

Access to Justice Commission  
Minutes  
March 11, 2009

The Access to Justice Commission met by conference call on March 11, 2009. In attendance were Justice Jim Burke, Justice Marilyn Kite, Judge Tim Day, Judge Wes Roberts, Senator Tony Ross, Gen Tuma, Denise Burke, Dona Playton, Leigh Anne Manlove, Walter Eggers, Amanda Roberts, and Ronda Munger.

**Opening Remarks**

Justice Jim Burke opened the meeting by congratulating the Commission on the successful meeting held February 27, 2009. He emphasized to the Commission that keeping the momentum from that meeting was important.

**Bylaws**

The Commission spent more than an hour discussing the proposed bylaws. After reviewing the bylaws section by section, the Commission voted to adopt them as amended and asked Justice Burke to submit them to the Supreme Court for approval. A copy of the bylaws as adopted is attached to these minutes and incorporated herein by reference.

**Working Groups**

Justice Burke reminded the Commission that there are currently two working groups appointed and accomplishing work. Walter Eggers is the Chair of the Resource Development Working Group, and Dona Playton is the Chair of the Delivery System Working Group. Walter provided a copy of the Legislative Strategy that his working group drafted. The document contains many action items that will require significant coordination with the Delivery System Working Group. Dona and Walter agreed to participate, at least initially, in each others conference calls. Dona told the Commission that the Delivery System Work Group was working on defining what Wyoming's legal services delivery system should look like, what it looks like now, what services are provided currently, and for whom. The Delivery System Working Group will be developing realistic goals to accomplish over the next year.

**Commission adjourned**

# **BYLAWS AND RULES OF THE WYOMING ACCESS TO JUSTICE COMMISSION**

## **ARTICLE I. MISSION**

The mission of the Wyoming Access to Justice Commission is to promote fair and equal access to civil justice in Wyoming.

## **ARTICLE II. MEMBERS**

**Section 1. Number and Appointment.** The Commission shall initially be composed of Seventeen (17) members as appointed by the Wyoming Supreme Court Order dated February 6, 2009. Following the initial appointment, new members shall be appointed according to Article II, Section 2.

**Section 2. Vacancies and Nominations for Appointment.** The Commission Secretary will send written notice of the expiration of a member's term, to the party designated with the responsibility of recommending an appointment to the Commission, prior to August 31<sup>st</sup> in the year a member's term is set to expire. The recommending party for each member is set forth below:

1. The Chief Justice of the Wyoming Supreme Court, or his or her designee recommended by the Chief Justice of the Wyoming Supreme Court;
2. A State District Court Judge recommended by the District Court Judges' Conference;
3. A State Circuit Court Judge recommended by the Circuit Court Judges' Conference;
4. The President of the Wyoming State Bar, or his or her designee and up to three (3) additional members of the Wyoming State Bar recommended by the President of the Wyoming State Bar;
5. A representative of the University of Wyoming College of Law recommended by the Dean of the College of Law;
6. The President of the Clerk of District Court's Association, or his or her designee recommended by the President of the Clerk of District Courts' Association;
7. An appointee of the Wyoming Legislature's Joint Judiciary Committee recommended by the Co-Chairs of the Joint Judiciary Committee;
8. The Chief Judge of the Shoshone and Arapahoe Tribal Court or his or her designee as recommended by the Chief Judge; and,
9. Article II, Section 3 Members shall be recommended by the Commission.

The recommending party shall notify the Commission in writing of the recommendation for appointment or re-appointment on or before September 30<sup>th</sup> in the year a member's term is set to expire. In the event a recommending party fails to timely recommend someone for appointment or reappointment, the Commission may appoint or reappoint a member and will use its best effort to appoint someone from the same class or category from which the recommending party should have made the appointment.

The Commission shall assemble and approve a list of all of the members to be appointed or reappointed for terms beginning on January 1<sup>st</sup> in the succeeding year. The names will be submitted for approval and appointment by the Wyoming Supreme Court on or before October 31<sup>st</sup> in the year the members' terms are set to expire.

