

Wyoming Circuit Court Judges' Benchbook

Name: Judge Wendy M. Bartlett

Judicial District: Sixth

County of Circuit Court: Campbell

GENERAL COURTROOM PRACTICE TIPS

Motions Practice

Q. Do you require submitted motions include a proposed order?

A. No, but this is a preferred practice.

Q. Do you appreciate courtesy copies of briefs being delivered to you prior to hearing a motion?

A. Briefs filed with the Clerk in a timely fashion before the hearing are sufficient. For novel or complex issues, courtesy copies are appreciated.

Scheduling Conferences

Q. Do you have scheduling conferences? If so, how are scheduling conferences set and used in your court? Are they conducted by you? When done by telephone, are the attorneys responsible for setting up a conference call or does your office have enough lines to allow attorneys to call in?

A. Scheduling conferences are set at the initial appearance. They are held Friday mornings at 9:00 and 9:30. I attend scheduling conferences. Attorneys may attend by telephone and they are responsible to file a written request to appear by telephone, prior to the scheduling conference date. Clients are required to attend unless excused for good cause.

Q. What do you expect from the attorney at the scheduling conference?

A. At the scheduling conference, it is expected that discovery is completed and attorneys are prepared to file motions, set the matter for trial or change of plea. It is preferred that plea negotiations have been completed by the scheduling conference date so that changes of plea can take place on the scheduling conference date.

Pretrials

Q. Do you have final pretrial conferences?

A. Yes. Pre trial conferences for jury trials are held approximately 1 month prior to the jury trial setting.

Q. In your view, what is the purpose of the pretrial conference?

A. Jury trials are stacked each Wednesday. The pretrial conference is used to determine the likelihood of a case going to trial. Additionally, the pretrial conference is used to resolve any final issues regarding discovery, witnesses, and instructions. If a plea agreement has been reached, the pretrial conference date will be used for a change of plea.

Q. Do you have a specific format for pretrial memorandums?

A. Yes. At the time a case is set for trial an Order for Pre-trial Conference is sent to the parties. This order sets forth the requirements regarding jury instructions, content and due date of the pre-trial memorandums.

JURY TRIAL PRACTICE

Jury Selection

Q. How is voir dire conducted in your courtroom?

A. The Court will qualify the venire. Attorneys conduct voir dire.

Q. Do you allow or encourage the use of jury questionnaires? If so, what is the due date for questionnaires?

A. A generic questionnaire is sent out by the Clerk. Copies of the questionnaires are provided to the attorneys with the juror list prior to trial.

Jury Instructions

Q. When do you require requested jury instructions to be submitted?

A. These are required at the pretrial conference, absent unforeseen issues arising before or during trial.

Q. What form do you prefer requested jury instructions to take (e.g. do you prefer jury instructions accompanied by supporting cases, in electronic form, etc.)?

A. The format is set forth in the pretrial order (see attached)

Q. What is your view of the Wyoming Pattern Jury Instructions?

A. These are commonly used in this jurisdiction.

Q. Do you have a set of stock jury instructions that you use?

A. No.

Trial Procedure

Q. What is your preferred trial schedule (e.g. 9 a.m. – 5 p.m. with an hour for lunch, 8 a.m. – 2 p.m. with no lunch, etc.)?

A. Jury trials begin at 8:30 a.m. The Court will meet briefly with the parties and proceed from there to jury selection. Lunch will be taken as near to noon as practicable, and court resumes at 1:30 p.m. It is rare for a trial to take longer than one day in Circuit Court, but in that event, court will recess at or near 5:00 p.m. In the case of a one day trial, court will proceed until the case is concluded.

Q. What are your preferences with respect to motions in Limine and other trial related motions?

A. Motions are required to be filed at the scheduling conference. When a motion is filed, the case will automatically be set for a pre trial conference and jury trial.

Q. What are your preferences and/or procedures related to witness scheduling?

A. The parties generally have their witnesses available and ready to proceed as required for their case.

Q. What are your preferences with respect to trial exhibits? Do you allow/require the use of exhibit notebooks for the court and jurors?

A. Absent a complicated case, exhibit notebooks are not necessary or required.

Q. Do you allow "speaking objections" in jury trials?

A. No.

Q. Do you allow or encourage the use of jury instructions?

A. Yes.

Bench Trial Practice

Q. What are the major differences in procedures in your courtroom between bench trials and jury trials?

A.

