

DISTRICT JUDGES' CONFERENCE  
April 24 and 25, 2008  
Lander, Wyoming

Minutes

A meeting of the District Judges' Conference was held on April 24 and 25, 2008, in Lander. The following judges attended: Sanderson, Price, Park, Donnell, Ryckman, Brooks, Hartman, Davis, Waldrip, James, Young, Cranfill, Fenn, Grant, Guthrie, Skavdahl, Perry, Sullins, Kautz and Arnold.

Judge Sanderson chaired the meeting which began at 1:05 p.m. on April 24, 2008.

1. Approval of Minutes. Judge Waldrip moved to approve the minutes from the December meeting in Casper and the treasurer's report. The motion was seconded by Judge Young and passed.

2. Miscellaneous. Judge Sanderson provided retention forms. Judge Cranfill reported on his visit to the Wyoming State Penitentiary. There was a general discussion about the ITU program and the process of being accepted into it. It was noted that 20 inmates have access to the program now but that many more inmates will participate in the program when the facility in Torrington is completed.

3. Dr. Brent Sherard and Department of Health Representatives. In addition to Dr. Sherard, the following representatives from the Department of Health discussed concerns of the district judges and responded to their questions: Helen Mertz, Wyoming State Hospital unit manager for adult psychiatric services; Carol Day, community program person with division of mental health and substance abuse; and Robert Stahl, interim superintendent of the Wyoming State Hospital. Travis Kirchhefer from the Attorney General's office also participated.

Dr. Sherard began by discussing the master facilities plan for the Department of Health which includes the Wyoming State Hospital in Evanston, Wyoming Life Resource Center in Lander, Retirement Home in Basin, Veteran's Home in Buffalo and Pioneer Home in Thermopolis. He advised that the state has contracted with WBI in Casper to provide adolescent treatment services because that unit is no longer located at the Wyoming State Hospital. Mr. Stahl noted that many adolescents have conduct disorders instead of mental illness and that going to the Wyoming State Hospital has a negative stigma. Judge Donnell raised issues regarding the criteria for admission to the Wyoming State Hospital and Mr. Stahl advised that there is no such written criteria.

Issues regarding Title 25 commitments were then discussed. The judges were advised that there are only 38 beds in the acute unit for Title 25 patients and that if that number is exceeded it affects the license of the Wyoming State Hospital. The State of Wyoming has entered into contracts with three other facilities (Pine Ridge, WBI and Cheyenne Regional Hospital) to handle Title 25 patients when the Wyoming State Hospital is full.

Dr. Sherard stressed the need for better collaboration between the Wyoming State Hospital, local mental health facilities and law enforcement. He said that limited capacity for title 25 patients often results in them being housed and treated with criminal defendants. He noted that major mental illness is a chronic disease and that the Wyoming State Hospital only takes care of people in crisis. Local communities need to do a better job of caring for these individuals when they return home.

Judge Young expressed his concern about patients not following their discharge plans and neglecting to take their medications. Day reporting was identified as a possible solution to this problem. Alcohol was identified as the drug most abused in Wyoming, even exceeding the methamphetamine problem.

Dr. Sherard talked about a crisis stabilization pilot program in Southeast Wyoming which potentially can reduce admissions to the Wyoming State Hospital. He also noted that jail diversion programs can reduce inpatient admissions.

4. Chief Justice Voigt. Chief Justice Voigt began by updating the conference on the E-filing pilot project in the Supreme Court. He advised that the criminal system is up and running and that it is working fine. He predicted that in June or July the court will be implementing the civil portion of that project. The next step in this process will be to implement E-filing in the trial courts. He believes that trial courts should begin with the criminal docket. He identified potential problems with having everything on the website, citing such confidential matters as PSI's, confidential financial statements and juror information. He stressed that implementing the system in the trial courts will be a cooperative effort with input from judges and clerks of court. He also noted that there would have to be a court rule in order to achieve consistency and compliance. Judge Skavdahl identified several complex issues that would need to be addressed.

