

# WYOMING JUDICIAL COUNCIL

Platte Room, Saratoga Hot Springs Resort  
Saratoga, Wyoming  
March 11, 2024  
8:00 A.M. – 5:00 P.M.

## MINUTES

**Members:** Chief Justice Kate Fox (Chair), Justice Lynne Boomgaarden, Justice Kari Gray, Judge Catherine Rogers, Judge Joseph Bluemel, Judge Dawnessa Snyder, Judge Nathaniel Hibben, Judge John Prokos, Judge Wendy Bartlett

**Others Present:** Kristen Trebil-Halbersma, Elisa Butler, Cierra Hipszky

<b>Welcome</b>	Chief Justice Fox welcomed the members of the Wyoming Judicial Council and thanked them for attending the meeting.
<b>eFiling Rules Amendment</b> Attachment A – Proposed eFiling Rule Amendments  The Wyoming Judicial Council approved the recommendation that the Wyoming Supreme Court adopt amendments to the Wyoming Rules for Electronic Filing and Service in District Courts.	Elisa Butler provided an update on the recommended Wyoming Rules for Electronic Filing and Service in District Courts amendments to the Wyoming Judicial Council. The recommendations were generated by the eFiling Committee. Many of the edits are clean ups to formatting. The largest change to the rules is the implementation of mandatory eFiling. This provision requires mandatory eFiling ninety (90) days after eFiling is implemented in a court, or ninety (90) days after the Rule becomes effective if a court has already implemented eFiling. Additional exceptions are included within the amendment to provide discretion to the Judges to determine if there is an instance where eFiling is not appropriate.  Elisa Butler further relayed that the eFiling rules generally apply only to filers, but the idea is to require eFiling for Judges’ chambers as well.  Judge Bluemel moved to approve the eFiling Committee’s recommendation to amend the Wyoming Rules for Electronic Filing and Service in District Courts as proposed in Attachment A, and Judge Prokos seconded the motion. All voted in favor with none opposed.
<b>Treatment Court Rules Amendment</b> Attachment B – Proposed amendments to the Rules Governing Judicial Participation in Court Supervised Treatment Programs  The Wyoming Judicial Council approved the recommendation that the Wyoming Supreme Court adopt amendments to the Rules Governing Judicial Participation in Court Supervised Treatment Programs.	Elisa Butler gave an overview of the recommended amendments to the Rules Governing Participation in Court Supervised Treatment Programs proposed by the Behavioral Health Committee. She explained the transfer of the treatment court program will be effective as of July 1 <sup>st</sup> this year.  The Wyoming Judicial Branch will be the administrative entity for treatment courts, which results in a need to broaden the scope of the rules. Rule 6 provides for a judge to enter into an MOU with the treatment court. The Behavioral Health Committee recommends removal of Rule 17 is as it is not traditionally followed. A new Rule 18 authorizes the Wyoming Judicial Branch to generate standards to govern operations.  Justice Boomgaarden advised “Judicial Participation in” should be removed from the title of the rules as the Wyoming Judicial Branch is the

	<p>administrating body.</p> <p>Judge Prokos moved to approve the Behavioral Health Committee’s recommendation to amend the Rules Governing Participation in Court Supervised Treatment Programs as proposed in Attachment B and removing “Judicial Participation in” from the title of the rules, and Judge Bartlett seconded the motion. All voted in favor with none opposed.</p>
<p><b>Adult Diversion Court Rules</b></p> <p>Attachment C – Proposed Adult Diversion Court Rules</p> <p>The Wyoming Judicial Council approved the recommendation that the Wyoming Supreme Court adopt the Adult Diversion Court Rules.</p>	<p>Elisa Butler relayed the pilot of the diversion court has launched in Campbell County with two current participants. The proposed rules would govern that program. The program is available to non-violent misdemeanants, identified as moderate high or high risk, that fall into four or five diagnoses. Initial screening is conducted by law enforcement, followed by evaluation by the mental health provider to determine if the individual meets criteria. The prosecutor has the ability to object to diversion, but the reasons for objection are limited.</p> <p>Chief Justice Fox provided that the Behavioral Health Committee used the treatment court rules as a starting point. These rules were generated with consideration of the discussions held with the Gillette Pilot Team, and the work of the Behavioral Health Committee. The rules will need to be evaluated and amended as the program develops and expands.</p> <p>Judge Bluemel moved to approve the Behavioral Health Committee’s recommendation to adopt the Adult Diversion Court Rules as proposed in Attachment C, and Justice Boomgaarden seconded the motion. All voted in favor with none opposed.</p>
<p><b>Treatment Court Grant Applications</b></p> <p>The Wyoming Judicial Council approved for the Behavioral Health Committee to be the approving body for the upcoming treatment court grants.</p>	<p>Elisa Butler discussed the decision made at the December 2023 WJC meeting regarding grants for Wyoming treatment courts. In December, the WJC determined that the Behavioral Health Committee would make recommendations to the WJC on grant funding for treatment courts for final decision. Contracts need to be in place by July 1, which means that grant decisions need to be made in April to allow for contracts to be negotiated and executed in May and June. The timing of the WJC meetings and decisions needed for grant funding are incompatible.</p> <p>Elisa Bulter walked the Council through options to consider. The Council can remain the decision-making body for the current grant cycle, which means that vote would need to be made via email, or an additional Council meeting would be needed. The other option would be to delegate the grant decision to the Behavioral Health Committee for the current grant cycle and create a process in time for the next grant cycle.</p> <p>Judge Prokos noted the importance of keeping with the <i>pro forma</i> model this year, allowing those programs to receive funding this year and giving the Wyoming Judicial Council time to work towards benchmarks and metrics for future evaluations.</p> <p>Judge Rogers moved for the Behavioral Health Committee to be the approving body for upcoming treatment court grant applications, with the Wyoming Judicial Council working on benchmarks and metrics for evaluation for future grant cycles, Judge Snyder seconded the motion. All voted in favor</p>

	with none opposed.
<p><b>SJI Grant Discussion</b></p>	<p>Elisa Butler provided an update on SJI grants. The most recent grant for court security assessments was submitted in February. Grants can only be submitted quarterly, and, although they are not huge amounts, they are less burdensome than other grants. The grant is up to \$75,000, with a cash and in-kind match. The past two grants received were for the court navigator and diversion programs. Opportunities for future grants include strategic planning, forms automation, and additional security assessments.</p> <p>Justice Boomgaarden relayed that the Access to Justice Commission 2.0 has been asked to look at forms automation. The Council discussed considerations regarding the quickly changing nature of AI, and how that could affect forms automation. The NCSC has an AI working group to assess how courts can leverage AI, as well as what courts need to be aware of with the new technology. Based on this work, the Council determined that a grant request for forms automation should be delayed until the use of AI in that context is better understood.</p> <p>The Council decided that the upcoming SJI grant application should be for court security assessments, and the following application should center around strategic planning.</p>
<p><b>Ratification of Executive Committee Decisions</b></p> <p><u>Attachment D – Revised Purpose and Structure Statement of the Circuit Court Audit Committee</u></p> <p>The Wyoming Judicial Council ratified the decision of the Executive Committee to approve the changes to the Circuit Court Audit Committee purpose and structure document as set forth in Attachment D.</p> <p><u>Attachment E – Hardware/Software Policy</u></p> <p>The Wyoming Judicial Council ratified the decision of the Executive Committee to create an effective date for the Hardware Software Policy of July 1, 2024 as set forth in Attachment E.</p> <p><u>Attachment F – Revised ADA Policy</u></p> <p>The Wyoming Judicial Council ratified the decision of the Executive Committee to amend the ADA policy as set forth in Attachment F.</p> <p>The Wyoming Judicial Council ratified the decision of the Executive Committee to adjust the class families in the Wyoming Judicial Branch Classification Structure</p>	<p>Elisa Butler presented an overview of Executive Committee decisions that require ratification pursuant to Rule 8 of the Rules and Procedures Governing the Wyoming Judicial Council. The Council discussed the need to continue to ratify the decisions of the Executive Committee to ensure the Council members are all on the same page.</p> <p><u>Approved structure revisions of the Audit Committee</u></p> <p>The first item reviewed was revisions to the structure of the Circuit Court Audit Committee. Included in the revisions is a purpose statement for the Committee. Additionally, the Internal Auditor that staffs the Committee is not a CPA. The need to have a CPA to help staff the Committee was identified. The Deputy State Court Administrator/Chief Fiscal Officer will staff the Committee with the Internal Auditor. The revised Purpose and Structure Statement of the Circuit Court Audit Committee was approved by the Executive Committee.</p> <p>The Council discussed how the Committee should proceed if in the future the Deputy State Court Administrator is not a CPA. Elisa Butler indicated if there is future turnover in those positions, we will look at workload again and evaluate if the staff structure still works for the Committee. There is not a foreseeable issue as long as the Committee remains engaged in the process.</p> <p>Judge Bluemel moved to ratify the Executive Committee’s amendments to the Purpose and Structure Statement of the Circuit Court Audit Committee as proposed in Attachment D, Judge Hibben seconded the motion. All voted in favor with none opposed.</p> <p><u>Set an effective date for the Hardware/Software Policy</u></p> <p>Elisa Butler pointed the Wyoming Judicial Council to the Hardware/Software</p>

<p>document.</p>	<p>Policy (Attachment E). The policy was adopted and there have been many inquiries on when equipment will be received. The caveat to the policy was that the Wyoming Judicial Branch needed spending authority from the Legislature out of the Judicial Systems Automation Account. That authority was granted through the legislative budget process, but the additional spending authority will not be available until July 1, 2024. When the Council adopted the policy, there was no effective date. As a result, the Executive Committee approved an effective date of July 1, 2024 to ensure funding was available.</p> <p>Justice Boomgaarden moved to ratify the Executive Committee’s addition of an effective date to the Hardware/Software Policy as proposed in Attachment E, Judge Bluemel seconded the motion. All voted in favor with none opposed.</p> <p><u>Approved a revision to the ADA Policy for the appeal process</u></p> <p>Elisa Butler related the ADA Policy was adopted by the Wyoming Judicial Council last year. Initially, appeals were routed through the State Court Administrator. However, it makes more sense to have those appeals go to the Legal Division of Court Administration.</p> <p>Judge Snyder moved to ratify the Executive Committee’s amendments to the ADA Policy as proposed in Attachment F, Judge Hibben seconded the motion. All voted in favor with none opposed.</p> <p><u>Approved a revision to the Classification Structure document to better define class families</u></p> <p>Elisa Butler noted there were small changes adopted by the Executive Committee to the Classification Structure document. Within the class of families, the attorneys within the Judicial Branch were all grouped into one family class. The changes make that more granular, noting specific roles within the courts. The pay structure remains unchanged.</p> <p>Judge Snyder moved to ratify the Executive Committee’s amendments to the Classification Structure document, Judge Bluemel seconded the motion. All voted in favor with none opposed.</p>
<p><b>For the Good of the Order</b></p>	<p>Judge Snyder suggested that the Human Resources Committee explore giving pay increases to all Judicial Branch employees to help cover the cost of employee retirement contributions. Judge Rogers inquired if the Judicial Branch was still behind regarding pay. Elisa Butler affirmed, and further indicated the Executive Branch is at an average of ninety-four percent (94%) of market pay. Judge Snyder added it may be beneficial for the Human Resources Committee to evaluate longevity pay as well.</p> <p>Justice Gray remarked that she read about some legislation that passed this session regarding employee retirement contributions. She indicated that the change may be concerning in the future and is something the Judiciary should watch closely. Elisa Butler will look at the recent legislation to investigate that issue.</p> <p>Justice Boomgaarden asked if there was a decision on where to place the four</p>

	(4) clerk positions the Judicial Branch received. Elisa Butler indicated there was not a decision yet. Numbers from the workload study will be available for evaluation at the beginning of the next fiscal year.
<b>Adjourn</b>	Chief Justice Fox adjourned the business meeting.

