

State of the Judiciary
Chief Justice William A. Taylor, Wyoming Supreme Court
Message to the Legislature
January 15, 1997

Governor Geringer, Mrs. Geringer, President Grieve, Speaker Hinchey, Senators,
Representatives, State Officials, Colleagues of the Judiciary and Fellow Wyoming Citizens:

I am deeply honored to address you today on behalf of the Wyoming judiciary and report to you on the state of the judiciary-our progress-our frustrations-and our vision for the future.

Neither time nor your patience will allow me to discuss all the issues of our mutual concern. However, every supreme court justice and every district and county judge have pledged themselves to be available to any member of the State Legislature seeking information concerning the judiciary.

During this past year, two new judges were appointed by Governor Geringer. Denise Nau was appointed as county judge in Laramie County to fill the vacancy created by the untimely death of Judge Mockler. Judge Hanscum, in the Second Judicial District, retired due to ill health and Judge Jeff Donnell was appointed as his replacement. We are pleased that the judiciary continues to attract such outstanding lawyers to the bench.

1995-96 was a record year for filing appeals in the Supreme Court. A total of 704 appeals were filed and 388 written opinions were issued. The discrepancy between written opinions and filed appeals is largely due to an unprecedented request by the Public Defender's office for extensions for the filing of briefs and setting argument in criminal appeals. The Public Defender's office, because of their overwhelming caseload and limited staff of appellate counsel, have asked for and received 126 extensions in cases pending before the Supreme Court. We support the Public Defender in her quest for additional appellate attorneys to alleviate this problem and to insure the prompt resolution of criminal appeals.

Because of unforeseen circumstances, we have asked this session of the legislature to supplement our 1997-98 budget.

During the 1996 session, the legislature authorized the implementation of county courts in Park and Sublette counties. Funding was provided for the Sublette County Court and was authorized for the Park County Court, but only one-half of the funds necessary for the operation of the Park County Court was appropriated. \$80,000.00 was taken from the Supreme Court's budget to provide the necessary funds to operate the Park County Court. In brief, the Supreme Court will be without the necessary funds to perform our judicial function unless these funds are restored.

During 1996, a crisis arose in the Sweetwater County Court involving a suspected embezzlement of state and county funds from that office. Supreme Court personnel spent many weeks in Rock Springs and, with the help of county court personnel from other county courts around the state, reorganized and trained a new cadre of office personnel who are now efficiently operating that court. The Supreme Court administration budget covered the cost of travel, contract personnel

and overtime pay to bring the Rock Springs County Court into compliance at a cost of \$67,701.00.

To avoid similar occurrences in the future, we are requesting \$55,000.00 to conduct audits of other county courts to ensure the integrity of the county courts throughout the system.

We have requested funds to hire one additional system specialist for the court automation program; to provide part-time positions in four county courts; to compensate several staff people for their level of experience and longevity with the court; to provide funds for the payment of Judge Hanscum's retirement, who retired due to ill health; and to pay our dues to the National Center for State Courts who provide us with technical, practical and statistical assistance unavailable from any other source.

We request and urge your approval of this supplemental request to enable us to fulfill our constitutional mandate of oversight and management of the delivery of judicial services throughout the state.

The Wyoming Board of Law Examiners has labored far beyond what should be expected of any member of the bar who give of their time and talent without compensation. In addition to composing the bar examination, conducting the bar examination twice a year, correcting the examination and interviewing the candidates, the Board of Law Examiners is burdened with the additional duty of investigating the character and fitness of those who seek admission to the Wyoming State Bar. To relieve some of the pressure, the Supreme Court has approved the addition of three new members to the Board of Law Examiners who will be responsible for the investigation of the character and fitness of applicants to the Wyoming State Bar.

Three years ago, we received timely and wise advice from Senator Kinnison. He suggested that our automation program was in need of a change of direction. We took his advice and dropped our contract with Eagle Computers, hired two computer specialists and, since that time, we have saved the state and the court thousands of dollars. The additional benefit was a vastly improved network combining every county court and justice of the peace court in the state with a central hub at the Supreme Court.

Since 1995, we have replaced every obsolete piece of hardware throughout the network; installed case management up-grades at every court site; the infrastructure has been rewired at every terminal; established a communication network with frame relay and e-mail capabilities; and established Internet web sites giving each court, as well as the public, access to published Supreme Court opinions.

At the present time, we have thirty-eight installed sites throughout the state, comprising 160 users in our satellite sites and thirty users within the Supreme Court. We are presently on track in connecting every district court to our communications hub. We are participating with the Attorney General in seeking a share of the Stop Violence Against Women grant which, if obtained, will enable us to put every court within the state online. We have accomplished more with less—a sixteen percent savings over the 1995 appropriation.

Opportunities for courts to exchange information and share criminal and civil data with others within the justice system are already in place. Technology is advancing at a breakneck speed along the information superhighway. In the future, trials may be conducted via telecommunication links. Evidence, oral arguments, filings and motions may be filed and accessed through electronic means.

We have made and will continue to make wise use of the money appropriated for court automation and the results will be almost beyond comprehension as undreamed of innovations continue into the next century.

