



*November 2022*

# **Wyoming Judicial Council Report**

## Wyoming Judicial Council Members

### Supreme Court

Chief Justice Kate Fox

Justice Lynne Boomgaarden

Justice Kari Jo Gray

### District Court

Judge Catherine E. Wilking

Judge Catherine R. Rogers

Judge Joseph B. Bluemel

### Circuit Court

Judge John Prokos

Judge Nathaniel Hibben

Judge Susan Stipe

Elisa Butler, Executive Secretary

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

The Board of Judicial Policy and Administration has been the governing body of the Wyoming Judicial Branch for more than 20 years. The BJPA successfully guided the Judicial Branch through Covid19 emerging stronger than ever. The Branch demonstrated its resiliency by using technology and ingenuity to adapt its processes and procedures to comply with recommended health precautions, and it experienced the benefits of working together as a Branch. At its September meetings, the BJPA members voted to change the name of the BJPA to the Wyoming Judicial Council. The new name more clearly expresses the entity’s role, and the change represents a shift in the Judicial Branch’s approach to its governance, as expressed in its vision statement:

The Wyoming Judiciary is a cohesive and collaborative court system, characterized by excellence, that provides justice for the individual and society through the rule of law. The Wyoming Judicial Branch is committed to excellence in:

- Delivering just and efficient resolution of people’s disputes;
- Promoting public confidence in the law and providing access to justice;
- Faithfully discharging our duties through adherence to the law;
- Ensuring fairness and impartiality by providing quality service that continuously improves, that meets or exceeds the public expectations, and that ensures all are treated with courtesy, dignity and respect;

- Fostering an expectation of excellence in the work of the Judiciary through recruitment, training and retention of all judicial officers and employees;
- Acting as a cooperative and collaborative system that speaks with a single voice and shares a common purpose; and
- Ensuring the highest professional conduct, integrity and competence of the bench and bar.

With renewed confidence and an infusion of new judges, the Wyoming Judicial Council now looks forward to bigger steps to adapt the constantly changing demands upon courts and court staff.

### **Innovation**

The Judicial Branch Innovation (JBI) taskforce is leading a branch-wide, post-pandemic examination on how to improve Wyoming's court system. Under the leadership of Retired District Court Judge John Perry, and with the assistance of the National Center for State Courts, JBI members Chief Justice Kate Fox and Justice Lynne Boomgaarden, District Court Judges Catherine Wilking and Jason Conder, and Circuit Court Judges Wendy Bartlett and Nate Hibben, are meeting monthly to identify and prioritize challenges facing the delivery of justice in Wyoming.

JBI's ultimate charge is to recommend short- and long-term solutions to the demands of a changing post-pandemic world for the Judicial Council's consideration. Challenges the JBI task force has identified to date involve staff and training; the mental well-being of litigants, judges and judicial personnel; technology use; docket management; timely decision-making; and sufficient resources for self-represented litigants. It is also no secret that the Judicial Branch – Wyoming's third, co-equal branch of government – is underfunded. The courts need sufficient resources to efficiently and effectively fulfill their constitutional duty to deliver equal justice to all.

Though nearly all Wyoming judges report that they like their jobs, we know we can do better – better for judges, judicial staff, lawyers, and the litigants we collectively serve.

### **New Judges**

Over the past year and a half, the Wyoming Judicial Branch has welcomed fourteen new judges, with more on the way. These vacancies were created for a number of reasons: several judges retired, some transitioned from one jurisdiction to another, two were the result of new district judge positions created by the Legislature (and a third one next year), and several resulted from judges choosing different career paths.

Wyoming uses a Merit Selection System for seating a new judge, which is governed by Article 5, section 4 of the Wyoming Constitution. Applicants provide a thorough expression of interest to the Judicial Nominating Commission, which then reviews the submissions and select applicants to interview. The Judicial Nominating Commission then interviews the selected applicants within the district where the vacancy has occurred and sends the three most qualified names to the Governor. The Governor then has thirty days to hold separate interviews with the three candidates and announce the appointment. Typically, the Governor waits close to the thirty days to announce the decision to allow citizens to provide comment on the candidates.

Once appointed, each judge or justice must stand for retention throughout their judgeship. All members of the Judiciary must initially stand for retention at the next general election after serving for one full year. Thereafter, Supreme Court justices stand for retention every eight years, District Court judges stand for retention every six years, and Circuit Court judges stand for retention every four years.

