

**Wyoming District Judges Conference  
Business Meeting  
April 29, 2022**

The Spring 2022 meeting of the District Judges Conference was held on April 29, 2022 at the Natrona County Courthouse in Casper, Wyoming. The meeting occurred in person and via the TEAMS platform. Present in person at the meeting were Judges Catherine Wilking, Rick Lavery, Dawnessa Snyder, Jason Conder, Tom Campbell, Suzannah Robinson, Joe Bluemel, Catherine Rogers, Dan Forgey, Scott Peasley, Peter Froelicher, Kerri Johnson, Melissa Owens, Darci Phillips. Present at the meeting via TEAMS were Judges Marv Tyler, Stu Healy, and Tori Kricken. Absent were Judges Steve Sharpe, Bill Simpson, Patrick Korell, Bill Edelman, Bobbi Overfield, Matt Castano, and Mike Causey.

Chairman Lavery called the meeting to order at 9:10 a.m.

Minutes of the September 15, 2021 were presented and reviewed. Judge Bluemel moved to accept and Judge Froelicher seconded. The Conference approved the minutes.

Judge Edelman, who served as Secretary/Treasurer of the Conference at the time of the April 29, 2022 meeting, was unable to prepare a Treasurer's Report for the Conference's consideration as a result of unforeseen health issues within his immediate family. Chairman Lavery announced that a Treasurer's Report, to be approved by Conference members by email, would be generated and distributed by Judge Forgey in Judge Edelman's stead.

**Old Business**

An update on the Hay Study was provided. Judge Johnson reported that the committee has data for staff attorney compensation and the data will be analyzed to determine where Wyoming stands in the country. Members present also discussed the Guide to Judicial Employment and whether it is the pleasure of the Conference that our employees be governed by the Guide. Judge Campbell moved that employees of Conference members be governed by the Guide to Judicial Employment; Judge Snyder seconded this motion. The motion passed with one "no" vote.

Members present discussed the Call of the Docket under our new rule, focusing on a start date for members' reporting obligations under the rule. Judge Campbell moved that each Conference member's first report be due in December of 2022; Judge Froelicher seconded the motion, which then unanimously passed.

Members present also discussed the role of the Legislative Liaison Committee. Judge Campbell moved to amend the Conference's Bylaws to create the Legislative Liaison Committee, with members of this committee to be appointed by the Executive Committee and the Conference Chair to serve as an *ex officio* member. Judge Peasley seconded the motion, which then unanimously passed.

Members present also discussed the Court Reporter Committee, which Judge Snyder reported seeks the attached changes to Rule 908. Members present discussed whether amendments

should be made outside those proposed – specifically with the goal of prohibiting all court reporters from engaging in freelance work. Judge Tyler moved that the Conference’s Bylaws be amended to allow judges the discretion to allow court reporters to freelance; Judge Peasley seconded; Judge Wilking then moved to table the motion. The question (whether to table) was called & unanimously passed. Judge Tyler’s motion that the Conference’s Bylaws be amended to allow judges the discretion to allow court reporters to freelance was tabled.

Judge Snyder moved that the Conference adopt all proposed amendments to Rule 908 other than the proposed amendment to Section V - Scope of employment regarding freelancing. Judge Bluemel seconded the motion, which then unanimously passed.

Members present then discussed whether to amend the Conference’s Bylaws to cause the Court Reporter Committee to become a 5-member standing committee, to be appointed by the Executive Committee. The members’ court reporters would serve as non-voting *ex officio* members. Judge Forgey moved and Judge Bluemel seconded to amend the Conference’s Bylaws to create this standing committee. The motion unanimously passed.

Members present then took a 15-minute break

### **New Business**

Chairman Lavery reported that the Conference’s officer succession chain has been interrupted by Judge Sharpe’s withdrawal from the succession and by the resignations of Judge Rumpke and Judge Edelman. Chairman Lavery proposed that, effective immediately, Judge Forgey assume the role of Vice Chair and Judge Rogers assume the role of Secretary/Treasurer, with election of officers for 2022/23 to occur at the Conference’s September, 2022 Annual Meeting. Judge Owens moved that the Conference adopt Judge Lavery’s suggestions and Judge Campbell seconded the motion. It unanimously passed.