We at the Supreme Court are not unmindful of the monumental task we have set before you in the implementation of a new, constitutional and equitable system to provide equal opportunity to education for every child in this great state. Despite the rhetoric, insinuation and accusation, we have not attempted, in any manner, to infringe upon the legislative prerogatives of this body. We have not suggested new taxation, educational reforms, money for capital construction or other avenues you must investigate to achieve equality. We have asked you to provide an educational environment whereby a child, whether in Sundance or in Cheyenne, in Dubois or in Casper, receives the same opportunity to obtain a quality education. How this can be best achieved, we leave to the combined wisdom of this assembly.

This legislature will lead this state into the next millennium and the hallmark of this 54th session and your everlasting legacy to this state will be the product of your deliberations. In this effort, we are confident of your dedication and your final success.

At the last election, the voters approved an amendment to the Wyoming Constitution reconstituting the Judicial Supervisory Commission. The Wyoming judiciary supports this newly created Commission on Judicial Conduct and Ethics which strengthens the Commission's authority to discipline or remove judges and for the enforcement of judicial ethics.

There is presently pending before this legislature Senate File #0029 which includes the judiciary within its provisions. We respectfully suggest that the judiciary be removed from the provisions of this bill as the inclusion of the judiciary is a duplication and a conflict with the Wyoming Code of Judicial Conduct under which judges are duty bound to comply. The Wyoming Code of Judicial Conduct, adopted in 1973 and amended in 1990, provides a comprehensive standard for the ethical conduct of judges and is published in the Wyoming Court Rules. Unlike other branches of the government, the ethical conduct of the judiciary is mandated by the Constitution.

Last spring, as I was on my way to Torrington for a meeting, a very courteous patrolman interrupted my sojourn to inform me that I was exceeding the speed limit. My excuses went for naught and, upon arriving in Torrington, I posted a \$75.00 bond. So, Speaker Hinchey, I am sympathetic with House Bill 46.

In defense of the Supreme Court, we do not impose fines—only the county courts and the justice of the peace courts can impose a fine for any misdemeanor violation. We did approve a bond schedule which was recommended by a committee consisting of the Commander of the Highway Patrol; the Director of the Game and Fish; the Director of State Parks; a Wyoming sheriff; a

chief of police; two county judges; two justices of the peace; and one municipal judge. So perhaps that old adage that a camel is a horse designed by a committee is correct.

District court judges are faced with ever expanding dockets. More cases demand jury trials, and complex legal issues are becoming more and more common. The federal courts are referring more cases involving state issues to the Wyoming Supreme Court for interpretation and application of Wyoming law to matters in dispute in the federal court system. District court judges, although overwhelmed in each of their own judicial districts, have cooperated with one another to provide prompt resolution of pending cases. Thus, on any given day, we may find Judge Kautz from Torrington holding court in Cody or Judge Voigt from Douglas and Judge O'Brien from Gillette holding court in Cheyenne. Seventeen district judges provide a forum for the resolution of all civil, criminal, and probate matters and all administrative and county court appeals for the entire state-an area exceeding in size the combined area of New York, Rhode Island, Vermont, New Hampshire, Maryland, Delaware and West Virginia.

As the population of our state continues to grow and as courts at every level become increasingly inundated, within the foreseeable future, the legislature will need to consider solutions to insure the prompt delivery of judicial services to the citizens of this state. Within the next ten years, it may be necessary to create an intermediate court of appeals and additional district court judges may have to be provided. In the interim, we urge your favorable consideration of the circuit court legislation which will provide equal access to the courts for all of our citizens and, with some jurisdictional changes, will relieve the district courts of their enormous caseload.

The 1991 legislature authorized a salary increase for supreme court, district court and county court judges. During the six years which have elapsed since that time, inflation has diminished the value of that increase by almost nineteen percent, returning the judiciary to the same salary level we were receiving in 1988.

The number of appeals and dispositions to the Supreme Court continue to rise and, every year, exceed the filings of the previous year. District court filings have risen in every area. Although the statistics for 1996 have yet to be compiled, in 1995, over 14,000 civil, criminal and probate cases were processed through the district courts. During 1995, civil, small claims, family violence and felony arraignments in the county courts exceeded 21,000.

The entire judicial administration of the state of Wyoming is efficiently and expeditiously processed by a cadre of five Supreme Court Justices, seventeen District Judges and nineteen County Judges, the smallest number of judges of any state in the union.

The total budget for the operation of the entire judicial system in this state for the 1997-98 biennium is \$22,382,698.00, or less than two percent of the entire budget for the state of Wyoming.

We do not ask for a salary equal to that of the football coach at the University of Wyoming nor equal to our judicial brethren in the federal courts, but we do request that this session of the 54th legislature partially restore what has been lost due to inflation since our last increase and urge your approval of a 14.7% across-the-board increase. If approved, the increase would not be

effective until November of 1998, the next anticipated retirement of a Wyoming judge.

On behalf of the dedicated judges of the Wyoming judiciary, thank you for the opportunity to address you here today. We are grateful and appreciative of the support and understanding you have extended to us over the years. I am personally honored by your invitation; with apologies to a noted newspaper publisher of the past. Being asked to address the Wyoming State Legislature is rather like being married to a duchess—the honor is almost greater than the pleasure.