendments to the FSX, FCE, and Private PASS Role Policy</p>	<p>Justice Hill presented the access policy currently under review by the Technology Committee. She explained that the Committee was asked to consider two primary questions: (1) whether any substantive changes to the policy were needed; and (2) what modifications, if any, were required following the Branch’s implementation of FSX.</p> <p>Judge Snyder attended a Technology Committee meeting to raise concerns regarding access for district court chambers’ staff. Discussion focused on whether chambers’ staff should be granted statewide access rather than being limited to access within their home court. During that discussion, Judge Eames reminded the Technology Committee that best practices for technology systems support granting users the least amount of access necessary to perform their duties. That principle guided the prior review of the policy in 2023. Ultimately, the Technology Committee determined that this approach should remain in place and recommended only a limited change to incorporate FSX into the existing framework.</p>

Justice Hill explained that district court clerks expressed significant concern about expanding access, emphasizing their responsibility to safeguard court records and the risk that broader access could undermine that responsibility. She noted that chambers' staff may request access to records outside their home court through the Applications Team, though she acknowledged that the process can be cumbersome.

Judge Bluemel commented that this issue continues to arise for district court judges who hear cases outside their home jurisdictions. He stated that the current process can be inefficient and inconsistent with the goal of improving court effectiveness and efficiency. Judge Bluemel voiced his objection to the recommended policy as reflected in Attachment 12.1.

Judge Prokos stated that if district court judges require more immediate access to records, such access should be provided.

Judge Snyder observed that the policy, as currently written, can act as a barrier to timely court operations. While she appreciated the consistent statewide application of the policy, she urged the Council to reconsider access for chambers' staff. She noted that Supreme Court chambers staff do not face the same limitations and reminded the Council that judges are responsible for the actions of their staff. Justice Hill responded that the Committee's concern centers on the number of individuals who would gain access, noting that expanded access increases the risk of error or misuse.

Judge Peasley expressed support for the positions articulated by Judge Snyder and Judge Bluemel.

Judge Bluemel moved to amend Section III.F.1 of the policy to provide that district and chancery court staff have access to all information, including confidential information, in district and chancery courts across all identified applications. Judge Snyder seconded the motion.

During discussion, Judge Stipe raised concerns regarding the policy review process, noting that the Council would be making changes without additional input from the Committee that conducted the in-depth review. She expressed concern that the Committee devoted significant time to the policy, while the Council's consideration was comparatively brief, and suggested that returning the policy to the Committee for further discussion might be more appropriate.

Chief Justice Boomgaarden acknowledged Judge Stipe's concerns and stated that policy review decisions must be evaluated on a case-by-case basis. She expressed her view that, in this instance, returning the policy to the Committee would not be productive. Justice Hill agreed that further Committee review would likely not be fruitful.

Elisa Butler asked how the decision should be communicated to stakeholders and whether that communication should come from the Committee or Council staff. Chief Justice Boomgaarden responded that communication could occur through either channel and should include acknowledgment of the Committee's work while clarifying that the Council retains final decision-making authority and does not serve as a rubber stamp. Justice Hill volunteered to communicate the decision to the