<b>Post Meeting Action Items</b>	
<u>Owner</u>	<u>Item Description</u>
Elisa Butler	Submit eFiling Rules Amendments to Court for consideration.
Elisa Butler	Coordinate submission of Treatment Court Rules Amendments to Court for consideration.
Elisa Butler	Coordinate submission of Adult Diversion Court Rules to Court for consideration.
Elisa Butler	Relay to the Behavioral Health Committee that the Committee will make decisions this cycle for treatment court grants.
WJC	Establish benchmarks and metrics for future treatment court grant application evaluation.
Elisa Butler	Update and distribute revised ADA policy.
Elisa Butler	Relay recommendation to the Human Resources Committee to explore implementing a bump in pay for Judicial Branch employees to cover the increase in employee retirement plan contributions, and increasing longevity pay.
Elisa Butler	Review recent retirement legislation pertaining to Wyoming Retirement System's ability to increase contributions without legislative action.

**Committee decisions are designated in green text.**

**Attachments are designated in blue text.**

## Attachment A

### WYOMING RULES FOR ELECTRONIC FILING AND SERVICE IN DISTRICT COURTS

#### Rule

1. Purpose and scope of rules.
2. Definitions.
3. Official Court Record.
4. Electronic and filing eligibility, registration and user requirements.
5. Filing and service of electronic documents.
6. Format requirements.
7. Technical errors.
8. Privacy protections.
9. Transcripts.
10. Judicial discretion.
11. Sanctions.

#### **Rule 1. Purpose and scope of rules.**

(a) *Purpose.* — These rules establish the procedure for electronic filing and service of all documents in the Wyoming district courts using the Electronic Filing System (EFS) for attorneys, and attorneys' staff. The EFS is not presently available to pro se litigants, who may continue to use Traditional Filing.

(b) *Scope.* —

(1) These rules, which will be known as the “Wyoming Rules for Electronic Filing and Service in District Courts,” govern the electronic filing and service of documents in Wyoming district courts. These rules supersede other Wyoming district court procedural rules in such matters as electronic filing and service, and in case of any conflict between these rules and other court rules or statutes, these rules shall prevail. These rules do not supersede the Wyoming Supreme Court Electronic Filing Administrative Policies and Procedures Manual or the Wyoming Chancery Court Electronic Filing Administrative Policies and Procedures Manual.

(2) No district court may establish eFiling rules applicable only in that court.

(3) These rules take effect August 29, 2022.

#### **Rule 2. Definitions.**

(a) The following definitions shall apply:

(1) “Business Day” means Monday through Friday 8:00 am to 5:00 pm Mountain Time, excluding official state holiday closures and other court closures.

(2) “Case Management System” means an electronic system that houses court records and manages the coordination of court processes and resources from filing to disposition.

(3) “Electronically File” or “eFile” means uploading a document directly to the electronic filing system to file that document in the district court's Case Management System.

(4) “Electronically Serve” or “eServe” means uploading a document directly to the electronic filing system to electronically serve that document on parties in a case.

(5) “Electronic Filing System” or “EFS” means the web-based user interface system provided by the Wyoming Supreme Court for Registered Users to electronically submit documents and serve parties in district court matters.

(6) “Filer” or “Registered User” means an individual who has registered to use the EFS pursuant to Section IV b. and has obtained a unique username and password to eFile and eServe documents in district court matters via the EFS.

(7) “In Camera” means a confidentiality designation for an eFiled document limiting access to the document to the Filer and the judge assigned to the case.

(8) “Notice of Electronic Filing” or “NEF” means a courtesy notice

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generated by the EFS and delivered to the Registered User's email that a document has been submitted or accepted through the EFS.

(9) "Online Inbox" means a Registered User's online inbox accessible via the EFS.

(10) ".pdf" means Portable Document Format, a proprietary file format developed by Adobe Systems, Inc.

(11) "Public" means a designation for an eFiled document providing full access to the document.

(12) "Sealed" means a confidentiality designation for an eFiled document limiting access to the document to the Filer, parties to the case, court personnel, and the judge assigned to the case.

(13) "Technical Error" means a malfunction of the EFS or district court hardware, software, or telecommunications facility that prevents a Registered User from eFiling or eServing a document which is verified by File & ServeXpress. It does not include failure of a Registered User's equipment, software, hardware, telecommunications facility, internet service, or any other failure attributed to the Registered User.

(14) "Traditional Filing" means submitting a filing to the clerk's office in paper or other tangible form.

### **Rule 3. Official Court Record.**

(a) The official court record for a case filed or maintained in accordance with these rules is the electronic case file maintained by the clerk's office in the Case Management System, as well as any Traditional Filings maintained by the clerk in accordance with these rules.

(b) If a clerk digitizes, records, scans or otherwise reproduces a Traditionally Filed document, the official court record of the document is the electronic record housed in the Case Management System.

(c) Certified and exemplified copies of electronically filed documents may be obtained from the Clerk by requesting a copy in person or mailing the request to the clerk. Each request must designate the case number and document by title. Requests submitted by mail must include a self-addressed, stamped return envelope and the applicable fee. The fee for copied, certified, and exemplified documents is provided by the Rules for Fees and Costs for District Courts.

### **Rule 4. Electronic and filing eligibility, registration and user requirements.**

(a) *Eligibility.* — Persons identified below may eFile and eServe documents upon compliance with subsection (b) of this Section.

(1) Wyoming licensed attorneys; and

(2) Wyoming licensed attorneys' designated staff. Attorneys will be responsible for non-attorney conduct according to the Rules of Professional Conduct for Attorneys at Law, 5.3.

(b) *Registration.* — To access and use the EFS, a filing party shall:

(1) Complete training on the EFS;

(2) Pass an eFiling proficiency exam;

(3) Register for access to the EFS;

(4) Comply with, and agree to be bound by, the terms of service when using the EFS;

(5) Comply with the Wyoming Rules for Electronic Filing and Service, the Wyoming Rules Governing Access to Case Records, and all other applicable filing rules;

(6) Maintain one or more working email address(es) at which the Filer agrees to accept email notifications of filings and other EFS information; and

(7) Provide all information necessary to ensure filing fees may be paid through the EFS.

(c) *User requirements.* —

(1) Each eligible person who completes registration as set forth in subsection (b) of this Section, will be issued one username and password. Each Registered User is responsible for all documents filed under his or her

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unique username and password. Registered attorneys are responsible for the filings of their staff in accordance with Rule 5.3 of the Rules of Professional Conduct for Attorneys at Law. If a Registered User believes the security of his or her password has been compromised, the Registered User must change the password and immediately notify the Wyoming Supreme Court.

(2) Registration in accordance with subsection (b) of this Section constitutes consent to receive electronic notifications and service.

(3) Registered Users shall not opt out of receiving NEFs.

### **Rule 5. Filing of electronic documents.**

(a) *eFiling.* —

(1) Ninety (90) days after implementation of eFiling in a court; or, for courts that have previously adopted eFiling, ninety (90) days after the effective date of this rule, all filings by attorneys eligible to eFile pursuant to Rule 4(a) must be filed electronically through the EFS, except:

(A) When the court finds exceptional cause exists to allow a document to be Traditionally Filed;

(B) When the attorney is representing a person or entity who is not a party to the case, i.e., intervenor, amicus, witness, etc.;

(C) A document or image that is prohibited from electronic storage by federal or state law, including but not limited to, sexually explicit images of a minor;

(D) A non-paper or oversized exhibit;

(E) Any document or thing that cannot be scanned or otherwise converted to a .pdf;

(F) Original wills filed for the first time in a matter;

(G) Warrants, not including bench and arrest warrants requested or issued in a filed case; and

(H) Grand Jury Materials.

(2) Unless otherwise ordered, when a party eligible to eFile pursuant to Rule 4(a), Traditionally Files a document in accordance with subsection (1), the Filer must eFile notice of the Traditional Filing, and eServe all Registered Users with such notice.

(3) Unless an original document is required as set forth by state statute or court rule, the clerk shall digitize, record, scan, or otherwise reproduce a document that is Traditionally Filed into an electronic record, document, or image. A physical document that has been converted into an electronic record, document, or image may be destroyed at the discretion of the clerk.

(4) Documents filed electronically shall not be subsequently Traditionally Filed.

(b) *Time of eFilings.* —

(1) A “day” begins at 12:00 a.m. (Mountain Time) and ends at 11:59:59 p.m. (Mountain Time).

(2) A document is deemed filed upon submission to the EFS.

(3) The EFS will affix the date of submission upon the filed document.

Questions of timeliness will be resolved by the date affixed to the eFiling by the EFS.

### **Rule 6. Quality control.**

(a) *Non-conforming eFilings.* —

(1) Filings which fail to comply with the provisions of these rules may be removed from the court record by the clerk within three (3) Business Days of filing.

(2) Filings which fail to comply with provisions of these rules may be stricken from the court record by the Judge after three (3) Business Days of filing.

(3) In the event a filing is stricken or removed from the court record, the clerk shall remove the stricken or removed filing from the record and, except as stated in subsection (b) and (c), enter a docket entry that reads, “Disregard. Filing stricken.” The clerk shall notify the parties when a filing is stricken or removed from the court record.

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- (4) Filings that are stricken or removed from the court record and refiled may relate back to the date of the stricken or removed filing at the discretion of the Judge.
- (b) *Duplicate eFilings.* Notwithstanding Rule 6(a), duplicate filings may be removed from the court record by the clerk at any time. In the event, a duplicate filing is removed, the clerk shall not include a docket entry that reads, “Disregard. Filing stricken.”
- (c) *eFiling Errors.* Documents filed with the incorrect case number, case type, or document type may be changed by the clerk without approval by the Filer. In the event the clerk changes a filing in accordance with this subsection, the clerk shall provide notice to the Filer, but the clerk shall not include a docket entry that reads, “Disregard. Filing Stricken.”
- (d) *Compliance Responsibility.* Neither the clerk nor the Judge is required to review eFiled documents, nor are they responsible for ensuring compliance with the Wyoming Rules Governing Access to Case Records. The authorizing attorney is responsible for ensuring compliance with all applicable court rules and statutes.

### **Rule 7. Electronic service of documents.**

- (a) A party who electronically appears in an action by filing a document through the EFS, is deemed to have given consent to accept electronic service of any document filed in the action, except for any document that requires personal service pursuant to Wyoming court rules. A party who has not electronically appeared in an action shall be served outside the electronic filing system consistent with the Wyoming Rules of Civil and Criminal Procedure.
- (b) A Filer who is dismissed as a party from an action or withdraws as an attorney of record in an action has withdrawn consent to electronic service in that specific action.
- (c) Time and completion of service.
- (1) When a Registered User eServes a document, the EFS will generate a notification to the Online Inbox of the parties served if they are Registered Users who have appeared in the action. Generation of the notice in the Online Inbox of the Registered User constitutes service, and paper service is unnecessary.
- (2) All NEFs are considered a courtesy. NEFs shall not constitute service and are provided solely as a convenience.
- (3) Filers are responsible for traditionally serving parties if they are not Registered Users of the EFS.
- (d) Discovery documents may be served through the EFS’s “serve only” function, but shall not be filed with the court.