CRIMINAL MATTERS

Q. Do you allow initial appearance to be entered by written filing?

A. Yes, preferably before the initial appearance date.

Q. How do you handle requests for continuance on preliminary hearings, arraignments and trials?

A. Request for continuances should be made by written motion with a proposed order attached. Requests to continue preliminary hearings should be accompanied by a waiver if appropriate. Attorneys must be mindful of speedy trial issues when requesting the continuance of trials. Jury trials will be stacked on the next available court setting before the assigned judge. Stacked trials are taken in the order of their initial appearance date.

Q. Do you allow attorneys to file written agreements on bond conditions?

A. Yes.

Q. Do you have video arraignments of jail inmates? If so, where do you want counsel during the video appearance?

A. There are not video arraignments at this time.

Q. What special considerations occur at sentencing (participation in a deferral program, supervised probation, treatment, etc.)?

A. Considerations at sentencing are on a case by case basis. The parties generally have some recommendations for the court regarding deferrals, supervised probation, treatment, counseling, no contact orders and the like.

Q. Do you allow plea agreements in writing? If so, under what circumstances or types of cases?

A. Yes. On occasion, written plea agreements are accepted if the defendant is not in Wyoming and not likely to return. Fines and costs must be paid upon filing the written plea, waiver of rights and judgment.

Citations

Q. Do you appoint the Public Defender if there is a possibility of jail sentence?

A. Yes, if the individual qualifies.

Q. Do you accept credit card payments?

A. Yes.

Juveniles

Q. Do juveniles appear at a separate time than adults?

A. Juveniles with citations appear at the same time as adults in Traffic Court each Tuesday. Juveniles who are in custody can be arraigned separately from adults.

Q. Do you insist juveniles appear with a parent/guardian?

A. Yes.

CIVIL MATTERS

Q. Does the court prepare the orders, or should the attorney prepare the order?

A. The attorneys generally prepare the orders.

Family Violence/Stalking Protection Hearing

Q. Do you encourage attorneys in these matters?

A. Though it is not unheard of for a party or parties to be represented at these hearings, generally parties represent themselves. The Court does not encourage or discourage attorneys at these matters.

Small Claims

Q. Do you think it is effective for attorneys to appear in small claims matters?

A. No opinion.

THOUGHTS ON COURTROOM PROTOCOL

Q. Is lack of civility a recurring problem in your courtroom? What steps do you take to improve civility in your courtroom?

A. Attorneys generally conduct themselves appropriately.

Q. What do you expect of lawyers (and their staff) in your courtroom? Clients? Witnesses?

A. Attorneys and staff are expected to act professionally in court. Clients and witnesses are expected to be dressed appropriately and instructed on proper courtroom decorum by counsel.

Q. Do you impose limitations on courtroom movement (approaching witness, podium, etc.)?

A. Yes. Attorneys should follow the rules.

Q. What kind of lawyer conduct is unacceptable in your courtroom?

A. Personal attacks, rude and unprofessional behavior.

OTHER MISCELLANEOUS ISSUES

Q. What are your opinions regarding courtroom attire?

A. Attorneys should be professionally attired. Clients and witnesses should be appropriately attired. Short skirts, flip flops, low tops, "greasers", "do rags", ball caps, torn clothing and shirts with inappropriate logos should not be worn in court.

Q. Do you allow children in your courtroom?

A. Unless the child is an involved party or witness in the proceedings, children should not be present in the courtroom.

Q. Do you allow cell phones in your courtroom?

A. Cell phones must be turned off or muted. It is preferred that attorneys not use cell phones, smart phones, etc. for texting or messaging during court.

Q. What, if anything, do you do to enforce promptness in your courtroom?

A. Court starts on time, absent special circumstances.

Specialty Courts

Q. Do you have a specialty court (drug court, DUI court, juvenile court)? If so, please describe.

A. NA

Q. What are the criteria for entrance in the program?

A. NA

Q. What is the judge's role in the program?

A. NA

Q. Can an attorney petition for his/her client to participate in the program?

A. NA

Q. Must there be an adjudication or can there be participation from a form of deferral?

A. NA