Finally, Wyoming Supreme Court justices and District Court judges are required to retire at age 70. (Circuit Courts were created by statute and do not have a mandatory retirement age.) HJ001, passed by the legislature in 2022, will raise the mandatory

retirement age to 75, if the voters agree to the constitutional amendment in the November election. Although some judges may not stay past the age of 70, others may continue to meaningfully contribute to the law in our State for several additional years before retiring, saving the state money in the process.

## **System Modernization**

### Case Management System

The Supreme Court began the process of updating the trial court's case management system in 2016. The long and tedious process of tailoring and implementing the off-the-shelf product is getting close to being complete. The circuit courts have been fully rolled out on the new system since 2020 and district courts are expected to be complete by late 2023 or early 2024. The newly formed Chancery Court was created using this new case management system as well.

### Efiling

Efiling has been available in chancery court since its opening in December 2021. The first district court went live on the system in late August. Albany County District Court is the pilot court for eFiling, meaning that attorneys practicing in that court have the opportunity to eFile.

The implementation of eFiling in the district courts will be staggered, which means that not all courts will have eFiling available at the same time. If all goes according to plan, attorneys will be able to eFile in four district courts by the end of 2022 with all courts live on the system by the end of 2024.

### KUDO

KUDO is a multilingual collaboration platform that allows court interpreters to provide remote court interpretation in both the simultaneous and consecutive modes of interpretation on Microsoft Teams. Put another way, KUDO enables court interpreters

located anywhere to interpret into another language in real-time on Microsoft Teams as if they were present in the courtroom. This product was purchased with American Recovery Plan funds appropriated by the Legislature.

### **Access to Justice**

The Access to Justice Commission is an advisory body to the Supreme Court to address statutory obligations under the 2010 Wyoming Civil Legal Services Act (Wyo. Stat. Ann. § 5-2-121, et. seq.) The Commission also provides oversight and support to Equal Justice Wyoming – the state funded civil legal services program. Through its new initiative, Access to Justice 2.0, the Commission is working with multiple stakeholders to identify and implement alternative and creative ways to help the increasing number of Wyoming citizens and small businesses who appear in civil court proceedings without an attorney.

Equal Justice Wyoming works with Wyoming legal aid providers and community organizations specifically to help people with limited income find help with legal issues. Equal Justice Wyoming programs include:

#### Pro Bono Programs and Initiatives

The Wyoming Free Legal Answers, in partnership with the American Bar Association, offers free legal advice. The website screens applicants for eligibility and allows eligible individuals to submit civil legal questions via a secure portal. Attorneys licensed to practice law in Wyoming can register as volunteers to answer questions. In fiscal year 2022, this program addressed 326 legal questions.

The Volunteer Reference Attorney Program places attorneys in courthouses and libraries to provide legal information, explain court procedures, and assist litigants in completing pro se forms. During fiscal year 2022, volunteer attorneys assisted 295 individuals.

In partnership with the Wyoming State Bar, Equal Justice Wyoming manages the statewide Volunteer Lawyers Program. Assistance provided by attorneys range from advice to full representation of clients. The pro bono program processed 102 cases in fiscal year 2022.

### Online Legal Information and Resources

Equal Justice Wyoming continually updates website content to provide information, resources, videos, online classrooms, and pro se forms that address the most common civil legal issues faced by low-income individuals. In fiscal year 2022, the website saw 62,209 site visits by 40,603 unique users.

LiveChat is like a remote self-help center that guides individuals to appropriate information and trusted resources. The majority of LiveChat volunteers are law students. Those volunteers assisted 405 visitors in fiscal year 2022.

### Statewide Civil Legal Services Support through Grants

Equal Justice Wyoming's mission to provide a statewide delivery system for civil legal aid is largely carried out through grants to nonprofit legal service organizations. In fiscal year 2022, grants in the amount of \$1,536,738 were provided. Of note, \$407,202 of Victims of Crime Act (VOCA) funds increased civil legal services to victims of crime, and \$278,521 in Emergency Rental Assistance (ERAP) funds provided legal services to support housing stability.

### **Employee Compensation**

Through a grant from the State Justice Institute, the Board is working with the National Center for State Courts to analyze employee compensation and compare rates of equivalent positions throughout the State, and sister states. The results of this study will allow the Board to create a compensation plan for the Judicial Branch, similar to that currently used by the Executive Branch.