

Wyoming Circuit Court Judges' Benchbook

Name: Robert J. Sanford

Judicial District: 2nd

County of Circuit Court: Albany County

GENERAL COURTROOM PRACTICE TIPS

Motions Practice

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

A. Yes

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

A. Only if not filed with the Court days beforehand.

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. Yes. Scheduling conferences are conducted by Court staff. We have enough phone lines to accommodate telephonic appearance when permitted.

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

A. Scheduling conferences require the attorneys to have engaged in meaningful negotiation either the day before or the day of the scheduling conference. At the scheduling conference, the attorneys will let the Court know the status of the case and what type of setting they request next. I do allow telephone appearance when requested.

Pretrials

Q. Do you have final pretrial conferences?

A. Yes. Pre-trial conferences are the last opportunity for settlement and for hearing any motions in limine that may have been brought in accordance with the pre-trial order. All Parties and attorneys must appear in person at the Pre-Trial Conference.

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

A. Pre-trial conferences are meant to hear any last-minute pre-trial arguments on Motions and to discuss any disputes in admissibility that may need extra attention. Also, these settings allow the Parties to troubleshoot logistical and technical challenges.

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

A. The Pre-trial Order outlines the requirements, but there are no formatting requirements per se.

JURY TRIAL PRACTICE

Jury Selection

Q. How is voir dire conducted in your courtroom?

A. The jury pool is seated in the gallery and is administered the oath. The court draws 14 names at random from the pool to sit as the petit jury. The petit jury is seated in the jury box. The attorneys Voir Dire the petit jury. If any of the petit jury are excused for cause, one of the non-selected members of the jury pool (drawn at random) moves from the gallery to the jury box. The new member, having been instructed to pay close attention during Voir Dire, may be asked if they have any specific answers to questions posed before they joined the petit jury. After each side has passed the jury for cause, each side has four peremptory challenges. This leaves six jurors to be seated for the trial. Generally, if the trial is to last one day, no alternate is selected.

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

A. Yes. We use juror questionnaires. Attorneys receive these several days before trial.

Jury Instructions

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

A. 10 days prior to Pre-Trial Conference.

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. Attorneys are asked to submit "clean" and "dirty" copies of proposed instructions. Attorneys are asked to submit a "clean" version in Word form. The Court asks the attorneys to submit a Table of Contents along with its proposed instructions. If a pattern instruction is proposed, there is no need to print a copy of the instruction, provided the instruction is clearly cited in the Table of Contents submitted by the attorney.

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

A. Certainly useful but open for discussion and argument from the attorneys.

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

A. Generally, the Court offers four of the pattern instructions as initial instructions, but only after conferring with the Parties.

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. 8:00 start. Attorneys should appear at 7:30. Generally, we allow the jury to break for lunch. Occasionally the attorneys will have to stay with the Court during breaks to accomplish tasks that need to be done outside the presence of the jury.

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

A. They should be submitted according to the Pre-Trial Order, insofar as the Motions are foreseeable.

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

A. Attorneys should be sensitive not to waste the time of the jurors, and should have witnesses available as promptly as possible.

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. The jurors do have notebooks. The attorneys may request an exhibit be distributed to the notebooks.

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

A. No. Anything beyond the standard objections should be accomplished at a sidebar.

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

A. Jury instructions are always given. Attorneys may refer to the instructions during closing arguments.

Bench Trial Practice

- Q. What are the major differences in procedures in your courtroom between bench trials and jury trials?
- A. The jury, of course, and the danger of unfair prejudice if there is mention of ultimately inadmissible evidence.

CRIMINAL MATTERS

- Q. Do you allow initial appearance to be entered by written filing?
- A. Yes, for misdemeanor cases.
- Q. How do you handle requests for continuance on preliminary hearings, arraignments and trials?
- A. The Court asks that Attorneys confer with each other whenever seeking a continuance and that they indicate the opposing Party's position on the continuance within the Motion itself. The moving Party should include a proposed Order.
- Q. Do you allow attorneys to file written agreements on bond conditions?
- A. Yes. Please include a proposed Order.

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

A. Yes. Some of our arraignments are done via video but we do have at least two in-person jail arraignment settings per week. Generally, these in-person settings are Mondays and Tuesdays at 9:00 a.m.

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

A. Everything is on the table. If there are any uncommon requests, give the Court and opposing counsel prior notice so that it can be considered thoughtfully.

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

A. Yes.

Citations

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

A. Yes

Q. Do you accept credit card payments?

A. The Court accepts credit card payments for fines and assessments, but not for bond.

Juveniles

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

A. It depends on the type of case and the intentions of the single-point-of-entry analysis from the County Attorney.

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

A. Yes, if at all possible. Minor traffics offenses may be excepted.

CIVIL MATTERS

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

A. The Attorneys should prepare a draft Order with any Motion.

Family Violence/Stalking Protection Hearing

Q. Do you encourage attorneys in these matters?

A. It's always helpful.

Small Claims

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

A. It's effective advocacy but may not be cost-effective for the client.

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. No. Thankfully, our jurisdiction is extremely cordial and a wonderful place to practice law. We just don't have that problem here.

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

A. The key is kindness and decorum, even when tensions run high. Attorneys should do their level best to urge their clients and witnesses to do the same.

- Q. Do you impose limitations on courtroom movement (approaching witness, podium, etc.)?
- A. Attorneys should ask to approach the witness and should not approach the jury.

- Q. What kind of lawyer conduct is unacceptable in your courtroom?
- A. Common sense should guide this. Again, kindness and decorum, despite any disagreements, are vital the administration of justice. Histrionics and hyperbole are ineffective and harmful to our system of justice.

OTHER MISCELLANEOUS ISSUES

- Q. What are your opinions regarding courtroom attire?

- A. Attorneys should dress professionally.

- Q. Do you allow children in your courtroom?

- A. I understand that sometimes it is necessary, but I would urge all Parties to consider the effect this may have on the child.

- Q. Do you allow cell phones in your courtroom?

- A. No. Attorneys excepted.

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

A. The entire gamut of sanctions is available.

Specialty Courts

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

A. Yes. We have a Treatment Court.

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

A. There is a thorough screening process. The general intent of the program is to assist those battling addiction.

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

A. The Court has a magistrate that oversees the Treatment Court, and the Circuit Court orders completion of Treatment Court as part of a Sentencing Order.

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

A. Yes.

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

A. Attorneys may argue for either form of participation.