	<p>Committee but cautioned that the message should be delivered thoughtfully, with a clear explanation of the Council’s reasoning, to ensure the Committee understands its input was considered.</p> <p>The motion passed unanimously, with all members voting in favor and none opposed.</p>
<p>Attachment 12.2 – How Microsoft 365 Defender Protects Judicial Branch Network</p> <p>Attachment 12.3 – Handling Important/Time Sensitive Emails that Get Quarantined</p>	<p>Justice Hill presented the Technology Committee’s recommended approach regarding quarantined email messages in situations where a judge requires expedited access. She explained that the issue was brought to the Committee’s attention following concerns about quarantined emails, particularly those containing warrant materials.</p> <p>A specific question raised was whether an entire email domain could be whitelisted to allow messages from that domain to bypass quarantine review. Justice Hill reported that whitelisting an entire domain presents significant cybersecurity risks, as domains can be spoofed. Such action could create vulnerabilities allowing malicious actors to infiltrate the Judicial Branch’s network.</p> <p>After discussion, the Technology Committee recommended that the current quarantine process remain unchanged. Under the recommended approach (Option 1), if a judge is expecting an email that does not arrive due to quarantine, the judge may contact the IT “bat phone” for immediate assistance. The IT Team will promptly review the quarantined message for malicious content and, if appropriate, release it to the judge. Justice Hill also outlined additional options described in Attachment 12.3 but noted that the Committee strongly recommends Option 1.</p> <p>Judge Chambers stated that such occurrences appear to be infrequent. After polling members of his conference, he identified a few examples. He asked whether adoption of an option other than Option 1 would apply uniformly to all user roles, and whether judges could operate under a different quarantine level than clerks. Justice Hill responded that if a domain were whitelisted for one user, it would apply to all email traffic from that domain. Judge Chambers also asked whether judges could be given the ability to release their own quarantined emails while clerks could not. He further asked whether different options could apply during business hours versus after hours; Justice Hill responded that these scenarios had not been discussed and she was unsure whether it was technically feasible.</p> <p>Judge Chambers reported that members of his conference were evenly divided between Options 1 and 4 but stated that, in his view, the Council should maintain Option 1 at this time.</p> <p>Judge Prokos expressed concern about ensuring judges are able to communicate effectively without unnecessary impediments.</p> <p>Chief Justice Boomgaarden reminded the Council of the cybersecurity risks associated with whitelisting domains, referencing the cybersecurity breach involving the Sublette County Sheriff’s Department in the prior year, which required the Judicial Branch to sever network connectivity with that county to protect Branch systems.</p>

	<p>Judge Bluemel stated that if it is technically feasible to allow judges—but not clerks—to release their own quarantined emails, that approach could be reasonable. He noted that circuit court judges typically receive text message notifications before receiving warrant-related emails, which could provide an additional safeguard against judges opening emails with malicious content.</p> <p>Judge Chambers stated that he would not be comfortable releasing his own quarantined emails and, if he does not trust himself in that role, he would not necessarily trust others. He expressed the view that the current process is reasonable and not overly burdensome.</p> <p>Judge Stipe asked whether a formal policy currently exists. Chief Justice Boomgaarden responded that no formal policy is in place and that the issue arose following a situation in a circuit court. Judge Stipe suggested that a formal policy may not be necessary and that such matters could remain within the discretion of the IT Team.</p> <p>Judge Prokos asked whether establishing separate email accounts for judges could mitigate some cybersecurity concerns.</p> <p>Chief Justice Boomgaarden asked whether the Council was comfortable maintaining the status quo while directing the Technology Committee to respond to the additional questions raised during the discussion.</p> <p>The matter was tabled, with a request that the Technology Committee provide further information addressing the questions posed.</p>
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**CONSENT AGENDA**

**13. Consent List**

The Council voted to approve the items on the consent agenda.

Attachment 13.1 – Proposed Adult Name Change Forms

Attachment 13.2 – Proposed Minor Name Change Forms

Attachment 13.3 – BJPA Policies-Recommendations

Attachment 13.4 – Teams Notification Language Recommendation

Judge Chambers moved to approve the items on the consent agenda. Judge Bluemel seconded. All voted in favor with none opposed.

**INFORMATION**

**14. For the Council’s Information**

Attachment 14.1 – Change Log for Protection Order Forms

Attachment 14.2 – Change Log for Probate Forms

The Executive Committee approved minor changes to the Protection Order and Probate Forms.

**MEETING CLOSE**

<b>Adjourn</b>	Chief Justice Boomgaarden adjourned the meeting following the Council check in.
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<b>FUTURE WJB MEETING DATES:</b>	
	WJC RETREAT – Monday, March 9, 2026 @ 8 a.m. through Tuesday, March 10, 2026 @ 12 p.m.; Vee Bar Ranch, Centennial, WY
	Monday, June 8, 2026 @ a.m. to Noon in Cheyenne, WY
	Monday, September 14, 2026 @ 1 p.m. to 5 p.m. in Casper, WY
	The Council approved the meeting date of December 14, 2026.

