

Minutes
District Judges Conference

Winter Meeting – December 13 - 14, 2012

Casper, Wyoming

IN THE SUPREME COURT
STATE OF WYOMING
FILED

MAR 19 2013

Carol Thompson
CAROL THOMPSON, CLERK

Present (15): Arnold, Sullins, Edelman, Sharp, Perry, Kautz, James, Waldrip, Young, Tyler, Fenn, Price, Lavery, Wilking, and Campbell.

Absent (8): Park, Donnell, Sanderson, Day, Skar, Brooks, Deegan and Cranfill

The meeting was called to order at 1:00 p.m. by President Arnold. A quorum was present.

PRTF Orders

The meeting began with appearances by Kari Gray from Governor Mead's office, and Steve Corsi and Dr. Marty Nelson from the Department of Family Services. The subject matter was the PRTF issues in district court orders and alleged non-compliance of district court orders. Shortly after the meeting began, Governor Mead called and gave a short presentation to the meeting. The main point from the Governor was the cost of the "non-complying" orders to the State of Wyoming was \$6 to \$6.5 million per year.

The meeting with Gray, Corsi and Nelson continued after the Governor finished. Upon inquiry, the district judges were informed that the reason for these requirements in the orders is the Federal Medicaid reimbursement that will not be received by the State if the orders are faulty. The main problem seems to be that the orders specify the "name" of the placement. When asked why that is a problem with the Feds, it was explained that if placement is specified, that is equivalent to a child being incarcerated and they won't reimburse the State for incarceration.

Kari Gray apologized for the misunderstanding. The information the Governor's office had was that the judges were deliberately not complying.

Steve Corsi said that DFS takes responsibility and said a new procedure will be put in place when an order is discovered to be out of compliance. Generally, the procedure will be to contact the judge directly.

The presenters were unable to answer some specific questions on what specifically would need to be included in the orders. Review orders may also cause an out of compliance issue, even if the original order was in compliance. We were promised that they would get this information to

us as soon as possible. Also, there would be a greater effort to be sure the local DFS offices and county attorneys would be kept informed of the necessary language for these orders.

RTC – Residential Treatment Centers

Steve Corsi and Dr. Marty Nelson also made a presentation on RTCs. A report (white paper) was presented to the judges on RTC research put together by DFS. They also reported on RTC placement times for various entities used by DFS. Essentially, the best results seem to be obtained with placements that do not exceed 90 days. Anything much over this time just “overcooks” these children without any better results. Copies of the white paper may be obtained from DFS upon request. Copies were distributed to those that attended the meeting. Corsi and Nelson also left cards for any one of us to contact them personally if there were issues we needed to discuss. Steve Corsi: Direct (307) 777-7734, Cell (307) 275-6069, e-mail steve.corsi@wyo.gov. Marty Nelson: Direct (307) 777-6203, e-mail marty.nelson@wyo.gov.

Skavdahl returns and Case Management

Judge Skavdahl and Julie Collins made a presentation on the Federal electronic filing system he uses known as the Chambers Electronic Organizer or “CEO.” As usual, Judge Skavdahl was quite erudite showing off his tech-savvy use of the system for Federal court.

Steven Dreher, from the Wyoming Supreme Court IT office, also gave a presentation on the new district court case management system known as WyUser. The program is being prepared for use by all district court clerks and will replace the systems known as Full Court and FACTS used by the clerks now. (Plus, there is the orphan program being used by Natrona County.)

Wyoming Behavioral Institute (WBI) presentation

Joe Gallagher, DR. Steve Brown and Shea Ward made a presentation about WBI and its facilities and services. WBI is the only freestanding private specialized provider and resource center for mental health and substance abuse treatment hospital in the state of Wyoming. In addition to its 85 acute and 45 PRTF beds available, WBI has free 24-hour statewide assistance with its Lifeline Suicide Hotline (1-800-SUICIDE and 1-800-273-TALK). It also offers free “level of care assessments for individuals experiencing a mental health crisis.” Also offered are:

- Acute inpatient treatment for adults, adolescents, children and geriatric adults
- Detoxification for adults
- PRTF for adolescents
- accredited school for PRTF program
- 12-day inpatient diagnostic evaluations (limited to school districts)

-Outpatient psychiatric services in Casper and Laramie.