### **Rule 8. Format requirements.**

- (a) *Electronic format and size.* —
- (1) A document submitted electronically to the court should be directly converted to .pdf rather than scanned when feasible to make the document searchable. The size of any eFiled document must not exceed 150 megabytes. A document that exceeds the size limit must be broken down and submitted as separate files that do not exceed 150 megabytes per transaction. Separate files under this subsection must include in the "Note to Clerk" field for each submission a description that clearly identifies the part of the document that the file represents, for example, “Motion for Summary Judgment, part 1 of 2.”
- (2) Each eFiled document must be formatted in accordance with all applicable rules governing formatting of paper documents. Before conversion to .pdf, each document must:
- (A) Be 8 ½” by 11” in its original form, and any attachments or appendices that are larger or smaller, should be reduced or enlarged to 8 ½” by 11”;
- (B) Have a font of not less than 12-point; and
- (C) Be clearly legible.

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(3) A document that is not an attachment or exhibit must not be embedded inside another .pdf. For instance, a precipe for summons, a summons, and a complaint should not be combined and eFiled as one .pdf. Yet, a document that is an exhibit to a motion may be filed together with the motion as one combined .pdf.

(4) Filers must leave a blank header that extends at least 3-inches from the top of the first page of each eFiled document for use by the EFS and clerk.

(5) All eFiled documents relating to a single pleading or document submitted in the same electronic transaction shall be "electronically stapled" using the "main" and "supporting" functionality of the EFS so multiple related documents, such as a motion and proposed order, are linked logically together and identified as a single transaction.

(b) *Proposed order.* —

(1) Proposed orders filed for the consideration of the presiding judge shall be eFiled in an editable Microsoft Word document format.

(2) Proposed orders shall have a blank header that extends at least 3-inches from the top of the first page.

(3) A proposed order shall not be file-stamped until it becomes a final order signed by the judge.

(4) Each proposed order shall be eFiled as a "supporting" document to the motion or request which it corresponds. If a proposed order is not eFiled concurrently with a corresponding motion or request, the proposed order shall be eFiled as a "supporting document" to a "notice of proposed order."

(c) *Electronic signatures.* —

(1) A document may be electronically signed by:

(A) Inserting a digital image of the signing party's handwritten signature into the document; or

(B) Using signature block that includes the typed name of the individual preceded by a "/s/" in the space where the signature would otherwise appear. An example of a signature block with "/s/" is:

/s/ John Q. Smith  
JOHN Q. SMITH

(2) By submitting a document through the EFS, the attorney is certifying compliance with the Wyoming Rules of Civil Procedure, Rule 11. Signing Pleadings, Motions, and Other Papers: Representations to the Court: Sanctions.

### **Rule 9. Technical errors.**

(a) A Filer may obtain relief if a Technical Error prevents the EFS from receiving an eFiling.

(b) Upon satisfactory proof of such an occurrence, the court shall permit the filing date of the document to relate back to the date the Filer first attempted to submit to the EFS.

(c) When a Technical Error occurs, the court may, in its discretion, adjust the time for responsive pleadings, continue court hearings, or provide other relief as necessary.

(d) To obtain relief under this Section, a Filer must file a motion and proposed order with the court within one business day after the Technical Error is resolved. The motion must include:

(1) The date of the original attempted submission;

(2) The date the Filer was notified the submission was not successful;

(3) An explanation of the reason for requesting that the date of filing relate back to the original submission; and

(4) Supporting exhibits that substantiate the Technical Error.

(e) Registered Users should direct technical and operational questions about the EFS and requests for documentation substantiating Technical Errors to File & ServeXpress at its toll-free number 1-888-529-7587, or via email at support@fileandserve.com.

### **Rule 10. Privacy protections.**

(a) It is the responsibility of the Filer to ensure that protected personal data

## Attachment A

identifiers are omitted or redacted from documents in compliance with the Wyoming Rules Governing Access to Case Records.

(b) When the Rules Governing Access to Case Records require a Filer to file both a redacted and unredacted version of a document, the Filer should eFile:

- (1) A redacted version designated as Public in the EFS; and
- (2) An unredacted version designated as Sealed in the EFS, unless the Wyoming Rules Governing Access to Case Records call for a more or less restrictive designation.

### **Rule 11. Transcripts.**

(a) Court reporters may eFile transcripts. When eFiling a transcript, the court reporter shall:

(1) eFile the transcript using the “file only” functionality in the EFS and designate the document as In Camera to ensure access by chambers, but prevent access to the transcript through the EFS by parties or the public without purchase; and

(2) eFile and eServe on all parties who have electronically appeared in the action a “Notice of Filing Transcript” containing the court reporter’s contact information and instructions for purchasing the transcript.

(b) Notwithstanding the In Camera designation in the EFS, all non-confidential and redacted transcripts shall be available for purchase from the court reporter and available for viewing at the public access terminals within the courthouse, after appropriate redactions if needed.

### **Rule 12. Judicial discretion.**

Judges may use their discretion when appropriate to provide relief for Electronic Filing and Electronic Service errors where good cause is shown.

### **Rule 13. Sanctions.**

At the discretion of the court, the failure of any Filer to comply with these rules or the Rules Governing Access to Case Records may result in:

- (a) Reprimand;
- (b) Monetary sanctions;
- (c) Striking of eFiling documents;
- (d) Costs; and
- (e) Other sanctions.

## Attachment B

# RULES GOVERNING JUDICIAL PARTICIPATION IN COURT SUPERVISED TREATMENT PROGRAMS

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#### **Rule 1. Scope and purpose of rules.**

These rules shall govern the operation of treatment courts, including the conduct of judges who act as either a “referring judge” or a “participating judge” under the Court Supervised Treatment Programs Act.

#### **Rule 2. Definitions.**

(a) “Referring judge” means the district, juvenile, municipal, or circuit judge or circuit court magistrate who refers a substance offender or any other person to a court supervised treatment program.

(b) “Participating judge” means the district, juvenile, municipal, or circuit judge or circuit court magistrate who acts as part of a treatment team in a court supervised treatment program.

(c) “Participant” means a substance offender or any other person as provided in title 14 of the Wyoming Statutes who has been referred to and accepted into a court supervised treatment program.

(d) “Substance offender” means a person charged with a substance-related offense or an offense in which substance abuse is determined from the evidence to have been a significant factor in the commission of the offense.

#### **Rule 3. Code of Judicial Conduct.**

The Wyoming Code of Judicial Conduct, as revised or amended from time to time, shall govern the conduct of both referring judges and participating judges, except as otherwise specified herein.

#### **Rule 4. Order of participation.**

A referring judge may, as a condition of probation imposed in a sentencing proceeding or of a consent decree in a juvenile case, require a substance offender to participate in a court supervised treatment program, provided that said substance offender agrees to such participation and:

- (a) Has entered an admission, or a guilty or nolo contendere plea; or
- (b) Has entered a guilty plea pursuant to Wyo. Stat. Ann. § 7-13-301; or
- (c) Has signed a consent decree under title 14 of the Wyoming Statutes; or
- (d) Is on parole under the provisions of Wyo. Stat. Ann. § 7-13-401 *et seq.*

## **Rule 5. Separation of judicial roles.**

After a participating judge becomes a member of a participant's treatment team, the participating judge shall not perform any judicial duties in the criminal or juvenile case from which a participant was referred, or in any subsequent criminal or juvenile case that arises directly from the participant's conduct in the treatment program.

## **Rule 6. Prohibition on contractual relationships.**

No judge shall be a signatory on any court supervised treatment program financial account, nor shall any judge or court or agency of the judicial branch enter into an employer-employee relationship with any treatment program employee, nor shall any judge or court or agency of the judicial branch enter into a contract with a non-judicial branch entity limiting or proscribing any judge's exercise of judicial discretion. Nothing herein shall prohibit judges from entering into Agency-level Memoranda of Understanding and Team-level Acknowledgements as specified in the Wyoming Treatment Court Standards to facilitate the effective operation of treatment courts.

## **Rule 7. Professional advice.**

No judge shall give psychological or substance abuse counseling advice to any participant or treatment team member.

## **Rule 8. Determining voluntariness of participation.**

The referring judge, prior to obtaining any person's consent to participate in a treatment program, shall advise the person that the treatment program period may extend the period of probation beyond the maximum term of probation for the offense, and shall otherwise determine on the record that the person's consent to participate in the treatment program is knowing, intelligent, and voluntary.

## **Rule 9. Double jeopardy.**

Jail sanctions imposed upon a participant for a treatment program violation shall be credited against any penalties imposed by the referring court on criminal charges for that same violation.

## **Rule 10. Due process.**

A participant shall not be sanctioned with expulsion from the treatment program, incarceration or, in the case of a juvenile participant, detention, without (1) notice of the reasons for the proposed sanction, and (2) an opportunity to be heard on the matter by the participating judge; provided, however, that a participant may be incarcerated or detained for up to 72 hours for good cause found by a participating judge pending such hearing.

## **Rule 11. *Ex parte* communications.**

Other than between treatment team members or as may occur in staffing sessions, the participating judge shall not engage in *ex parte* communications or contacts, and shall immediately report to the parties any unsolicited *ex parte* contacts. The participating judge shall not initiate factual or legal inquiries without the consent of all parties.

## **Rule 12. Burden of proof as to sanctions.**

Before sanctions may be imposed by the participating judge pursuant to Wyo. Stat. Ann. § 7-13-1608, the State shall prove the participant's unsatisfactory performance by a preponderance of the evidence, unless the participant voluntarily admits an act sanctionable by incarceration or expulsion.

# Attachment B

3

## RULES GOVERNING TREATMENT PROGRAMS

### **Rule 13. Personal involvement.**

(a) Participating judges may attend and participate in treatment program functions, community events, and other out-of-court gatherings of a public nature.

(b) No participating judge shall enter into a relationship with a participant apart from that established by and confined to the treatment program.

### **Rule 14. Reporting criminal activity.**

A participating judge has no obligation to report criminal activity by a participant that is disclosed during treatment program activities, nor does a participating judge have an obligation to report criminal activity or program violations observed or learned by the judge in an extra-judicial manner, except as may otherwise be required by law.

### **Rule 15. Fundraising efforts and activities.**

No referring judge or participating judge shall participate in fundraising efforts or activities on behalf of a court supervised treatment program.

### **Rule 16. Confidentiality.**

Personal and confidential information about participants learned by a participating judge shall be kept confidential by the participating judge, except as allowed by statute for the purposes of the treatment program.

Rule 17. [Reserved]

### **Rule 18. Wyoming Treatment Court Standards.**

All treatment court operation in Wyoming must adhere to the *Wyoming Treatment Court Standards* maintained by the Wyoming Supreme Court and published on the Wyoming Judicial Branch Website under Wyo. State. § 5-12-107(c). As the presiding officers over treatment courts, participating judge shall ensure compliance with the standards.

## **Adult Diversion Court Rules**

### **Rule 1. Scope and Purpose of Rules.**

These rules shall govern practice and procedure in adult diversion courts in Wyoming. All diversion courts in Wyoming may operate only by order of the Wyoming Supreme Court and shall comply with these rules. All diversion courts shall adopt a practices and procedures handbook approved by the Wyoming Supreme Court.

### **Rule 2. Definitions.**

(a) “Case manager” means the diversion court team member responsible for the case management of diversion court participants and maintenance of case management files.

(b) “Participant” means a person who has been referred to and accepted into a behavioral health diversion court program.

(c) “Peer mentor” means an individual certified to provide peer support to a participant and assists a participant in navigating public behavioral health and medical services systems and the diversion court process.

(d) “Treatment plan” means a plan that addresses a participant’s behavioral health issues by: identifying the participant’s strengths and needs through assessment; defining goals and objectives based on identified need; and establishing the services to be sought to assist with achieving the stated goals and objectives. The diversion court shall require the participant to follow and complete the plan.

(e) “Treatment provider” means the individual or entity that provides clinical and when appropriate social services to a participant.