## Attachment 8.2

### **Rule 909. Compromise, Settlement, Discontinuance and Distribution of Action Involving Minor or Incompetent Person**

(a) No action to which a minor or incompetent person is a party or claim belonging to a minor or incompetent person shall be compromised, settled or discontinued except after approval by the court pursuant to a petition presented by the ~~conservator~~ representative of the minor or incompetent person. The petition shall be filed in the court in which the action is pending or it may be filed in ~~the~~ a conservatorship matter.

(i) The petition shall disclose the age and sex of the minor or incompetent person, the nature of the causes of action to be settled or compromised, the facts and circumstances out of which the causes of action arose, including the time, place and persons involved, the manner in which the compromise amount or other consideration was determined, including such additional information as may be required to enable the court to determine the fairness of the settlement or compromise, and, if a personal injury claim, the nature and extent of the injury with sufficient particularity to inform the court whether the injury is temporary or permanent. The ~~conservator~~ representative shall submit a succinct statement of the medical issues involved. The Court, on motion of any interested party, or on its own motion, may direct that reports of physicians or other similar experts that have been prepared shall be provided to the court. The court may also require the filing of experts' reports when none have previously been prepared or additional experts' reports if appropriate under the circumstances. Reports protected by an evidentiary privilege may be submitted in a sealed condition to be reviewed only by the court in camera, with notice of such submission to all parties.

(ii) When the minor or incompetent person is represented by an attorney, it shall be disclosed to the court by whom and the terms under which the attorney was employed; whether the attorney became involved in the petition at the instance of the party against whom the causes of action are asserted, directly or indirectly; whether the attorney stands in any relationship to that party; and whether the attorney has received or expects to receive any compensation, from whom, and the amount.

(iii) Upon the hearing of the petition, the representative compromising the claim on behalf of the minor or incompetent person shall be in attendance. The court, for good cause shown, may require that the minor or incompetent person shall be in

attendance. The court may require the testimony of any appropriate expert, as well as the submission of other evidence relating to the petition.

(iv) A copy of the petition and all supporting documents filed in connection therewith shall be filed in the district court with a copy to all parties and to the judge who may either approve the settlement or compromise without hearing or calendar the matter for hearing.

(v) The court shall determine that the following have been carefully considered by the ~~conservator~~ representative:

- (1) whether the proposed settlement was fairly and honestly negotiated;
- (2) whether serious questions of law and fact exist, placing the ultimate outcome of the litigation in doubt;
- (3) whether the value of an immediate recovery outweighs the mere possibility of future relief after protracted and expensive litigation; and
- (4) the judgment of the parties that the settlement is fair and reasonable.

(b) When a compromise or settlement has been so approved by the court, or when a judgment has been entered upon a verdict or by agreement, the court, upon petition by the ~~conservator~~ representative or any party to the action, shall make an order approving or disapproving any agreement entered into by the ~~conservator~~ representative for the payment of counsel fees and other expenses out of the fund created by the compromise, settlement or judgment; or the court may make such order as it deems proper fixing counsel fees and other proper expenses. The balance of the fund shall be paid to a conservatorship of the estate of the minor, or incompetent person, qualified to receive the fund, if the minor has one or one is to be appointed.

(c) When a judgment has been entered in favor of a minor plaintiff and no petition has been filed under the provisions of subdivision (b) of this rule, the amount of the judgment or any part thereof shall be paid only to a ~~conservator of the estate~~ the representative of the minor qualified to receive the fund.

(d) Nothing contained in this rule shall prevent the payment into court of any money by the defendant.

Judges,

Emily Madden reached out to the Conference to share her concern that there is a direct conflict between the new statutory language in Wyoming Statutes § 14-2-202 and U.R.D.C. 909 requiring the Conference to amend the rule.

U.R.D.C. 909(a) provides that “No action to which a minor or incompetent person is a party or claim belonging to a minor or incompetent person shall be compromised, settled or discontinued except after approval by the court pursuant to a petition presented by the conservator of the minor in incompetent person. The petition shall be filed in the court in which the action is pending or it may be filed in the conservatorship matter.” The petition must provide the court sufficient information to establish that the proposed settlement is in the minor or incompetent’s best interests.