Committee assignments:

Judge Robinson volunteered to serve on the Criminal Pattern Jury Instructions Committee

Judge Phillips volunteered to serve on the State Court Security Committee

Judge Froelicher volunteered to serve on the Access to Justice Commission

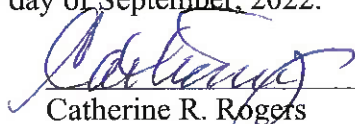
Judge Rogers volunteered to serve on the Permanent Rules Advisory Committee

Judge Tyler moved to nominate Judge Bluemel to serve on the BJPA, Judge Robinson seconded the motion, and it unanimously passed.

Members present then addressed the Good of the Order

Judge Campbell then moved to adjourn the meeting, Judge Wilking seconded the motion and members present unanimously approved the motion.

Submitted this 14<sup>th</sup> day of September, 2022.

A handwritten signature in blue ink, appearing to read "Catherine R. Rogers", is written over a horizontal line.

Catherine R. Rogers  
Secretary/Treasurer

## **Proposed Changes to U.R.D.C. 908**

### **Rule 908. Rules for Court Reporters; Retention of Stenographic Notes; Certification and Continuing Education of Official Court Reporter; Equipment and Supplies; Payment of Fees**

Currentness

#### **I. Stenographic notes.**

(a) All Official Court Reporters shall maintain or cause to be maintained a log of all stenographic notes of any District Court proceeding that is reported by them. This log shall list the name of the case, date of the proceeding, and an assigned reference number. If both paper notes and electronic notes are made at the time of the proceeding, then both shall be reflected on the log.

(1) All notes, paper and/or electronic, as well as the log shall be maintained in the offices of the District Court, in a location known to the District Court Judge.

(2) All notes, paper and/or electronic, shall be considered the property of the District Court.

(b) All Official Court Reporters who perform their official duties with the use of an electronic writing device shall maintain a current copy of their "Personal Dictionary" in electronic format in the offices of the District Court, in a location known to the District Court Judge, and such electronic copy of the "Personal Dictionary" shall be considered the property of the District Court.

(c) Each District Court shall create an individual "emergency" contingency plan regarding the production of transcripts that shall be implemented upon the death or incapacitation of the Official Court Reporter. Such plan shall include, but need not be limited to:

(1) The location of the Official Court Reporter's Case Log

(2) The location of the disks (or other storage device) of the reporter's electronic notes.

(3) The location of the hardware/software used by the reporter to produce transcripts, including the name of the software and phone number of the software vendor.

(4) A list naming at least two individuals who are capable of reading the reporter's notes, if available.

(d) Court reporters shall use a uniform backup system for electronic notes, audio recordings of proceedings, dictionary, and emergency "contingency" plan as recommended by the Wyoming Professional Court Reporter's Association, and shall ensure and certify that all files are backed up monthly. In addition to the foregoing, the District Court Judge may require his/her Official Court Reporter to take further precautions to protect court transcripts.

(e) All court transcripts are the work-product of the Official Court Reporter. Arrangements shall be made through the Official Court Reporter regarding purchase of any and all transcripts, even though the original is contained in a court file.

(f) Unless otherwise provided for by statute, court reporters shall follow the federal maximum per page transcript rates for expedited transcripts.

#### **II. Certification and continuing education of official court reporter.**

(a) All persons performing the duties of Official Court Reporter shall be certified. The reporter may obtain Wyoming certification by:

(1) Passing the Registered Professional Reporter examination administered by the National Court Reporters Association or;

(2) Passing the United States Court Reporter Association examination or; ~~Having graduated from an accredited court reporting school and passing a five-minute, two-voice dictation test at 225~~

~~words per minute at 95% accuracy (65 errors). Such test will be taken from a National Court Reporters' Examination Tape and administered by a committee of no less than two persons appointed by the District Court Judge. (This tape is to be held by a designated member of the Wyoming Professional Court Reporters Association.)~~

(3) Passing a certification test from any other certifying state in which the requirements for certification are equivalent to the Registered Professional Reporter examination ~~meet the standards outlined in (a)(2) above; or~~

(4) Serving in the capacity as a full-time Official Court Reporter in a Wyoming District Court for a minimum of one year immediately prior to the adoption of this rule.