(g) “Serious Mental Illness (SMI)” means schizophrenia, schizoaffective disorder, bipolar disorder, major depression, and post-traumatic stress disorder (PTSD).

**Rule 3. Eligibility for Participation.**

To participate in diversion court, an individual must meet all the following criteria:

- (a) Legal. The incident or arrest must involve a non-violent misdemeanor. Persons with a history of violent crimes may participate only upon consent of the prosecutor.
- (b) Clinical. The individual must be diagnosed with a primary diagnosis of schizophrenia, schizoaffective disorder, bipolar disorder, major depression, or PTSD.
- (c) Criminogenic. The individual must be identified as moderate, high, or very high risk/need as determined by empirically validated screening and assessment tools.
- (d) Voluntary. The individual must agree to participation. This agreement includes consent to behavioral health or co-occurring treatment and services, random drug screening, waiver of the right to a speedy trial, and diversion court team member access to confidential medical and treatment records.
- (e) Residency. The participant must be a resident of the state of Wyoming.

**Rule 4. Screening Process.**

To determine eligibility and the appropriate level of treatment, support services, and community supervision, each participant shall be assessed regarding mental health, substance use, and criminogenic risks and needs.

- (a) Preliminary Mental Health Screen. Law enforcement officers responding to individuals with suspected mental health needs, or detention center staff at the earliest opportunity in the booking process, shall screen individuals using the Brief Jail Mental Health Screen (Form A in the Appendix of Forms) or a comparable screening instrument. If the screening indicates an individual may suffer from SMI, the officer or detention center staff shall not only immediately refer the individual for a more thorough evaluation but also actively facilitate the evaluation by a qualified community health provider. The officer or detention center staff will notify the diversion court case manager and the prosecutor, either city or state, when a person is referred for a clinical evaluation. If the screening does not indicate SMI, the individual shall follow the traditional criminal justice track.

(b) Clinical Evaluation. Within twenty-four hours of referral, the designated community health provider shall evaluate the individual in the detention center or another location if more appropriate. If the evaluation results in a qualifying diagnosis, the provider shall notify the diversion court case manager and the prosecutor and refer the individual for a criminogenic risk assessment and actively facilitate the assessment. If the screening does not indicate SMI, the individual shall follow the traditional criminal justice track.

(c) Criminogenic Risk Assessment. The individual shall undergo a criminogenic risk assessment within twenty-four hours of referral, or if the referral is made on a weekend, within a reasonably prompt timeframe that allows the diversion court to enroll the candidate within 72 hours of any arrest. The assessor shall use the Ohio Risk Assessment Tool or a comparable assessment tool. The assessor shall notify the diversion court case manager of the assessment results. If the assessment validates a very high, high, or moderate risk/need category, the individual shall be considered for the diversion court track. If the assessment shows a low risk/need category, the individual shall follow the traditional criminal justice track.

#### **Rule 5. Enrollment.**

(a) Notification. Upon receiving notice of an eligible criminogenic risk assessment, the diversion court director shall notify the diversion court team of the referral. The director shall also notify the prosecutor of the referral.

(b) Evaluation. The diversion court team shall meet in person, hold a conference call, or communicate electronically to review the referral. As part of this review, the diversion court team shall confirm the candidate meets all program criteria, sufficient resources exist to admit the candidate to diversion court, and the prosecutor does not object under the grounds and within the timeline stated in these rules.

(c) Prosecutor Review. The prosecutor, either state or city, may object to an individual's enrollment in diversion court only on grounds that the person has communicated a serious threat of physical violence to a reasonably identifiable victim and the person has the apparent intent and ability to carry out such a threat; that the person has communicated a serious threat to destroy reasonably identifiable property and the person has the apparent intent and ability to carry out such a threat; or that the person has a history of known physical violence. The prosecutor must object to enrollment within 60 hours of the preliminary mental health screen. Nothing in this rule shall prohibit the prosecutor from subsequently moving for an enrolled participant's termination from diversion court due to noncompliance with a treatment or case plan.

(d) Invitation. If the candidate meets all program criteria, resources suffice, and the prosecutor does not object under the grounds and within the timeline stated in these rules, the diversion court will invite the person to participate in diversion court. The diversion court will extend this invitation as soon as reasonably possible and within 72 hours of the arrest.

(e) Acceptance. To accept the invitation, the person must consent to behavioral health or co-occurring treatment and services, random drug screening, waiver of the right to a speedy trial, and team member access to confidential medical and treatment records. If the individual so accepts, the prosecutor shall agree to hold any charges in abeyance contingent on compliance with the diversion court requirements, including completion of individualized treatment plan.

#### **Rule 6. Diversion Court Team Members and Roles.**

The diversion court team shall consist of the diversion court judge, a prosecutor, defense counsel, treatment provider, case manager, law enforcement representative, and a certified peer mentor.

(a) Judge. The judge shall preside over diversion court proceedings and has final authority to rule on motions and other legal issues in a case. The judge has authority to impose treatment and case plans based on input from team members and authority to terminate a participant from diversion court for noncompliance with the plans. Based on input from the team, the judge shall determine when a participant is eligible for graduation from the program.

(b) Prosecutor. The prosecutor shall represent the interests of the State, or municipality, and victims in screening cases, evaluating an individual's eligibility to participate in diversion court, and providing input on treatment and case plans. The prosecutor has authority to deny an individual's enrollment in diversion court based on the public safety grounds identified in these rules. The prosecutor may move for a participant's termination from diversion court for noncompliance with a treatment or case plan. The prosecutor shall provide input concerning the participant's progress in the program, and the participant's termination or graduation from the program.

(c) Defense Counsel. Defense counsel assists a participant in understanding the diversion court proceedings by explaining program requirements and benefits, the legal ramifications of participation, and possible consequences of noncompliance. Defense counsel assists a participant in making informed decisions about the program, and understanding waivers and agreements the participant must execute. Defense counsel shall

provide input concerning the participant's progress in the program, and the participant's termination or graduation from the program.

(d) Treatment Provider. The treatment provider performs assessments of the participant, determines the appropriate treatment, and furnishes that treatment, including the prescribing of medication. Clinical treatment may be for behavioral health, substance abuse, or general health, and may be provided in individual or group settings. Where appropriate, the treatment provider may connect the participant to a certified peer mentor and may extend treatment to include social services in areas such as education, vocational training, employment, transportation, and housing. Treatment providers submit progress and compliance reports and recommendations to other team members at intervals directed by the judge. The treatment provider shall provide input concerning the participant's progress in the program, and the participant's termination or graduation from the program.

(e) Case Manager. The case manager shall facilitate, coordinate, and monitor the provision of treatment and resources to the participant and communicate with team members concerning the treatment and resources and the participant's cooperation and compliance. In instances where the treatment provider does not connect the participant to a certified peer mentor and does not provide or facilitate access to social services related to matters such as education, vocational training, employment, transportation, and housing, the case manager will connect the participant to a certified peer mentor and social services. The case manager shall maintain a case management file of all records held concerning a participant, including printed and electronic information regardless of the source of the information. The case manager shall provide input concerning the participant's progress in the program, and the participant's termination or graduation from the program.

(f) Law Enforcement Representative. The law enforcement representative shall represent the interests of law enforcement and provide input on treatment and case plans, the participant's progress in the program, and the participant's termination or graduation from the program.

(g) Peer Mentor. A peer mentor provides peer support to a participant and assists a participant in navigating public behavioral health and medical services systems. The peer mentor may provide support to the participant during hearings, meetings, and treatment as requested by the participant and the team. A peer mentor promotes wellness by sharing personal experiences with a participant and the team.

**Rule 7. Establishment of Criteria.**

The diversion court is authorized to establish written and individualized criteria that define successful completion of diversion court and grounds for termination or graduation from diversion court.

**Rule 8. Termination.**

If a participant voluntarily withdraws from participation, or the diversion court, after a hearing, finds the participant to be materially and consistently noncompliant with diversion court requirements, the court may terminate the participant from diversion court and return the participant to the traditional criminal justice track.

**Rule 9. Due Process.**

A participant shall not be terminated from diversion court without (1) notice of the reasons for the termination, and (2) an opportunity to be heard on the matter by the presiding diversion court judge. The prosecutor shall prove the grounds for termination by a preponderance of the evidence, unless the participant voluntarily admits the grounds for termination.

**Rule 10. Confidentiality.**

Team members and diversion court staff shall comply with all laws governing the confidentiality of a participant's information. Confidential information regarding a participant shall not be placed in a court file that is open to examination by members of the public. All pre-enrollment communications between a potential participant and a team member or diversion court staff shall remain confidential.

**Rule 11. Voluntariness of Participation.**

The diversion court shall advise the participant that by participating in diversion court, the participant consents to behavioral health or co-occurring treatment and services, random drug screening, waiver of the right to a speedy trial, and team member access to confidential medical and treatment records. The judge shall determine on the record that the participant's consent is knowing, intelligent, and voluntary at the first hearing following the participant's enrollment.

**Rule 12. Ex Parte Communications.**

Other than between treatment team members or as may occur in staffing sessions, the presiding judge shall not engage in ex parte communications or contacts, and shall immediately report to the parties any unsolicited ex parte contacts. The judge shall not initiate factual or legal inquiries without the consent of all parties.

**Rule 13. Personal Involvement.**

(a) Presiding judges may attend and participate in diversion court functions, community events, and other out-of-court gatherings of a public nature.

(b) No presiding judge shall enter into a relationship with a participant apart from that established by and confined to the diversion court proceedings.

**Rule 14. Professional Advice.**

No judge shall give psychological or substance abuse counseling advice to any participant or team member.

**Rule 15. Reporting Criminal Activity.**

No presiding judge or team member has an obligation to report criminal activity by a participant that is disclosed during diversion court proceedings, nor does a judge or team member have an obligation to report criminal activity or diversion court violations observed or learned in an extra-judicial manner, except as may otherwise be required by law.

**Rule 16. Fundraising Efforts and Activities.**

No presiding judge shall participate in fundraising efforts or activities on behalf of a court supervised diversion court program.

**Rule 17. Codes of Conduct.**

The Wyoming Code of Judicial Conduct, as revised or amended from time to time, shall govern the conduct of the diversion court judge, except as otherwise specified herein. The Rules of Professional Conduct for Attorneys at Law, as revised or amended from time to time, shall govern the conduct of attorneys of the diversion court team, except as otherwise specified herein.

**Rule 18. Deadlines.**

All deadlines in these rules are calendar days and shall include weekends and holidays.

# Attachment D

## Circuit Court Audit Committee Structure

### Purpose

The Circuit Court Audit Committee (CCAC) provides support, guidance, and consultation to the Administrative Office of the Courts (AOC) regarding its internal audit function to provide for the proper and uniform accounting of all money received and disbursed by circuit courts. The CCAC will also provide consultation on required court processes to be audited and on the designation of best practices and discretionary processes in the circuit courts.

### Committee Membership, Meeting Frequency and Terms

1. The CCAC membership will include three circuit judges representing small, medium and large courts; two chief clerks from different sized courts; and the Chief Justice of the Supreme Court or a designee.
  - a. The State Court Administrator will be a non-voting member.
  - b. The Deputy Administrator/CFO and the Internal Auditor will staff the committee.
2. The CCAC will meet every six months to review audit findings and determine audit focus areas for the following six months.
  - a. Additional meetings may initially occur as the audit program develops.
  - b. If decisions need to be made between meetings, voting may take place by email.
3. Membership terms will be three years.
  - a. Initial terms will be staggered to ensure continuity.
    - i. Terms will be for one, two and three years for the initial judges.
    - ii. Terms will be for two and three years for the initial chief clerks.
  - b. Members may serve two consecutive terms.
4. Election of a chairman will take place during the first meeting in odd-numbered years.
  - a. The chairman will serve a two-year term.
  - b. If the chairman position is vacated, a new chairman will be elected at the next meeting and will complete the vacated term.
  - c. Members may serve as chairman for two consecutive terms.