Rule 909 is not unique, and other states have similar provisions. *See, e.g.*, Pa. R. Civ. P. 2039(a) (“No action to which a minor is a party shall be compromised, settled, or discontinued except after approval by the court pursuant to a petition presented by the guardian of the minor”); and Mich. Ct. R. 2.420(B) (“[A] proposed consent judgment or dismissal pursuant to settlement must be brought before the judge to whom the action is assigned and the judge shall pass on the fairness of the proposal”). In fact:

“The general rule is that a court must give approval to a settlement when a minor child or incapacitated person is involved.” *Rivera v. Fast Eddie's, Inc.*, 2013 WL 12164682, at \*1 (D.N.M. Mar. 18, 2013) (collecting authority), *report and recommendation adopted*, 2013 WL 12164756 (D.N.M. Mar. 19, 2013); *see also Eagan by Keith v. Jackson*, 855 F. Supp. 765, 775-76 (E.D. Pa. 1994) (determining source of court's authority and, furthermore, obligation to approve proposed settlement is court's “inherent duty to protect the interests of minors and incompetents that come before it”). The standard for approval is whether the proposed settlement is in the best interests of the minor child or incapacitated person. *See Large v. Hayes by and through Nesbitt*, 534 So. 2d 1101, 1105 (Ala. 1988) (holding court must determine whether settlement is in best interests of minor before approving proposed settlement).

*Standard Fire Ins. Co. v. Carr*, No. 2:18-CV-01022-SGC, 2019 WL 4466664, at \*4 (N.D. Ala. Sept. 18, 2019). *See also, e.g., In re \$139,000.00 in Interpleaded Funds*, No. 5:16-CV-05092, 2017 WL 700148, at \*2 (W.D. Ark. Feb. 22, 2017) (“In this instance, however, the Court's authority and responsibility to review the settlement agreement comes from its “special duty ... to safeguard the interests of litigants who are minors.”) (citing *Robidoux*

*v. Rosengren*, 638 F.3d 1177, 1181 (9th Cir. 2011)); *Garrick v. Weaver*, 888 F.2d 687, 693 (10th Cir.1989) (noting that a court has “a general duty ... to protect the interests of infants and incompetents in cases before the court”); *Dean v. Holiday Inns, Inc.*, 860 F.2d 670, 673 (6th Cir.1988); *Bunting v. Bunting*, 87 N.J.Eq. 20, 99 A. 840, 841 (Ch.1917) (“It is the duty of the court to protect the interest of an infant party to litigation, and to exercise a general supervision over the conduct of the next friend or guardian ad litem.”); *Turner v. Andrews*, 143 Fla. 88, 196 So. 449, 450 (Fla.1940) (“Courts are charged under the law with the duty and obligation of caring for infants and incompetents upon the theory that they are wards of the court.”).

Emily suggests that U.R.D.C. 909 conflicts with Wyoming Statute § 14-2-202 and therefore should be amended. Wyoming Statute § 14-2-402 was substantially amended by the addition of subsection (c) during the 2025 legislative session. *See* 2025 Sess. Laws. Ch. 142 (attached). That subsection permits a parent to “enter into a settlement or compromise on behalf of a minor with a person against whom the minor has a claim without first seeking court approval and without first establishing a guardianship or conservatorship” under certain circumstances. Notably, the amount of the settlement may not exceed \$25,000. A settlement or compromise made in compliance with the statute “shall be binding on the minor without the need for further court approval or review[.]” To be consistent, Wyoming Statute § 3-3-108 was also amended to permit a person under a duty to pay money to a minor to pay not more than \$25,000 without having to set up a conservatorship to receive the funds.

I do not believe that Wyoming Statute § 14-2-202 and Rule 909 conflict. I think the legislature’s use of the phrase “without first seeking court approval” in Wyoming Statute 14-2-202(c) is clear and unambiguous. This language authorizes a parent to compromise a minor’s claim and accept up to \$25,000 on the child’s behalf without going to court. In my view, it does not address what happens when a claim is brought in court. Once a claim is filed with the court, the parent has foregone the opportunity to settle without “first seeking court approval.” When a claim is filed in court, the court has an inherent duty to protect the interests of the minor child and the inherent authority to require the minor’s representative to demonstrate that any settlement is in the child’s best interests. In that regard, the district courts should be concerned about any settlement on behalf of a minor for less than half of the district court’s jurisdictional minimum after the plaintiff initially alleged the case was worth more than the minimum.