**Section 3. Additional Commission Members.** The members of the Commission listed in Article II, Section 2 may nominate additional members, considered to be active participants in the justice system, including but not limited to the: Federal District Court for the District of Wyoming; Executive Branch of Wyoming Government; Wyoming County Commissioners Association; Wind River Reservation; Wyoming State Bar Foundation; Wyoming Coalition Against Domestic Violence & Sexual Assault; Wyoming Guardianship Corporation; Wyoming Association of County Attorneys; Wyoming Protection & Advocacy System, Inc.; Legal Assistants of Wyoming; the Wyoming recipient of the Legal Services Corporation grant; and a representative from the University of Wyoming College of Law's Legal Services Programs. The Commission recognizes that one member of the Commission may represent more than one category listed above. In such case, the Commission may be composed of less than seventeen (17) members.

**Section 4. Qualifications.** Members of the Commission shall be residents of the State of Wyoming with a demonstrated interest in access to justice.

**Section 5. Terms of Office.** Terms of office shall be three years commencing on the first day of each calendar year, and each recommending party may recommend reappointment of members for successive terms, or may recommend the appointment of new members. In order to provide continuity in the membership of the Commission, the initial terms for which the Commission's initial members are appointed

shall be staggered as set forth in the Wyoming Supreme Court's Order dated February 6, 2009.

**Section 6. Resignation.** Any member may resign by filing a written notice of resignation with the Secretary of the Commission which shall be effective on the date of filing unless an effective date subsequent to the date of filing is included in such notice. In the event of the resignation of a member, the Secretary of the Commission shall make immediate notification, in writing, to the appropriate recommending party, as set forth in Article II, Section 2. The recommending party shall have thirty (30) days to recommend a replacement member for approval by the Commission. Upon approval by the Commission, the replacement member's name shall be submitted to the Wyoming Supreme Court for appointment to fill the resigning member's unexpired term.

**Section 7. Participation.** The Commission expects that all members regularly attend, in person or otherwise, all regular meetings of the Commission. In the event a member fails to attend fifty percent (50%) of the meetings of the Commission during any calendar year or otherwise demonstrates the inability to effectively serve as a member of the Commission, the Chairman shall contact the member and discuss and determine if continued membership is appropriate. Any member who ceases to be a resident of Wyoming shall be terminated as of the date he or she ceased to be a Wyoming resident.

### **ARTICLE III. MEETINGS**

**Section 1. Annual Meeting.** The first regular meeting each calendar year shall be the "Annual Meeting." In addition to conducting the regular business of the Commission at the Annual Meeting, the Commission shall elect officers and establish the number and dates for regular meetings.

**Section 2. Regular Meetings.** The Commission shall hold regular meetings no less often than quarterly at such dates, times and locations as the Commission shall determine at the Annual Meeting.

**Section 3. Special Meetings.** Special meetings of the Commission may be called by or at the request of the Chair or of any three or more Commission members. The person calling any special meeting shall give no less than five days' prior notice stating the purpose of the meeting by personal delivery, first class mail, electronic

transmission or facsimile to the address of each member as shown in the records of the Commission.

**Section 4. Action and Quorum.** The Commission may act through a majority of a quorum of its members at a meeting. A tie vote means the matter voted on has failed adoption. A motion to reconsider can only be made by a member who voted on the prevailing side of an issue. A quorum shall consist of a majority of the members of the Commission in office at the date of such meeting. Once a quorum has been established, that quorum shall carry throughout the duration of the meeting. If a quorum is not present at a meeting, the majority of the members at such meeting may adjourn the meeting to a specified date, time and place as to which written notice shall be given in accordance with Article III, Section 3. Proxy voting shall not be permitted at any meeting of the Commission.

**Section 5. Attendance by Telephone.** Members of the Commission may attend meetings by telephone and shall in such case be counted in the determination of a quorum.