### Roles and Responsibilities

1. Committee staff will be responsible for the following:
  - a. Facilitation of meetings;
  - b. Compilation of potential audit topics after discussion with AOC staff, review of help desk tickets, and inquiry of audit committee members;
  - c. Development and distribution of the agenda one week prior to scheduled meetings; and
  - d. Compilation and distribution of meeting minutes.
2. The Circuit Judge and Chief Clerk members will be responsible for the following:
  - a. Review of audit reports and determination of appropriate follow-up actions, if needed;
  - b. Approval of audit focus areas; and
  - c. Notification of potential areas of concern from circuit judge and chief clerk perspective.



# Wyoming Judicial Branch Administrative Office of the Courts

## Hardware and Software Policy

<b>Policy Approver(s)</b>	Wyoming Judicial Council
<b>Storage Location</b>	\\wsc-fs01\Shares\WSC\Court Administration Policies and Protocols
<b>Effective Date</b>	July 1, 2024 – dependent upon legislative approval of increase in spending authority
<b>Review Period</b>	Every Three (3) years

### I. PURPOSE

This policy establishes a comprehensive set of hardware and software standards for all employees within the Wyoming Judicial Branch (WJB), based on their respective job roles.

### II. DEFINITIONS

A. As used in this policy:

1. “Standard Hardware Package” means standard keyboard, mouse, headset, web camera and speakers. External CD drive will be provided upon request.
2. “Standard Software Package” means Microsoft 365 (including a courts.state.wy.us email address), Adobe Acrobat DC, Liberty Player, Virtual Private Network (VPN) client (if approved by employee’s supervisor). This list does not include anti-virus or other security products as deemed necessary by the IT Division.

### III. APPLICATION

- A. This policy applies to all WJB employees and limited software for county employees working with the courts, i.e. District Court Clerks or other outside agencies or contractors. Any other use cases to be approved by the State Court Administrator.
- B. All existing equipment and software will be grandfathered, excluding subscription-based software. Should the equipment or software malfunction or necessitate renewal and falls outside the specifications outlined in this policy, it will not be renewed or replaced.

- C. Liberty Recording Software will be provided to all Circuit Court courtroom computers. Upon request, Liberty recording, associated hardware and licensing costs can be provided to a District Court courtroom; paid for from local court budget.
- D. Software not listed or provided by the IT Division is not supported by the IT Division.
- E. Additional equipment (monitors, keyboard, mouse, docking station etc.) will be provided to those locations where there is not a permanent Judge.
- F. Monthly service fees associated with iPads or smartphone will be paid from local court budget.
- G. This policy only covers hardware and software for end-users. It does not include networking infrastructure or courtroom technology.
- H. This standard does not cover printers or copy machines. Requests for additional printers or copy machines will be approved based on location and need, as determined by the State Court Administrator and the Technology committee as appropriate.

#### **IV. HARDWARE/SOFTWARE BY JOB ROLE**

##### **A. Supreme Court Justice.**

- 1. Hardware:
  - a. One (1) Laptop;
  - b. One (1) Docking station;
  - c. Two (2) Monitors;
  - d. Smartphone (if requested);
    - i. Monthly service cost paid out of local court budget.
  - e. Standard Hardware Package.
- 2. Software:
  - a. Acrobat Pro (if requested); and
  - b. Standard Software Package.

##### **B. Supreme Court Judicial Assistant.**

- 1. Hardware:
  - a. One (1) Laptop;
  - b. One (1) Docking station;
  - c. Two (2) Monitors; and
  - d. Standard Hardware Package.
- 2. Software:

- a. Acrobat Pro (if requested); and
- b. Standard Software Package.

**C. Supreme Court Staff Attorney/Law Clerk.**

- 1. Hardware:
  - a. One (1) Laptop;
  - b. One (1) Docking station;
  - c. Two (2) Monitors; and
  - d. Standard Hardware Package.
- 2. Software:
  - a. Acrobat Pro (if requested); and
  - b. Standard Software Package.

**D. Supreme Court Clerk.**

- 1. Hardware:
  - a. One (1) Laptop;
  - b. One (1) Docking station;
  - c. Two (2) Monitors; and
  - d. Standard Hardware Package.
- 2. Software:
  - a. Acrobat Pro (if requested); and
  - b. Standard Software Package.

**E. District Court Judge.**

- 1. Hardware:
  - a. One (1) Desktop;
  - b. One (1) Laptop;
  - c. One (1) Docking station;
  - d. One (1) iPad (if requested);
    - i. Monthly service cost paid out of local court budget.
  - e. One (1) Fingerprint scanner for bench computer (if requested);
  - f. Smartphone (if requested);
    - i. Monthly service cost paid out of local court budget.



**I. District Court Reporter.**

1. Hardware:
  - a. None.
2. Software:
  - a. Microsoft 365 License (including a courts.state.wy.us email address).

**J. Circuit Court Judge.**

1. Hardware:
  - a. One (1) Desktop;
  - b. One (1) Laptop;
  - c. One (1) Docking station;
  - d. One (1) iPad (if requested);
    - i. Monthly service cost paid out of local court budget.
  - e. Smartphone (if requested);
    - i. Monthly service cost paid out of local court budget.
  - f. One (1) Fingerprint scanner for bench computer (if requested);
  - g. Three (3) Monitors; and
  - h. Standard Hardware Package.
2. Software:
  - a. Acrobat Pro (if requested); and
  - b. Standard Software Package.

**K. Circuit Court Magistrate.**

1. Hardware:
  - a. One (1) Laptop;
  - b. One (1) docking station;
  - c. Standard Hardware Package.
2. Software:
  - a. Standard Software Package.

**L. Circuit Court Chief Clerk.**

1. Hardware:
  - a. One (1) Laptop;

- b. One (1) Docking station;
  - c. Scanner;
  - d. Two (2) Monitors; and
  - e. Standard Hardware Package.
2. Software:
- a. Acrobat Pro (if requested); and
  - b. Standard Software Package.

**M. Circuit Court Deputy Chief Clerk.**

1. Hardware:
- a. One (1) Desktop;
  - b. Scanner;
  - c. Two (2) Monitors; and
  - d. Standard Hardware Package.
2. Software:
- a. Acrobat Pro (if requested); and
  - b. Standard Software Package.

**N. Circuit Court Clerk.**

1. Hardware:
- a. One (1) Desktop;
  - b. Two (2) Monitors;
  - c. Scanner; and
  - d. Standard Hardware Package.
2. Software:
- a. Acrobat Pro (if requested); and
  - b. Standard Software Package.

**O. Administrative Office of the Courts (AOC) Staff.**

1. Hardware:
- a. One (1) Laptop;
  - b. One (1) Docking station;
  - c. Two (2) Monitors; and

- d. Standard Hardware Package.

*NOTE:* Due to the various duties and responsibilities of AOC staff, deviations from the above hardware standard may be required. Any deviation must be approved by the State Court Administrator.

- 2. Software:

- a. Standard Software Package.

*NOTE:* Due to the various duties and responsibilities of AOC staff, deviations from the above software standard may be required. Any deviation must be approved by the State Court Administrator.

## **V. OTHER LOCATIONS**

### **A. Circuit Court Counter.**

- 1. Hardware:

- a. One (1) Desktop;
- b. One (1) Monitor;
- c. Scanner; and
- d. Standard Hardware Package.

- 2. Software:

- a. Standard Software Package.

### **B. Circuit Court Courtroom (Clerk's Desk).**

- 1. Hardware:

- a. One (1) Desktop;
- b. One (1) Monitor;
- c. Scanner; and
- d. Standard Hardware Package.

- 2. Software:

- a. Standard Software Package; and
- b. Liberty Recording.

## **VI. NON WJB EMPLOYEES**

### **A. Temporary Judge Assignments**

- 1. Hardware:

- a. One (1) Laptop

- 2. Software:

- a. Standard Software Package

**B. Clerks of District Court**

- 1. Hardware:
  - a. One (1) Multi Factor Authentication (MFA) Token.
- 2. Software:
  - a. VPN Client.

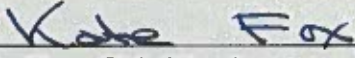

**C. Interns/Externs.**

- 1. Hardware:
  - a. None.
- 2. Software:
  - a. None.

**VII. EXCEPTION REQUESTS**

Hardware and Software exemption requests must be submitted through the WJB Help Desk Portal and will be approved or rejected by the Technology Committee.

Approved By:

 _____ Kate Fox, Chief Justice	 _____ Date
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# Wyoming Judicial Branch

## Americans with Disabilities Act Public Access Policy

### I. PURPOSE

The purpose of this Policy is to ensure all individuals have equal access to and full participation in judicial programs, court services, and court activities and to prohibit discrimination against any individual on the basis of physical or mental Disability.

### II. APPLICABILITY

This Policy (ADA Policy) shall apply to the Wyoming Judicial Branch, including the Wyoming Supreme Court, District Courts, Chancery Court, Circuit Courts, their employees and any county or elected officials supporting the Wyoming Judicial Branch, pursuant to law.

### III. AUTHORITY

- A. Pursuant to the Wyoming Constitution, the Order of the Wyoming Supreme Court and the resolution of the Wyoming District Courts, the Wyoming Judicial Council exercises general superintending control over the Judicial Branch for administrative policy-making and planning purposes.
- B. All administrative policies shall be binding on all judicial branch judges and employees. County employees and elected officials serving the Wyoming Judicial Branch, pursuant to law, shall also adhere to administrative policies which are relevant to them, and are adopted by the Wyoming Judicial Council. *Rules and Procedures Governing the Wyoming Judicial Council Rule 13.*

### IV. DEFINITIONS

- A. "Applicant" means an individual who submits a Request for Modification either in writing or orally.
- B. "Auxiliary Aids" means services or devices enabling persons with impaired sensory, manual or speaking skills to have an equal opportunity to participate in a Judicial Proceeding. Auxiliary Aids may (but do not necessarily) include such services or devices as qualified interpreters (See Appendix D, *Sign Language Interpreters*), assistive listening headsets, television captioning and decoders, telecommunications devices including artificial intelligence captioning for deaf persons (TDDs), videotext displays, readers, taped texts, brailled materials, and large print materials. Examples of Auxiliary Aids or services of a personal nature not covered by this Policy include, without limitation, the following: prescription eyeglasses, hearing aids, wheelchairs, and/or personal medical or attendant care.

- C. “Disability” with respect to an individual, means a physical or mental impairment that substantially limits one or more of the Major Life Activities of such individual; a record of such an impairment; or being regarded as having such an impairment.
- D. “Facility” means all or any portion of buildings housing Judicial Branch employees or courthouses, which includes structures, sites, complexes, equipment, roads, walks, passageways, parking lots, or other real or personal property, including the site where the building, property, structure, or equipment is located. County courthouses are provided and maintained by each individual county pursuant to Wyo. Stat. Ann. § 18- 2-103.
- E. “Individual with a Disability” means a person who has a “Disability,” as that term is defined herein.
- F. “Court Proceeding” means any hearing, trial, or other appearance before the Circuit Courts, Chancery Court, District Courts and the Wyoming Supreme Court in an action, appeal, or other proceeding, including any matter conducted by a Judicial Officer.
- G. “Judicial Officer” means a justice, judge, commissioner, or magistrate authorized to preside over a Court Proceeding.
- H. “Major Life Activities” includes functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.
- I. “Qualified Individual with a Disability” means an Individual with a Disability who, with or without Reasonable Modification to rules, policies, or practices, the removal of architectural, or communication barriers, or the provision of Auxiliary Aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the Wyoming Judicial Branch.
- J. “Reasonable Modification” means modifications to court rules, policies, practices or procedures, or the removal of architectural, or communication barriers to make court services and programs readily accessible to and useable by, Individuals with Disabilities so long as the modification would not result in a fundamental alteration of the nature of a service, program, or activity or cause undue financial or administrative burden.
- K. “Request for Modification” means a request provided to the Statewide ADA Coordinator by an Applicant requesting a modification to court rules, policies, practices or procedures, or the removal of architectural, or communication barriers to make court services and programs readily accessible to, and useable by, the Applicant.
- L. “Service Animals” includes:
  - 1. Dogs that are individually trained to do work or perform tasks for Individuals with Disabilities. Service Animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person’s Disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as Service Animals.