I looked at the minutes of the judiciary committee meetings where this bill was discussed. Unfortunately, they do not offer any information about the specific bill the amendments were intended to address. I suspect that the legislature wanted to make it easier

for insurers and other obligors to settle claims involving minors for a minimal amount without having to incur the cost of even a friendly lawsuit or the cost of establishing a conservatorship. I can find no indication that the legislature sought to relieve parties of their obligations under Rule 909 or to interfere with the court's duty to protect minor litigants. Accordingly, I do not believe that the revisions to Wyoming Statute § 14-2-202 require a change to Rule 909 exempting settlements below \$25,000 from the requirements of the rule.

However, Rule 909 currently requires a petition from a "conservator." W.R.C.P. 17(c)(1) permits a "representative" to sue or defend an action on behalf of a minor. A representative can be a general guardian (such as a parent), a committee, a conservator, or a like fiduciary. Use of the word "conservator" rather than "representative" in Rule 909 would lead a reasonable litigant to believe that the courts are requiring the establishment of a conservatorship before any settlement will be approved. Such a requirement, if that was the conference's intent, probably does conflict with Wyoming Statute § 3-3-108 and the intent of the revisions to both statutes. To make clear that the district courts are not requiring that conservatorships be established where Wyoming Statute § 3-3-108 would otherwise permit the payment of settlement proceeds to a minor without a conservatorship, I think the conference should consider changing the references to "conservator" in Rule 909 to "representative."



# Wyoming Judicial Branch

## Purpose and Structure of the Judicial Performance Evaluation Committee

<b>Document Approver(s)</b>	Wyoming Judicial Council (Meeting Date)
<b>Document Effective Date</b>	
<b>Review Period</b>	Annually

### Section 1. Purpose.

In furtherance of the Wyoming Judicial Branch 2025-2027:

- Strategic Pillar 1: Judicial Branch Excellence and Innovation, Goals 1 and 3, and
- Strategic Pillar 2: Public Trust and Accountability, Goal 1.

The purpose of the Judicial Performance Evaluation (JPE) Committee is to investigate, review, and recommend Wyoming judicial performance evaluation improvements to the Wyoming Judicial Council (WJC), that will foster the professional development, performance excellence, and public awareness necessary to a fair and effective judicial system.

The Committee members will act as representatives of their individual stakeholder groups. Members will be responsible for communicating Committee decisions and discussions to their respective stakeholder groups and will also be responsible for communicating input and feedback from stakeholder groups back to the Committee.

### Section 2. Committee Membership, Meetings, and Voting.

1. Membership. The Judicial Performance Evaluation Committee membership will include two supreme court justices, appointed by the Chief Justice of the Wyoming Supreme Court, two district judges appointed by the District Court Conference, the chancery court judge, two circuit judges as appointed by the

Circuit Court Conference, and two attorneys appointed by the Wyoming State Bar Officers and Commissioners and approved by the Committee.

- a. Membership terms will be two years. Initial terms will be staggered to ensure continuity.
  - b. Members may serve consecutive terms.
  - c. The Chief Justice or a designee will chair the Committee.
2. Staffing. The State Court Administrator and Communications Director will staff the Committee.
  3. Meetings. The Judicial Performance Evaluation Committee will meet at least quarterly, but may meet more frequently as necessary upon the request of a member or upon suggestion of staff.
  4. Voting. Voting shall take place in a meeting of the Committee or via email if necessary. **No action of the Committee may be taken without a quorum of the Committee. Five members of the Committee shall constitute a quorum.**

### **Section 3. Roles and Responsibilities.**

1. The Committee staff will be responsible for the following:
  - a. Facilitating Committee meetings;
  - b. Developing and distributing meeting agendas no later than one week prior to scheduled Committee meetings, absent extenuating circumstances; and
  - c. Compiling and distributing meeting minutes; and
  - d. Implementing decisions of the Committee and the WJC.
2. The Committee members will be responsible for the following:
  - a. Reviewing information provided in preparation for Committee meetings;
  - b. Communication of Committee decisions to their respective stakeholder groups;
  - c. Collecting information and concerns from stakeholder groups regarding judicial performance evaluation and communicating those to the Committee; and
  - d. Presenting Committee recommendations to the WJC.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

