

**DISTRICT JUDGES ANNUAL CONFERENCE
DECEMBER 3-4, 2009
CASPER, WYOMING**

A meeting of the District Judges Conference was held December 3rd and 4th in Casper, Wyoming. The following District Judges were present: Brooks, Waldrip, Park, Price, Deegan, Tyler, Ryckman, Sullins, Skavdahl, Donnell, James, Fenn, Davis, Arnold and Young. Judges Campbell, Guthrie, Cranfill, Sanderson, Perry, Kautz and Skar were unable to attend.

The minutes from the September 15, 2009, State Bar Convention were discussed. The Treasurer's report (bank statement) shows we currently have a balance of [REDACTED]

Appoint to the Judicial Conduct Committee was discussed and it was unanimously determined that Judge Kautz should be reappointed to serve another term on the Judicial Conduct Committee.

Judge James noted that we are eligible to receive 3.5 hours of CJE for this December 2009 meeting.

Budget Issues:

Joann Odendahl reviewed our budgets for this biennium session. No exceptions to the district judge's budgets are planned and these biennium budgets will continue those cuts previously made for the 2009-10 budgets. Given the limited flexibility in the District Judge's budgets, it is hoped and anticipated that these cuts will be accepted by the legislature. There will be one budget exception for the Big Horn River Water Rights case, which should be completed in the coming biennium.

There will be no requests for and there are no raises planned. Given the current state revenue situation there will not be any request for any Cost of Living Adjustments for judicial employees, including judges.

Chief Justice's Report:

Chief Justice Voigt reviewed current projects that are occurring in the Judiciary. Currently a committee comprised of a district judge, specific members of the Clerks of District Court and members of the Judiciary's IT staff are working on a State wide electronic case management system for District Courts. The project is in development stage and beta testing will begin in mid-2010 with completion of the electronic case management system by 2011. Once completed the next step, assuming legislative funding, will be development of electronic filing, which will tie in with the electronic case management system. Chief Justice Voigt also discussed the increasing use and deployment of video conferencing by Circuit and District Judges. The IT staff is working with various entities and judges to develop a "standardized" system that will integrate with or be compatible with other systems. The Supreme Court is also working on the development of rules (Court Records and Redaction Policy) to limit the dissemination of confidential and/or personal information of those people involved in the judicial system. The implementation of these rules is currently on hold pending further input and review by various stake holders.

Chief Justice Voigt also discussed recent reoccurring issues that have been coming before the Court on appeal. Some of the more difficult issues are plain error and when does the trial judge insert him or herself, vouching concerns and witnesses stating opinions regarding guilt. As always the scope of Rule 404(b) continues to develop and be refined.

Presentations:

Professor Burman spoke about the Judge's role in ensuring the competency of legal counsel in proceedings. He also discussed the evolution of the judicial branch and how that change has impacted the public's perception and awareness of judicial/legal issues. He also discussed the importance of holding counsel accountable for conduct that does not comply with the standards under the Code of Professional Responsibility.

Judge Tyler made a presentation regarding 4th Amendment issues in conjunction with digital/electronic evidence, discussing his recent training at the National Computer Forensics Institute. Judge Tyler discussed the various analysis undertaken by Courts in addressing search and seizures issues in electronic media. He also discussed the various Federal and State laws that deal with digital evidence issues.

Gary Hartman (Governor's Office); Dr. Brent Sherard (Director Dept. of Health), Joe Simpson (Deputy Director Dept. of Educ.) and Dan Wilde (Deputy Director Dept. Family Services) appeared and various issues impacting juvenile matters. Gary Hartman discussed the Governor's use of stimulus money for construction of detention facilities and alternatives to detention in communities where facilities are lacking to house juveniles.

Dr. Sherard discussed the impact of budget cuts on funding and in particular Medicaid. He noted that the State hospital currently has a waiting list and the involuntary hospitalizations are rising. Federal funding of residential treatment centers has become an issue due to the Federal government's refusal to pay unless the center is certified as a psychiatric treatment facility. This is step above residential treatment centers (RTCs). There is an increased use of psychotic medications which are very expensive and there is a concern that these psychotropic medications are being properly prescribed. Department of Health is attempting to evaluate use of these meds but this evaluation is not delaying placements.

Joe Simpson discussed the three goals currently being focused on by the Department of Education: (1) improve student performance; (2) efficient and effective operations; (3) safe, orderly and healthy school environments. He noted some bullying problems in junior high and high schools. The Department's five year plan discussed. Issues concerning school districts' obligation to provide education of detention center juveniles was discussed and a memo regarding the same was circulated. There was Also discussed the compulsory attendance issues and working with young families on pre-school attendance.

Dan Wilde discussed the status on juvenile community service boards and how that is now moving forward and being funded. Sixteen of twenty-three counties have now responded that they

intend to participate in community juvenile process. County and District Attorneys focus of concern is on what you do with children that are arrested—do you incarcerate or slap on wrist and return to parent. Mr. Wilde also discussed “high fidelity” wrap around services be used to keep children and families intact. Mr. Wilde also noted the need to have direct involvement of mental health providers in juvenile cases and not just have social workers “relay” thoughts or opinions of professionals.

Lance Oviatt, Judge Guthrie’s court reporter, discussed with the Judges the use of electronic recording in courtrooms and the various problems and issues it has created in other States. After some discussion a resolution by the District Judge’s Conference regarding whether digital recording equipment should be installed in district judge’s court rooms was tabled for further discussion and consideration.

Judge Park then provided a tour of the Townsend Justice Center to the District Court Judges and the meeting was adjourned.

Treasurer's Report

