

Judicial Conference Notes

December 3, 2010

1. Those present: Young, James, Perry, Price, Park, Skavdahl, Sullins, Campbell, Deegan, Arnold, Davis, Kautz, Cranfill, Waldrip, Donnell.
2. **Chief Justice Kite:**
 - a. Circuit Court jurisdictional change increasing civil level to \$50,000.
 - i. Clerks of court are generally in favor but are concerned about the impact on the smaller districts.
 - ii. Presentation to legislature
 - iii. Level set at \$50,000 to insure there is a real impact
 - iv. Three too few district judges statewide and long 2.66 circuit court judges
 - v. Roving circuit court clerk
 - vi. Asked us to approach legislators
 - vii. Asked for feedback on handout
 - viii. Kautz registered concern about timing with regard to potential changes to be requested in the domestic relations area
 - ix. James wondered if CJ's would use it as a request to increase their salaries.
 - x. Campbell thinks cj's are under-utilized and will like it
 - xi. Small claims to be increased from \$5m to \$7m which cjs dislike because they take so long but to be consistent that level has go up.
 - xii. She is meeting with Mead next Thursday who wants to emphasize technology
 - xiii. She is meeting with Kermit next week as the chair of the Judiciary Committee
 - xiv. Remove concurrent jurisdiction
 - b. Rule 1
 - i. Can things be done better
 - c. Domestic Relations
 - i. Should all rules of civil procedure apply to divorces?
 - ii. Consider requiring clients to attend scheduling conferences
 - d. Case processing times

- i. Study done in Laramie County which reflects those guys really know what they are doing. Well she didn't really say that, just a gratuitous addition by your scribe.
 - e. Electronic filing/technology
 - i. Road blocks
 - 1. Confidential data
 - ii. E-ticketing
 - iii. Web-based video meetings/hearings/arraignments
 - iv. Rules for use of technology
 - v. Wyoming is in the dark ages regarding technology compared to other states
 - vi. Board meeting where all attended by video saved \$3,500 in travel expenses
 - f. Juveniles-Gary Hartman
 - i. Mandatory diversion for certain offenses
 - ii. Discontent about his efforts regarding juvenile family courts
 - g. GAL/public defenders
 - i. Reduction due to funding problems

3. Westlaw presentation

- a. WestlawNext presentation
- b. Options suggested by rep
 - i. Option 1-same as current plan
 - ii. Option 2 -
- c. Unlimited users within the plan-ie, three judges, two clerks can now get 5 user ids.
- d. Motion to move to option 2 by davis, seconded by Deegan. Unanimous.

4. Good of the order

- a. Peremptory challenge rule
 - i. Conference call with BJPA
 - ii. Cranfill: humiliating the way it was implemented
 - iii. Davis, leave it as is
 - iv. Motion, feedback by letter from Norm: rule should be repealed but if not leave the rule as it is by Wade seconded by Deegan. We are strongly opposed to the proposed change. Motion passed unanimously
- b. DUI penalty for 4th or subsequent offense

- i. Nick sent request to Ethics advisory committee
 - ii. Discussion to the effect whether it is our business as a group to suggest changes to the statute.
 - iii. Park moved, Waldrip seconded: The group takes no position on the issue.
- c. Park: How settlements for minors are handled- conservatorship requires a hearing
 - i. Jeff moved, seconded by Price: recommend to BJPA this become a uniform dc rule
- d. Waldrip: do we want rules on use of live video in criminal matters?
 - i. Leave it as it is without rules
- e. Price: PRAC is considering findings of fact and conclusions of law in every case
 - i. Motion by Price, seconded by Skavdahl. We are unanimously opposed
- f. Kautz: Redaction rule status
 - i. Problems with transcripts because rule required court reporter to notify parties/attorneys that transcript is complete and to request notification of what needs to be redacted. Issues of payment for transcript, etc.
 - ii. Criminal cases present special problems because they are reported automatically
 - iii. Tom and Scott will brainstorm and come up with forms?
- g. Cranfill: how do we handle vacations for ct reporters
 - i. They do not accumulate vacation time.
 - ii. No common practice, but most just wing it as long as the office is covered and she is present when judge is.
- h. Scott: Computer/video issues
 - i. Money available from Supreme Court to pay for one set for every district. Contact Steven Dreher.
 - ii. Be aware, the money allows them to use your facility for other purposes.

5. April 28th and 29th in Lander

**Peter G. Arnold
Faithful Scribe**