BY THE WYOMING JUDICIAL COUNCIL:

\_\_\_\_\_

Lynne Boomgaarden, Chief Justice  
Chair, Wyoming Judicial Council

DRAFT

**To:** Wyoming Judicial Council  
**From:** Judge Benjamin Burningham, Chair of the Chancery Court Division, Permanent Rules Advisory Committee  
**Date:** January 27, 2026  
**Re:** Chancery Court Rule Amendment

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The Chancery Court Division of the Permanent Rules Advisory Committee recommends adoption of the following amendment to the Wyoming Rules of Civil Procedure for Chancery Court.

Over the past year, the division reviewed chancery rules, developed seven amendments, solicited public comment, and obtained judicial council approval on six proposals. The division withheld one proposal for further refinement. After working on that seventh proposal further, the division now submits it for council consideration.

### **Proposal No. 7: Opt-Out Provision**

Currently, Rule 3 permits any defendant to object to proceeding in chancery court. If the objection is timely and no valid forum-selection agreement applies, the court must dismiss the case. This rule has drawn criticism for increasing litigation costs and delays by allowing a defendant to object months into the case, after the plaintiff has prepared and filed documents and served defendants. Dismissal forces the plaintiff to restart. This inefficiency runs counter to chancery’s purpose of expedited resolution. It also conflicts with statute, which contemplates removal rather than dismissal. See Wyo. Stat. § 5-13-104(a)(iii).

The division explored eliminating the opt-out entirely, requiring good cause, and limiting dismissal to cases involving a valid jury demand. Ultimately, the division decided to retain the unilateral opt-out and replace automatic dismissal with removal to district court or dismissal at the plaintiff’s election.

While minor, this change from dismissal to removal offers meaningful improvements. Plaintiffs would no longer need to refile, re-serve, or pay a second filing fee. The proposal aligns the rules with the statute, which contemplates removal rather than dismissal. And, importantly, like the current rule, the proposed rule safeguards the availability of a jury trial and district court action (unless the parties contract away those options).

### **Proposed Amendment**

#### **W.R.C.P.Ch.C. 3**

(a) *Original Filing in Chancery Court.* A civil action is commenced in the chancery court when service is completed upon all defendants, pursuant to Rule 4. A civil action is “brought” for statute of limitations purposes upon filing the initial pleading in

~~chancery court. If any named party files an objection to having the matter proceed in chancery court on or before the date its first responsive pleading or motion to dismiss is due, the chancery court shall enter its order dismissing the case without prejudice. Any named party may file an objection to proceeding in chancery court on or before the date its first responsive pleading or motion to dismiss is due. Within ten days of the objection, the plaintiff shall either produce a valid contract designating the chancery court as the forum for resolving disputes, request dismissal without prejudice, or specify the district court where the action could properly have been filed and to which it should be removed. If the chancery court has not been designated as the forum for resolving disputes in a valid contract, and the plaintiff does not request dismissal, the chancery court shall enter an order removing the case to the district court designated by the plaintiff in accordance with Rule 40.1(c). The chancery court retains jurisdiction to analyze and enforce forum-selection agreements. An objection to proceeding in chancery court is waived if not brought within the time periods provided in this rule. A dismissal of a case in chancery court is subject to W.S. § 1-3-118. Notwithstanding any objection brought under this rule, the chancery court may enforce a valid contract designating the chancery court as the forum to resolve disputes meeting the eligibility requirements of W.S. § 5-13-115.~~

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#### **W.R.C.P.Ch.C. 40.1**

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#### **(c) District Court Removal.**

(1) Upon Removal. When removal to district court is ordered under Rule 3(a):

(A) The clerk of the chancery court shall transmit, through the electronic filing system, to the clerk of the district court to which the action has been transferred all records electronically filed in an action.

(B) The objecting party shall be assessed a docket fee through the chancery court's electronic filing system.

(C) The action shall continue in the district court to which it is transferred as though it had been filed initially therein.