**Section 6. Compensation.** Members of the Commission shall serve without compensation.

**Section 7. Action by Unanimous Consent.** Any action which may be taken at a meeting of members may be taken without a meeting through consent in writing describing such action and executed by all members entitled to vote thereon.

**Section 8. Waiver of Notice.** Any member may waive notice of any meeting before, at or after such meeting, and such waiver shall be deemed equivalent to the giving of such notice.

#### **ARTICLE IV. OFFICERS**

**Section 1. Officers.** The officers of the Commission shall be the Chair, Vice Chair, Secretary, and Assistant Secretary. The Commission may establish other offices from time to time. The Chair, Vice Chair and Secretary shall be Commission members. The Assistant Secretary shall not be required to be a Commission member.

**Section 2. Selection and Length of Term.** The Chair of the Commission shall be a Justice of the Wyoming Supreme Court, appointed by the Chief Justice of the Wyoming Supreme Court. The Vice-Chair shall be the President of the State Bar, or his or her designee. Other officers shall be elected by the Commission. Terms of office shall be three (3) years, and terms shall commence on January 1st of the year of appointment

or election and shall end on December 31st of the year in which the term expires, or until their successors are elected and duly qualified.

**Section 3. Resignation, Removal and Replacement.** Any officer may resign office by filing a written notice of resignation with the Assistant Secretary of the Commission which shall be effective on the date of filing unless an effective date subsequent to the date of filing is included in such notice. Any officer may be removed by a two-thirds (2/3) majority of the Commission members upon written vote. Any vacancy caused by the death, resignation or removal of an officer may be filled by a majority of Commission members at any meeting.

**Section 4. Chair.** The Chair shall be the principal officer and spokesperson of the Commission, shall preside at all meetings of the Commission, and shall carry out such other duties as are authorized or assigned by the members of the Commission.

**Section 5. Vice Chair.** The Vice Chair shall perform the duties and exercise the powers of the Chair when the Chair is absent or unable to act and shall carry out such other duties as are authorized or assigned by the members of the Commission.

**Section 6. Secretary.** The Secretary shall keep the minutes and other records of the Commission, give or cause to be given all necessary notices to members of the Commission or to third parties and, in general, perform all duties incident to the position of Secretary or assigned by the Chair.

**Section 7. Assistant Secretary.** The Assistant Secretary shall keep a register of current addresses, telephone and facsimile numbers and electronic mail addresses of Commission members and, in general, perform all duties assigned by the Secretary or the Chair.

## **ARTICLE V. WORKING GROUPS**

**Section 1. Working Groups.** Working Groups of the Commission shall be appointed by the Commission at its first meeting in each calendar year or such other times as the Commission deems appropriate.

**Section 2. Working Group Membership.** Working Groups shall consist of a Chair, who shall be a member of the Commission, and other members who may include members and nonmembers of the Commission.

**Section 3. Reports.** Working Groups shall submit written reports of their activities and recommendations at such times as the Commission shall determine.

**Section 4. Responsibilities of Working Group Chairs.** Working Group Chairs shall schedule and preside at Working Group meetings, prepare agendas for such meetings, assign duties as appropriate to Committee members, draft, or cause to be drafted, reports to the Commission, and, in general, carry out the responsibilities incident to effective functioning of each Working Group. Working Group Chairs may enlist the assistance of the Assistant Secretary of the Commission in scheduling and sending notices and reports.

#### **ARTICLE VI. DISSOLUTION**

The Commission's existence may be terminated at any time by a joint notice in writing from the Wyoming State Bar Association and the Wyoming Supreme Court. Such notice may, but is not required to, follow a recommendation by the Commission that it be dissolved or reconstituted in a different form.

#### **ARTICLE VII. AMENDMENT**

These Bylaws may be amended or repealed by the Wyoming Supreme Court or by a majority vote of the Commission with the advice and consent of the Wyoming Supreme Court.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2009.

ACCESS TO JUSTICE COMMISSION

By: \_\_\_\_\_  
Justice E. James Burke, Chair