(b) Any noncertified reporter hired hereafter shall be given two (2) years from the date of hire in which to obtain certification per the requirements of (a)(1), (2) or (3) of this Rule.

(c) All Official Court Reporters shall be required hereafter to earn three (3) continuing education units during each consecutive three (3) year period as per the National Court Reporters Association. (The record of continuing education units is to be held by the Wyoming Supreme Court.) ~~a designated member of the Wyoming Professional Court Reporters Association.)~~

### **III. Equipment and supplies.**

(a) All Official Court Reporters shall provide the equipment necessary to report and create transcripts of District Court proceedings. This equipment may include, but need not be limited to, stenographic writing machines, computers for transcription, and printers.

(b) All Official Court Reporters shall provide the software necessary for the production of transcripts.

(c) The State shall provide for the Official Court Reporter's use those other items necessary to report and create transcripts of District Court proceedings. These items may include, but need not be limited to, stenograph paper, printer paper and toner.

### **IV. Payment of fees; multi-defendant proceedings.**

(a) All Official Court Reporters shall submit transcript invoices on a standard form as appended to these rules. The invoice form shall identify the title and number of the cause for which the transcript was required to be furnished, the nature of the proceedings transcribed, and the fee approved therefore.

(b) If the District Court conducts multi-defendant proceedings, such as arraignments, the Court Reporter shall be compensated by the District Court for one original transcript, and shall be compensated for copies of said transcript for each of the additional defendants' court files. If a court proceeding entails one defendant with multiple counts or cases, the Court Reporter shall be compensated by the District Court for one original transcript, and shall be compensated for copies of said transcript for each of the defendant's additional court files. The rates for original transcripts and copies shall be as set forth in W.S. 5-3-410(e).

### **V. Scope of employment.**

(a) Official court reporters shall not engage in freelance court reporting without the express authorization of the presiding District Judge.

### **Credits**

[Adopted June 23, 2009, effective September 1, 2009. Amended December 21, 2012, effective January 1, 2013.]

Uniform District Court Rule 908, WY R UNIF DIST CTS Rule 908

Current with amendments received through March 30, 2021.

WY R UNIF DIST CTS Rule 908

District Court Judges' Conference  
Rule 106(e) Special Question Vote Tally

Special Question: Amendment to Rule 113(c)

Judge	Date	Yes	No
Joseph Bluemel	3/15/22	Yes	
Thomas Campbell	3/16/22	Yes	
Matthew F.G. Castano	3/14/22	Yes	
James Michael Causey			
Jason Conder			
William Edelman	3/14/22	Yes	
Daniel Forgey	3/14/22	Yes	
Peter Froelicher	3/16/22	Yes	
Stuart Healy	3/16/22	Yes	
Kerri Johnson	3/14/22	Yes	
Patrick Korell			
Tori Kricken	3/14/22		
Rick Lavery	3/14/22	Yes	
Bobbi Overfield			
Melissa Owens	3/14/22	Yes	
Scott Peasley	3/14/22	Yes	
Darci Phillips			
Suzannah Robinson	3/16/22	Yes	
Catherine Rogers	3/16/22	Yes	
Steven Sharpe			
William Simpson			
Dawnessa Snyder	3/14/22	Yes	
Marvin Tyler	3/14/22	Yes	
Catherine Wilking	3/14/22	Yes	

*Passaluel adopted 3-18-22*  
*Richard L. Lavery* Chair

Proposed amendment to Rule 113(c) (additions in red)

Rule 113. Dockets.