2. Miniature horses pursuant to Wyo. Stat. Ann. § 35-13-205, that have been individually trained to do work or perform tasks for Individuals with Disabilities.

**M.** “Statewide ADA Coordinator” means an employee of the Wyoming Administrative Office of the Courts (AOC) responsible for addressing Requests for Modification to access judicial programs, activities, and services under the Americans with Disabilities Act within the Judicial Branch, overseeing the administration, compliance, training and any complaints associated with issues raised by this Policy. When the Statewide ADA Coordinator is unavailable, a designee within the AOC shall act as the Statewide ADA Coordinator.

## **V. THE AMERICANS WITH DISABILITIES ACT OF 1990**

- A.** The Americans with Disabilities Act of 1990 (ADA) was enacted to prohibit discrimination against people with disabilities. Under Title II of the Act, no Qualified Individual with a Disability shall, by reason of such Disability, be excluded from participation in or be denied the benefits of services, programs or activities of a public entity. This Policy aims to give Individuals with Disabilities an equal opportunity to access, use, and fully participate in Court Proceedings, and court services and programs
- B.** Whenever reasonable, policies, practices or procedures must be modified to make court services and programs readily accessible to, and useable by, Individuals with Disabilities. This includes removing architectural barriers by altering existing facilities where feasible or relocating services to an accessible site. It also includes removing communication barriers by providing Auxiliary Aids and services which would allow an Individual with a Disability to effectively work in the courts, represent a client, be a party in a lawsuit, testify as a witness, serve on a jury, or observe a hearing or trial.
- C.** In providing Reasonable Modifications, the Wyoming Judicial Branch will give primary consideration to the modification requested by the Applicant. However, an alternative modification may be implemented if equally effective. Every effort shall be made to meet the specific needs of the Applicant. However, the Wyoming Judicial Branch is not required to make modifications that would fundamentally alter the service or program or cause undue financial or administrative burden.

## **VI. REQUESTS FOR MODIFICATION**

- A.** A person requiring a modification to obtain access to Court Proceedings, programs, services, court records, or activities at the Wyoming Supreme Court, Chancery Court, any District Court or any Circuit Court should contact the Statewide ADA Coordinator.
- B.** A written Request for Modification is preferred. However, the request may be made by telephone to the Statewide ADA Coordinator. In such instances the Statewide ADA Coordinator shall commit such request to writing.
  1. The Statewide ADA Coordinator shall maintain a record of all Requests for Modification and the actions taken thereon for three (3) years.

2. The *ADA Modification Request Form*, which is attached hereto as Appendix A, and can be found on the Wyoming Judicial Branch website, may be obtained from the Statewide ADA Coordinator, the Supreme Court Clerk’s Office, the Chancery Court Clerk’s Office, any District Court judicial assistant, and any Circuit Court Clerk’s Office.
  3. If appropriate, or upon request, the Statewide ADA Coordinator will provide assistance with writing and submitting the written Request for Modification.
    - a. Large print or other accessible formats of the *Request for Modification Form* are available upon request.
    - b. If appropriate, other personnel associated with the judicial program, service or activity may assist the Applicant in the submission of a completed Request for Modification to the Statewide ADA Coordinator.
- C.** A Request for Modification shall include:
1. A description of the person’s Disability;
  2. The role of the person in the Court Proceeding;
  3. The modification sought;
  4. The date and time of the modification requested; and
  5. The Court Proceeding, program, service, or activity for which the modification is sought.
- D.** A Request for Modification may be submitted by any lawyer, party, witness, juror, or other individual interested in attending any Court Proceeding, program, activity or service or another person on behalf of such interested person.
- E.** The Request for Modification should be submitted to the Statewide ADA Coordinator with as much advance notice as possible, but in any event should be made no less than five (5) business days prior to the date for which the modification is sought. If a Request for Modification is not received five (5) business days prior to the date for which the modification is sought, it will be deemed untimely and addressed as set forth in Section VII of this Policy.

## **VII. UNTIMELY REQUESTS FOR MODIFICATION**

- A.** If an untimely Request for Modification is made by a participant (party, witness, etc.), and a Reasonable Modification cannot be made without delay, the court shall postpone, reschedule, or otherwise delay the Court Proceeding, judicial program, service, or activity affected until a Reasonable Modification can be achieved. The court must ensure the delay will not infringe on other protected rights. Under such circumstances, the Applicant shall be required to immediately submit a written request. If appropriate or upon request, court personnel will provide assistance with writing and submitting the Request for Modification.
- B.** If an untimely Request for Modification is made by a non-participant (public, media, family member, etc.), and a Reasonable Modification cannot be made without delay, the court shall not be required to postpone, reschedule, or otherwise delay the Court Proceeding, judicial program, service, or activity affected. Under such circumstances, the Applicant should immediately submit a written request. If appropriate or upon request, court personnel will provide assistance with writing and submitting the Request for Modification.

- C. If an untimely Request for Modification is made, and a Reasonable Modification can be made without delay, the court shall immediately grant such modification without requiring an advance written request. In such a case, a *Request for Modification Form* shall be completed by either the person requesting the modification or court personnel. The *Request for Modification Form* and the action taken shall be provided to the Statewide ADA Coordinator to maintain in accordance with this Policy.

## VIII. DECISIONS ON REQUESTS FOR MODIFICATION

- A. Once a Request for Modification has been received, the Statewide ADA Coordinator will, as soon as practicable, notify the Applicant of the decision on the request and, if granted, of the modification to be provided. An alternate modification may be offered instead of the requested modification if the Statewide ADA Coordinator or the court determines another equally effective modification is available.
  - 1. If necessary, the Statewide ADA Coordinator may require the Applicant to provide additional information about the Disability to determine the appropriate modification to meet the Applicant's needs.
  - 2. Under no circumstances will the Statewide ADA Coordinator be permitted to request information regarding the Applicant's Disability that is not necessary for the evaluation of the modification requested.
- B. If the Statewide ADA Coordinator determines additional time may be necessary to make a modification, the Statewide ADA Coordinator shall notify the judge presiding over the matter, who will determine an appropriate course of action.
- C. A Request for Modification may be denied only if the Statewide ADA Coordinator finds that:
  - 1. The person making the request is not a Qualified Individual with a Disability; or
  - 2. The requested modification would create an undue financial or administrative burden; or
  - 3. The requested modification would fundamentally alter the nature of the Court Proceeding, judicial program, service or activity; or
  - 4. The Applicant has refused to comply with this Policy after being notified of its terms; or
  - 5. The Applicant's failure to comply with this Policy makes it impossible or impracticable the ability to provide the requested modification.
- D. The Applicant shall be notified of the decision to grant, deny, or provide an alternative modification when a Request for Modification is received as soon as possible. Such notification shall be made in writing by the Statewide ADA Coordinator. The notice may also be provided orally, by the court, if necessary to avoid delay.
- E. No employee of the Judicial Branch shall retaliate against any person who exercises their rights under the ADA or who requests modification pursuant to this Policy.

## IX. APPEAL PROCEDURE

- A. If a Request for Modification is denied or the offered alternate modification is unsatisfactory to the Applicant, the Applicant may appeal the decision of the Statewide ADA Coordinator to the Chief Legal Officer of the AOC within ten (10) days of receiving a written notification of the decision made.

- B.** A written appeal on a modification decision is preferred. However, the appeal may be made orally to the Chief Legal Officer. In such instances the Chief Legal Officer shall commit the appeal to writing.
  - 1.** An *Appeal from a Modification Decision Form*, which is attached hereto as Appendix B, and can be found on the Wyoming Judicial Branch website, may be obtained from the Statewide ADA Coordinator, the Supreme Court Clerk’s office, the Chancery Court Clerk’s office, any District Court judicial assistant, or any Circuit Court Clerk’s office.
  - 2.** If appropriate, or upon request, the Chief Legal Officer shall assist in writing and submitting the written appeal.
    - a.** Large print or other accessible formats of the *Appeal from a Modification Decision Form* are available upon request.
    - b.** If appropriate, other personnel associated with the judicial program, service, or activity may assist the Applicant in the submission of a completed *Appeal from a Modification Decision Form* to the Chief Legal Officer.
- C.** A submitted *Appeal from a Modification Decision Form* shall include:
  - 1.** The reason for disagreement with the previous determinations; and
  - 2.** The remedy sought.
- D.** The Chief Legal Officer shall provide a decision on the appeal in writing as expeditiously as possible, but in no event, no more than sixty (60) days from the date of appeal. In resolving appeals, the Chief Legal Officer is authorized to independently investigate the facts surrounding the appeal and has the discretion to utilize appropriate dispute resolution processes or other methods, including but not limited to, designating an appropriate neutral to assist in resolving the issues in controversy.
- E.** All appeals received by the Chief Legal Officer and the corresponding responses to the appeals shall be maintained by the Administrative Office of the Courts for three (3) years.

## **X. SERVICE ANIMALS**

- A.** Reasonable Modifications shall be made to the court’s policies, practices, and procedures to permit the use of Service Animals by Individuals with Disabilities. Service Animals are permitted to accompany Individuals with Disabilities in all areas of the Facility where the public is normally permitted. Service Animals must be under the control of their handlers at all times. Service Animals must be harnessed, leashed, or tethered, unless these devices interfere with the Service Animal’s work or the handler’s Disability prevents using these devices. In that case, the handler must maintain control of the animal through voice, signal, or other effective controls. Service Animals must be housebroken.
- B.** Individuals with Service Animals may be asked if the animal is a Service Animal and inquire into the service the animal provides and into the training the animal has received. However, an individual shall not be required to show identification or certification of the Service Animal’s status or of the individual’s Disability.
- C.** Animals whose sole function is to provide comfort or emotional support do not qualify as Service Animals. The use of an emotional support animal will be reviewed on a case- by-case basis and at

the discretion of the presiding judge.

## **XI. PUBLIC NOTICE**

- A.** A public notice in the same form as Appendix C, which is attached to this Policy, shall be posted in visible places at each Facility where Court Proceedings, programs, services, or activities are held. The public notice shall be posted, at a minimum, in the following locations: the Supreme Court Clerk's office, the Chancery Court Clerk's office, each District Court, and each Circuit Court Clerk's office. The public notice shall identify the Statewide ADA Coordinator and the State Court Administrator. Such public notice shall also provide a website address where a copy of this Policy, implementation guidance, and forms may be obtained electronically.
- B.** If the courthouse Facility within which Court Proceedings, programs, services, or activities are provided are inaccessible, a public notice shall be posted on the outside of the building or at another such location at or near the building that is readily accessible.

## **XII. RESERVATION OF RIGHTS**

- A.** The Wyoming Judicial Branch reserves the right to interpret, change, or rescind this Policy in whole or in part, at any time without prior notice.
- B.** The Wyoming Judicial Branch expressly reserves sovereign immunity and specifically retains all immunities and defenses available to it as a sovereign.