The meeting adjourned for the day. [REDACTED]

December 14, 2012

Present (15): Arnold, Sullins, Edelman, Sharp, Perry, Kautz, James, Young, Tyler, Fenn, Price, Lavery, Wilking, and Campbell. Deegan attended by phone.

Absent (8): Park, Donnell, Sanderson, Day, Skar, Waldrip, Brooks, and Cranfill.

Rules of the Judicial Conference

The proposed rules of the judicial conference had been circulated prior to the meeting. Judge Price moved adoption of the proposed rules as presented except to add a requirement that the meeting dates be set in September for the year ahead so that all judges could put the meeting on their calendars and attend. Second by Judge Perry. Judge Kautz moved for amendment to add the following to the beginning of Rule 110: "The conference has determined at the present time to participate in the BJPA, but may elect not to do so in the future, therefore three members of the Conference . . ." Seconded by Judge Young. Motion to amend passed. Motion as amended passed. Judge Arnold will finalize the Rules and distribute to all conference members.

Suggestions for Judicial Council/Annual Bar meeting agenda items

The request for suggestions has been made by Ronda Munger in order to present programs or presentations that would be useful and meaningful for district judges. Two items were suggested:

- advanced evidence education (a judge from New Jersey was mentioned)
- ethics presentations that will meet the CJE Rule requirement

Ethics Commission Vacancy

Judge Kautz reported that his term on the Ethics Commission will end March 1, 2012. He has served two three year terms and cannot be reappointed. The other district judge member is currently Judge Sullins whose term expires March 1, 2015. Judge Price moved to appoint Judge Waldrip to fill the upcoming vacancy. Seconded by Judge Campbell. Motion passed unanimously.

Peremptory Challenge Rules 21.1(a) and 40.1(b)(1)

General discussion was held on the recent Wyoming Supreme Court action to suspend application of these rules in criminal and juvenile cases. It was noted that several members sit on committees that have been tasked with consideration and possible amendments to these rules.

The members of those committees are requested to circulate (via e-mail) all information from the committees to the district judges to keep all informed. The idea for the request is to give all district judges an opportunity to give input before a decision is made and to allow the conference to act before the final recommendation is made to the BJPA and/or Wyoming Supreme Court.

Judges James and Judges Arnold gave reports on certain situations that might have contributed to the recent Wyoming Supreme Court action.

PRTF again

The issue of the PRTF orders was raised again. Since it appears that there is some misinformation out before the legislators, it was suggested that it would be important for judges to be proactive and meet or discuss the issue with local legislators. The matter was simply put before the Conference for each individual judge's consideration. No Conference action was taken.

Court Reporters

The Conference, at the request of the BJPA, again took up discussion of proposed legislation the BJPA adopted September 17 entitled "Modernization of Court Reporting Procedures." Judge Price and Judge Campbell reported that the question is whether the district judges would support that part of the legislation which would amend W.S. 5-3-404 which currently provides the court reporter *shall* transcribe the arraignment, change of plea and sentencing proceeding in criminal cases. The amendment would provide that the district judge or any party (at the party's expense) *may* request a transcript of any criminal proceeding to be prepared and filed.

Judge Price moved to approve this change. Judge Campbell seconded. After extended discussion, a vote was taken. The motion failed.

Good of the Order

Some discussion was held on the usage of court commissioners with the defeat of the constitutional amendment. No action was taken.

Judge Perry suggested that he would be putting together a proposed Ed Grant Award to be awarded at the conclusion of each meeting.

Judge Campbell reported that an informal committee consisting of Judges Campbell, Price and Donnell together with their court reporters was going to meet to consider and address concerns and recent issues involving court reporters. The proposal came from Joann Odendahl after one of the BJPA meetings. The judges and reporters have agreed to meet. We will probably use the JVAN video system to save time and expense.

Other items of various nature were also discussed.

Adjourn

An unidentified district judge moved to adjourn. A chorus of district judges offered a second. After no discussion, the motion passed unanimously.

The next meeting will be April 18 and 19, 2013 in Cheyenne.

Respectfully submitted,

Dan R. Price II