Chief Justice Voigt updated the conference about the timeline regarding appointment of a district judge in Pinedale. He shared his thoughts regarding video appearances and noted that this is something that is being encouraged by law enforcement who

are looking for alternatives to transporting inmates, thereby reducing costs and security concerns.

He provided an update on the progress of the remodeling of the Supreme Court building. He advised that the project is on schedule with furniture scheduled for delivery on October 6th. He also expressed his hope that a United States Supreme Court Justice would come to Cheyenne for the grand opening.

He also discussed court security issues, court reporter equipment and software, drug courts, circuit court magistrates, access to court records, and the GAL program.

5. Young's World Class and Famous, Too Barbecue Sauce. Judge Young provided each judge with a jar of his barbecue sauce which he advised will (hopefully) be the financial security for his retirement.

The meeting adjourned at 4:45. [REDACTED]

The meeting reconvened at 9:00 a.m. on April 25, 2008.

6. GAL Program and Public Defenders' Office. Diane Lozano and Ryan Roden summarized changes in the GAL program which will be part of the Public Defenders' Office beginning on July 1, 2008. Major changes in the program include GAL's signing contracts, court orders appointing the program followed by a FAX identifying the particular attorney for each case, and bills being sent directly to the Public Defender office for payment. They acknowledged that this transition is a work in progress and anticipated at least six months for the transition to occur.

Judge Price raised concerns about fees being too low and forming a basis for claims of ineffective assistance of counsel. Concerns regarding availability of GAL's were addressed by allowing contract GAL's to represent children in other counties.

Ms. Lozano and Mr. Roden identified three primary goals: getting the program up and running, recruiting GAL's and getting a fulltime contract GAL in each county. They discussed the possibility of lowering GAL fees to under \$100.00 per hour and several judges expressed the concern that such a change would impact the quantity and quality of attorneys willing to serve as GAL's. Other changes include requiring more face to face contact with the client and prior approval for payment of special services. Conflict situations such as one person needing representation as a criminal defendant and also in a neglect action will be require development of an in-house conflict of interest policy.

7. For the Good of the Order. Issues regarding problem solving courts were raised by Judges Park and Hartman. Judge

Grant shared information regarding the pilot project in abuse and neglect cases and Judges Grant and Young shared their philosophies concerning the use of court commissioners in such cases. The majority of judges concluded that they wanted to adhere to the resolution regarding problem solving courts which was previously adopted by the conference and that it should be considered the official position of the District Judges' Conference.

Judge Young moved to have Judge Brooks represent the district judges on the BJPA. The motion was unanimously passed. There was a brief discussion about the BJPA and the importance of having an active voice representing district judges on it.

Judge Donnell provided an update on court security and advised that a survey will be sent to judges and law enforcement. He encouraged everyone to respond to the survey in order to create minimum standards. It was noted that the Wyoming Law Enforcement Academy is now teaching a class on courtroom security. Judge Waldrip moved and Judge Perry seconded that Judge Donnell continue to serve on the Court Security Commission. The motion unanimously carried.


There was a brief discussion about video arraignments. Judge Waldrip, Chairman of the Criminal Rules Committee, identified written guilty pleas and video proceedings as two significant issues being addressed by the committee and encouraged everyone to provide input.

The conference discussed the comprehensive study of the criminal rules by Ted Lauer and some judges wondered whether this should be done. In general, many judges were curious about what he things is wrong with the rules and why.

Judge Kautz shared his concerns about legal aid services in Wyoming. He advised that it is still struggling and that it receives no funding from the state. In fact, he noted that Wyoming is one of only five states that provides no state funding for legal aid services. He asked for suggestions.

8. Assessment. Judge Perry moved to add [REDACTED] to this year's dues as a one time assessment to meet anticipated future costs due to retirement of judges. The motion was seconded and passed.

The meeting adjourned at 11:50 a.m.

  
Nena James  
Secretary/Treasurer