# Appendix A

## Wyoming Judicial Branch

### ADA Modification Request Form

Please fill out this form to request a modification under the Americans with Disabilities Act (ADA). Submit your completed form with as much advance notice as possible, but in any event the request should be made no less than five (5) business days before the date for which the modification is sought. You may submit a paper copy or email this form. All requests for modifications will be given due consideration and if necessary, may require an interactive process between the requester and the Statewide ADA Coordinator to determine the best course of action.

Enter the first Date the modification is needed: \_\_\_\_\_

Enter the final date the modification is needed: \_\_\_\_\_

Court location where the modification is needed (required): \_\_\_\_\_

Case name or court case number (if known): \_\_\_\_\_

**The information below is required unless otherwise stated.**

Name of person requesting accommodation, (first, middle and last names): \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP code: \_\_\_\_\_

Phone number: \_\_\_\_\_ Cell number (if any): \_\_\_\_\_

Email address: \_\_\_\_\_

The person requesting accommodation(s) is a:  Plaintiff  Defendant  Juror  Witness

Other: \_\_\_\_\_ in this case.

What specific accommodation(s) are you requesting?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please provide any additional information that might be useful in reviewing your accommodation request.

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This form is being completed by:  the person requesting the accommodation(s).  
 someone other than the person requesting accommodation(s).

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone number: \_\_\_\_\_

Email address: \_\_\_\_\_

Please provide your relationship to the person requesting the accommodation: \_\_\_\_\_

Note: If you DO NOT have an EMAIL ADDRESS you can print a copy of this ADA request form.  
Please copy and send the completed request form to the Statewide ADA Coordinator.

**Wyoming Judicial Branch Statewide ADA Coordinator**

Wyoming Supreme Court  
c/o ADA Coordinator  
2301 Capitol Ave.  
Cheyenne, WY 82002  
(307) 777-6487  
[ada@courts.state.wy.us](mailto:ada@courts.state.wy.us)



# Appendix B

## Wyoming Judicial Branch

### ADA Appeal from a Request for Modification

Chief Legal Officer Review requested. (Specify reason and the remedy you want):

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DATE: \_\_\_\_\_

\_\_\_\_\_  
(Signature of Person Requesting Review)

#### **CHIEF LEGAL OFFICER REVIEW**

I have reviewed the original request for modification, the offer of alternate modification OR the denial of modification and the reason for the denial, and the reason that this review has been requested and find as follows:

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---

DATE: \_\_\_\_\_

\_\_\_\_\_

CHIEF LEGAL OFFICER



# Appendix C

## Wyoming Judicial Branch

### Public Notice

The Americans with Disabilities Act prohibits discrimination against any qualified individual with a disability. The Wyoming Judicial Branch does not permit discrimination against any individual on the basis of physical or mental disability in accessing its judicial programs. In accordance with the Americans with Disabilities Act, the Wyoming Judicial Branch will provide reasonable accommodations to allow qualified individuals with disabilities to access all of its programs, services and activities.

If you need assistance, have questions or need additional information, please contact your Statewide ADA Coordinator:

#### **Wyoming Judicial Branch Statewide ADA Coordinator**

Wyoming Supreme Court  
c/o ADA Coordinator  
2301 Capitol Ave.  
Cheyenne, WY 82002  
(307)777-6487  
[ada@courts.state.wy.us](mailto:ada@courts.state.wy.us)

If you need assistance, have questions or need additional information, you may also contact the Administrative Office of the Courts, State Court Administrator by mail, telephone, or email as follows:

**Elisa Butler, State Court Administrator**  
2301 Capitol Ave  
Cheyenne, WY 82001  
(307) 777-7238  
[ebutler@courts.state.wy.us](mailto:ebutler@courts.state.wy.us)

The Wyoming Judicial Branch Americans with Disabilities Act Policy Regarding Access to Judicial Programs, and relevant forms may be found online at [www.courts.state.wy.us](http://www.courts.state.wy.us).



# Appendix D

## Wyoming Judicial Branch

### Sign Language Interpreters

This Appendix governs sign language interpretation in the courts in accordance with the ADA Policy. For spoken language interpretation please refer to the Spoken Language Interpreter Policy.

#### I. DEFINITIONS

The definitions in the ADA Policy shall apply to this Appendix. In addition, the following terms have the meanings set forth below:

- A. “Auditory Device” means any device that can be used to create a sound that can be heard by Hard-of-Hearing Persons, such as a hearing aid or FM system.
- B. “Deaf Person” means a person who has hearing loss so severe there is little or no functional hearing.
- C. “Hard-of-Hearing Person” means a person who has hearing loss but has enough residual hearing that an Auditory Device enables the person to process speech.
- D. “Mute Person” means a person who is unable to speak.
- E. “Professionally Certified Sign Language Interpreter” means a Sign Language Interpreter who has achieved the Professionally Certified designation on the Roster by completing the steps set forth in Section II(B).
- F. “Qualified Sign Language Interpreter” means a Sign Language Interpreter who is not Professionally Certified or Registered, as defined herein, but has been qualified by the local judge.
- G. “Real Time Captioning” means a method in which captions are simultaneously prepared and transmitted at the time of origination by a software application or a court reporter using a software application.
- H. “Registered Sign Language Interpreter” means a Sign Language Interpreter who has not achieved certification but has met minimum professional competency standards as outlined in Section II(C) of this Appendix.
- I. “Sign Language Interpreter” means an independent contractor as defined by IRS Revenue ruling 87-41 who is authorized to provide sign language interpreter services for the Wyoming Judicial Branch as set forth in this Appendix. A Sign Language Interpreter may be Professionally Certified, Registered, or Qualified as defined herein.
- J. “Wyoming Interpreter Roster (Roster)” means a list of language interpreters as described in Section II of this Appendix.

#### II. WYOMING INTERPRETER ROSTER

- A. There shall be a Wyoming Interpreter Roster (Roster) maintained by the Wyoming Administrative Office of the Courts (AOC) and posted on the Wyoming Judicial Branch website. Professionally Certified Sign Language Interpreters and Registered Sign Language Interpreters shall be included on the Roster. Qualified Sign Language Interpreters shall not be included on the Roster.
- B. To receive the designation of a Professionally Certified Sign Language Interpreter in the State of Wyoming, the Sign Language Interpreter shall:
  - 1. Attend the two (2) day Wyoming interpreter orientation with a minimum of eighty percent (80%) attendance of the entire orientation, and one hundred percent (100%) attendance of the Wyoming specific component;
  - 2. Complete and return the *Wyoming Interpreter Service Provider Interest Form*, which is attached hereto as Attachment A, and can be found on the Wyoming Judicial Branch website;
  - 3. Pass the Wyoming interpreter written exam with a score of eighty percent (80%) or higher. A score lower than eighty percent (80%) requires the Sign Language Interpreter to complete the two (2) day Wyoming interpreter orientation again;
  - 4. Provide evidence of holding at least one of the following sign language interpreter credentials from the Registry of Interpreters for the Deaf (RID): SC:L, NIC, NIC- A, NIC- M, CI, CT, NAD V, and /or CDI or a similar credential deemed appropriate by the Statewide ADA Coordinator; and
  - 5. Take the *Wyoming Sign Language Interpreter Oath*, which is attached to this Appendix as Attachment B, and can be found on the Wyoming Judicial Branch website.
- C. To receive the designation of a Registered Interpreter in the State of Wyoming, the Language Interpreter shall:
  - 1. Attend the two (2) day Wyoming interpreter orientation with a minimum of eighty percent (80%) attendance of the entire orientation, and one hundred percent (100%) attendance of the Wyoming specific component;
  - 2. Complete and return the *Wyoming Interpreter Service Provider Interest Form*, which is attached hereto as Attachment A;
  - 3. Pass the Wyoming interpreter written exam with a score of eighty percent (80%) or higher. A score lower than eighty percent (80%) requires the Sign Language Interpreter to complete the two (2) day Wyoming interpreter orientation again;
  - 4. Provide evidence of holding at least one of the following sign language interpreter credentials from RID: NAD III, NAD IV, or a similar credential deemed appropriate by the Statewide ADA Coordinator; and
  - 5. Take the *Wyoming Sign Language Interpreter Oath* (Attachment B).

### III. APPOINTMENT OF SIGN LANGUAGE INTERPRETERS

- A. The court shall appoint, and pay for, a Sign Language Interpreter when a Request for Modification is submitted, and it is determined by the court or the Statewide ADA Coordinator that a Sign Language Interpreter is the appropriate modification for the Applicant in accordance with the ADA Policy.

- B. If the court or the Statewide ADA Coordinator determines, in consultation with the Deaf, Mute, or Hard-of Hearing Person, that an alternate form of communication will effectively translate Court Proceedings, the court may utilize an alternate modification such as an Auditory Device or Real-Time Captioning to communicate the Court Proceedings to a Deaf, Mute, or Hard-of Hearing Person.

#### **IV. QUALIFICATIONS OF SIGN LANGUAGE INTERPRETERS**

- A. All Sign Language Interpreters provided by the courts shall sign an oath to abide by the *Interpreter's Code of Ethics*, which is attached to this Appendix as Attachment C, and can be found on the Wyoming Judicial Branch website.
- B. To ensure that Court Proceedings are interpreted as accurately as possible, courts are strongly encouraged to appoint a Sign Language Interpreter according to the following preference list: (1) Professionally Certified Sign Language Interpreters; (2) Registered Sign Language Interpreters; and (3) Qualified Sign Language Interpreters.
- C. When a Sign Language Interpreter is not listed on the Roster, the court shall conduct a *voir dire* inquiry of the Sign Language Interpreter to determine the Sign Language Interpreter's credentials prior to utilizing the services of the Sign Language Interpreter in a Court Proceeding. The *voir dire* inquiry applies to family members and friends of parties involved in the case used as Sign Language Interpreters. The court shall make the following findings in open court on the record:
  - 1. A summary of the unsuccessful efforts made to obtain a Professionally Certified Sign Language Interpreter or Registered Sign Language Interpreter; and
  - 2. A finding that the proposed Sign Language Interpreter appears to have adequate language skills, knowledge of sign language interpreting techniques, and familiarity with interpreting in a court setting; and
  - 3. A finding that the proposed Sign Language Interpreter has read, understands, and will abide by the *Interpreter's Code of Ethics* (Attachment C).

#### **V. COURT RESPONSIBILITIES WHEN APPOINTING SIGN LANGUAGE INTERPRETERS**

- A. Absent exigent circumstances, the court should arrange, provide, and pay for two (2) or more Sign Language Interpreters during Court Proceedings scheduled to last more than one (1) hour to prevent interpreter fatigue and the concomitant loss of accuracy in interpretation.
- B. When two (2) Sign Language Interpreters are used, one Sign Language Interpreter will act as the proceedings interpreter and the other a support interpreter. The proceedings interpreter provides language interpretation services for all Deaf, Mute, or Hard-of Hearing Persons, while the support interpreter is available to assist with research, vocabulary, equipment, or other issues. The proceedings interpreter and the support interpreter should, when possible, alternate roles every thirty (30) minutes.
- C. If two (2) Sign Language Interpreters are not reasonably available as set forth in Section V(A), the Sign Language Interpreter should be given no less than a ten (10) minute break for every fifty (50) minutes of interpreting, when possible.

#### **VI. UTILIZATION OF SIGN LANGUAGE INTERPRETERS**

- A. The following guidelines and limitations apply to the utilization of Sign Language Interpreters:
  - 1. Sign Language Interpreters are bound by an oath of confidentiality and impartiality, and serve as officers of the court; therefore, the use of one Sign Language Interpreter by more than one individual in a case is permitted.
  - 2. The court is not obligated to appoint a different Sign Language Interpreter when a Sign Language Interpreter has previously provided interpretation services during a Court Proceeding for another individual in the same case or in a different case.
  - 3. Any individual may provide and arrange for interpretation services to facilitate attorney-client communication if interpretation services exceeding those provided by the court are desired.