(c) Each judge shall conduct docket review of his/her own court's docket at least twice annually. Each judge shall submit a "Report of Matters Under Advisement" twice annually as directed by the Docket Review Committee.



**WYOMING DISTRICT JUDGES' CONFERENCE**  
**CASES UNDER ADVISEMENT COVER SHEET**

All Wyoming District Court Judges are committed to rendering their decisions promptly when matters are ready for decision. Judges are strongly encouraged to refrain from keeping appeals under advisement for a period of time greater than 120 days and other matters under advisement for a period of time greater than 90 days:

- a) From the date the proceeding was taken under advisement,
- b) From the date ordered for filing of memoranda,
- c) From the date of receipt by the judge of requested memoranda, or
- d) From the date of the last argument, whichever is latest.

Rule 113(b) and (c) of the Rules Governing the Organization of the District Judges' Conference state:

(b) Each judge is responsible for scheduling and management of his/her own workload and for assuring that work is timely completed. Each judge is responsible for implementation of improvements in case-flow management.

(c) Each judge shall conduct docket review of his/her own court's docket at least twice annually. Each judge shall submit a "Report of Matters Under Advisement" twice annually as directed by the Docket Review Committee. (This is the proposed change to Rule 113(c) which will require Conference approval).

In furtherance of the commitment to timely decision-making the District Judges' Conference requires members to submit a "Report of Matters Under Advisement" twice a year on a form approved and provided by the Docket Review Committee.

The form is mailed to members by the Secretary/Treasurer of the Conference at least thirty (30) days prior to the expiration of the respective reporting period along with a properly addressed stamped envelope to return the form to the Conference Chair. Judges are strongly encouraged to conduct their docket reviews to coincide with the "Report of Matters Under Advisement" reporting periods.

Rule 108(d) of the Rules Governing the Organization of the District Judges' Conference states:

(d) There shall be a standing docket review committee consisting of the Chair, Vice Chair, and immediate Past Chair. The Docket Review Committee may assist each judge's internal management by reviewing the docket and making recommendations.

Upon receipt of the "Report of Matters Under Advisement" forms from the members, the Docket Review Committee will review them and offer assistance and recommendations to individual members when necessary.

The Conference Chair shall compile the data in the reports and prepare an annual report and provide the report to the members by the second week in January. The report shall be prepared without any identifying information as to individual members.

Rule 113(e) of the Rules Governing the Organization of the District Judges' Conference states:

(e) Any reports, data, or communications within a particular court or with the Docket Review Committee are confidential internal working matters, to be used for the improvement of the court.

As such, any "Report of Matters Under Advisement" submitted by a member and the annual report prepared by the Conference Chair are confidential and shall be maintained accordingly by the Docket Review Committee.

# REPORT OF MATTERS UNDER ADVISEMENT

TO: District Court Conference Docket Review Committee

c/o current Conference Chair \_\_\_\_\_

physical address of current Chair \_\_\_\_\_

FROM: \_\_\_\_\_

District Court Judge

## REPORTING PERIOD:

\_\_\_\_ January 1-June 30, 20\_\_\_\_ July 1-December 31, 20\_\_\_\_

\_\_\_\_ I have no appeals which have been under advisement for more than 120 days within the reporting period.

\_\_\_\_ I have no other matters which have been under advisement for more than 90 days within the reporting period.

\_\_\_\_ I have \_\_\_\_ appeal(s) which has/have been under advisement for more than 120 days within the reporting period.

\_\_\_\_ I have \_\_\_\_ other matter(s) which has/have been under advisement for more than 90 days within the reporting period.

Case No.: \_\_\_\_\_ Case Caption: \_\_\_\_\_

Date taken under advisement: \_\_\_\_\_

Describe the nature of the matter and the reason for delay: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Planned decision date: \_\_\_\_\_

(attach additional sheet if necessary)

I am requesting the following assistance from the Docket Review Committee:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. /s/\_\_\_\_\_  
(signature)

**Submit report within ten (10) calendar days of the end of the applicable reporting period.**