## **VII. USE OF COURT PERSONNEL AS SIGN LANGUAGE INTERPRETERS**

- A. A court employee may not interpret Court Proceedings except as follows:
  - 1. Prior to using a court employee as a Sign Language Interpreter, the court shall make findings in open court on the record summarizing the unsuccessful efforts made to obtain a Sign Language Interpreter who is not a court employee; and
  - 2. The court employee will not be paid wages or benefits in addition to the employee's regular compensation as a court employee. The court employee will not receive any interpreter service fees established in this Appendix or its Attachments.

## **VIII. INVESTIGATION OF COMPLAINTS AND IMPOSITION OF SANCTIONS**

- A. An interpreter should be one whose record of conduct justifies the trust of the courts, witnesses, jurors, attorneys, parties, and the public.
- B. Sign Language Interpreters are not entitled to interpret on behalf of the courts or in Court Proceedings. Instead, the provision of interpretation services by Sign Language Interpreters rests within the discretion of each Judicial Officer and the Statewide ADA Coordinator.
- C. Professionally Certified Sign Language Interpreters and Registered Sign Language Interpreters are not entitled to have their names included on the Roster. The Roster is maintained at the discretion of the Wyoming Judicial Branch.
- D. The AOC shall investigate complaints and impose sanctions against Sign Language Interpreters to protect the integrity of Court Proceedings and the safety of the public.
- E. Sanctions may be imposed upon a Sign Language Interpreter when:
  - 1. The Sign Language Interpreter is unable to adequately interpret the Court Proceedings;
  - 2. The Sign Language Interpreter knowingly makes a false interpretation;
  - 3. The Sign Language Interpreter knowingly discloses confidential or privileged information obtained while serving as a Sign Language Interpreter;
  - 4. The Sign Language Interpreter knowingly fails to disclose a conflict of interest;
  - 5. The Sign Language Interpreter fails to appear as scheduled without good cause; or

6. An alternate sanction is deemed appropriate in the interest of justice.

#### **F. Complaints.**

1. A complaint against a Sign Language Interpreter must be in writing, signed by the complainant, and delivered via mail or email to the Statewide ADA Coordinator at:

Wyoming Supreme Court  
c/o ADA Coordinator  
2301 Capitol Ave.  
Cheyenne, WY 82002  
(307) 777-6487  
[ada@courts.state.wy.us](mailto:ada@courts.state.wy.us)

2. The complaint shall state the date, time, place, and nature of the alleged improper conduct. The complaint shall include the names, titles, and telephone numbers of possible witnesses. If the complainant is unable to communicate in written English, the complainant may submit the complaint in his/her primary language.
3. The Statewide ADA Coordinator may take immediate action, upon receipt and review of the complaint, if deemed necessary to protect the integrity of the courts, including immediately removing the Professionally Certified Sign Language Interpreter or Registered Sign Language Interpreter from the Roster for the pendency of the investigation. In any case where the Statewide ADA Coordinator deems it necessary to remove the Professionally Certified Sign Language Interpreter or Registered Sign Language Interpreter from the Roster, notice shall be sent by certified mail to the Sign Language Interpreter.

#### **G. Investigation and Report.**

1. Upon receipt by the Statewide ADA Coordinator of a written complaint against a Sign Language Interpreter, or upon its own initiative based on suspicion of misconduct, the Statewide ADA Coordinator shall investigate the alleged improper conduct of the Sign Language Interpreter.
2. The Statewide ADA Coordinator shall seek and receive such information and documentation as is necessary for the investigation.
3. The rules of evidence do not apply, and the Sign Language Interpreter is not entitled to representation by counsel.
4. The Statewide ADA Coordinator shall provide a written report of the investigation results, along with a recommendation on any action to be taken, to the State Court Administrator within sixty (60) days of the complaint or start of the investigation.
5. The report and recommendation shall be provided to the Sign Language Interpreter by certified mail at the same time it is provided to the State Court Administrator. The Sign Language Interpreter shall have fifteen (15) days from receipt to respond to the report and recommendation of the Statewide ADA Coordinator.

#### **H. Findings and Possible Sanctions.**

1. Upon receipt of the report and recommendations of the Statewide ADA Coordinator and the Sign Language Interpreter's response, if any, the State Court Administrator may take any of the following actions to protect the integrity of the courts and the safety of the public:
  - a. Dismiss the complaint;
  - b. Issue a written reprimand against the Sign Language Interpreter;
  - c. Specify corrective action with which the Sign Language Interpreter must fully comply in order to remain on the Roster, including, but not limited to, the completion of educational courses and/or retaking one or more parts of the of the Wyoming interpreter orientation or written exam;
  - d. Suspend the Sign Language Interpreter from the Roster for a specified period of time, or until corrective action is completed; or
  - e. Remove the Sign Language Interpreter from the Roster indefinitely.
2. Written notice of any action taken by the State Court Administrator will be sent via certified mail to the Sign Language Interpreter and the complainant. Written notice will also be provided to Judicial Officers and court staff if sanctions are imposed against the Sign Language Interpreter.

## **IX. REMOTE INTERPRETING**

- A. Remote interpretation may be utilized to facilitate access to the courts by Deaf, Mute, and Hard-of-Hearing Persons as may be determined by the court.

## **X. PAYMENT**

- A. Guidance for payment of Sign Language Interpreters is contained in Attachment D of this Appendix. Attachment D may be amended from time to time as necessary. Amendments to Attachment D may be made without requiring the reissuance of this Appendix or the ADA Policy.



# Attachment A

## Wyoming Judicial Branch

### Court Sign Language Interpreters Interest Form

#### SECTION 1: PERSONAL INFORMATION

\_\_\_\_\_  
Last Name

\_\_\_\_\_  
First Name

\_\_\_\_\_  
M.I.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Home Phone Number

\_\_\_\_\_  
Cell Phone Number

\_\_\_\_\_  
Other Phone Number

\_\_\_\_\_  
Personal Email Address

\_\_\_\_\_  
List locations you are available to provide interpreter services

or  Check for Statewide

#### SECTION 2: INTERPRETING EXPERIENCE

\_\_\_\_\_  
Native Language

\_\_\_\_\_  
Languages for which you interpret

\_\_\_\_\_  
List any courts where you are currently providing sign language interpreting services

#### SECTION 3: ACKNOWLEDGEMENT

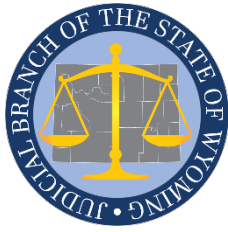
I hereby certify that the information in this document is accurate. I understand that any false statements, omissions, or misrepresentations that I indicate on this form may be grounds for immediate suspension of interpreting services within the Wyoming Court System as well as removal from the roster of registered court interpreters in Wyoming.

\_\_\_\_\_  
Signature of Sign Language Interpreter

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name





# Attachment C

## Wyoming Judicial Branch

### Sign Language Interpreter's Code of Ethics

#### **Canon 1: Accuracy and Completeness**

Sign Language Interpreters shall render a complete and accurate interpretation or sight translation, without altering, omitting, or adding anything to what is stated or written, and without explanation.

#### **Canon 2: Representation of Qualifications**

Sign Language Interpreters shall accurately and completely represent their certifications, training, and pertinent experience.

#### **Canon 3: Impartiality and Avoidance of Conflict of Interest**

Sign Language Interpreters shall be impartial, unbiased and shall refrain from conduct that may give an appearance of bias. Sign Language Interpreters shall disclose any real or perceived conflict of interest.

#### **Canon 4: Professional Demeanor**

Sign Language Interpreters shall conduct themselves in a manner consistent with the dignity of the court and shall be as unobtrusive as possible.

#### **Canon 5: Confidentiality**

Sign Language Interpreters shall keep confidential all matters interpreted and all conversations overheard between counsel and client. Interpreters should not discuss a case pending before the court.

#### **Canon 6: Restriction of Public Comment**

Sign Language Interpreters shall not publicly discuss, report, or offer an opinion concerning a matter in which they are or have been engaged, even when that information is not privileged or required by law to be confidential.

#### **Canon 7: Scope of Practice**

Sign Language Interpreters shall limit themselves to interpreting and translating, and shall not give legal advice, express personal opinions to individuals for whom they are interpreting, or engage in any other activities which may be construed to constitute a service other than interpreting or translating while serving as an interpreter.

**Canon 8: Assessing and Reporting Impediments to Performance**

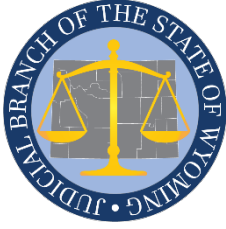
Sign Language Interpreters shall assess their ability to deliver services for which they are contracted at all times. When Sign Language Interpreters have any reservation about their ability to satisfy an assignment competently, they shall immediately convey that reservation to the appropriate Judicial Officer.

**Canon 9: Duty to Report Ethical Violations**

Sign Language Interpreters shall report to the proper authority any effort to impede their compliance with any law, any provision of this Code, or any other official policy governing court interpreting and legal translating.

**Canon 10: Professional Development**

Sign Language Interpreters shall continually improve their skills and knowledge and advance the profession through activities such as professional training and education and interaction with colleagues and specialist.



# Attachment D

## Wyoming Judicial Branch

### Sign Language Interpreter Payment

#### I. PAYMENT OF SIGN LANGUAGE INTERPRETERS AND OTHER RELATED SERVICES

A. **Compensation Rate for Sign Language Interpreters.** Sign Language Interpreters should be compensated at the following rate, where possible:

1. Professionally Certified: \$55/hr.
2. Registered: \$40/hr.
3. Qualified: \$25/hr.

The Sign Language Interpreter's certification status and availability in the judicial district and the state may require a higher compensation rate.

B. **Minimum Time Compensation.** Unless otherwise agreed to, Sign Language Interpreters shall be paid a thirty (30) minute minimum. Sign Language Interpreters shall be paid by the hour in thirty (30) minute increments. Time shall be determined by using the next highest thirty (30) minute increment (i.e., 2 hours 4 minutes equals 2 hours 30 minutes). This time shall include any pre-assignment prep time (i.e., remote interpretation) in which the court has requested of the Sign Language Interpreter.

C. **Payment for Travel Time.** At the discretion of the court, a Sign Language Interpreter may be paid the State of Wyoming's allowable mileage reimbursement rates or half the hourly Sign Language Interpreter rate for travel time. In extraordinary circumstances, the Sign Language Interpreter may be paid the full hourly Sign Language Interpreter rate for travel when round-trip travel exceeds one hundred fifty (150) miles.

D. **Overnight Travel.** In the case of trials or hearings exceeding one (1) day duration, Sign Language Interpreters may be compensated for food and lodging at the state rate when round-trip travel of one hundred twenty (120) miles or greater is required to secure the best qualified Sign Language Interpreter. To receive reimbursement for food or lodging expenses, the Sign Language Interpreter must receive written authorization from the court for the expenses. Reimbursement of allowed food and lodging expenses will be made only if itemized receipts are provided and expenses are within the allowable ranges as defined by the State of Wyoming fiscal procedures.

E. **Cancellation Policy.** A Sign Language Interpreter whose assignment is cancelled within seventy-two (72) hours of the assigned start time shall be paid for the scheduled time up to a maximum of sixteen (16) hours as determined by the presiding judge in the cancelled matter. If the assignment is cancelled with more than seventy-two (72) hours' notice, the scheduling court shall not pay a cancellation fee.