State of the Judiciary
Chief Justice Larry L. Lehman, Wyoming Supreme Court
Message to the Legislature
January 13, 1999

Delivered before a Joint Session of The Wyoming State Legislature State Capitol Building

Governor Geringer, President Twiford, Speaker Bebout, Elected Officials, Members of the Legislature, Fellow Citizens:

I am honored to appear before you today to speak on behalf of those who are employed in the work of Wyoming's court system. The purpose of this address is to report upon the state of the judiciary. Before I turn to that task, I would like to express my admiration of my fellow justices of the Supreme Court: Richard V. Thomas, Michael Golden, and William U. Hill. Justice Macy regretfully could not be with us today. I appreciate the confidence they have expressed in me by electing me to serve as chief justice of the Supreme Court, and I want to acknowledge their day-to-day assistance in conducting the administrative responsibilities assigned to the chief justice. I would also like to recognize the splendid work being done by our new court administrator, Holly Hans en. Finally, I want to thank Susan, my wife, for her support and gracious acceptance of the many demands attendant to the position of chief justice.

I am pleased to be able to report that the condition of Wyoming's Judicial Branch is sound in all respects. As we meet here in January of 1999, I am confident that we will face the new millennium and all its attendant challenges and problems with answers and solutions that will be fully responsive to a new century and, in many respects, a new world.

It is an appropriate time in this address to welcome the new members of the judiciary who have joined us during the past year.

William U. Hill, Justice of the Supreme Court;

David B. Park, District Judge, 7th Judicial District, who left our ranks as a county judge and now returns to the district court bench;

H. Steven Brown, County Court Judge in Natrona County; and

Robert E. Skar, County Court Judge in Big Horn County.
Two judges retired in 1998:

William A. Taylor, Wyoming Supreme Court; and

Dan R. Spangler, District Judge, 7th Judicial District.

We mourn the loss of our brethren who passed away in 1998:

John J. Rooney, Wyoming Supreme Court (retired);

Harold Joffe, District Court (5th District) (retired);

John T. Langdon, District Court (8th District) (retired); and

Bradford L. Schroeder, Sweetwater County Court.

Such milestones as those remind us that change has always been and always will be the only true constant. And, as perplexing as change may be, we must be prepared to make those changes that will meet the needs of Wyoming citizens in the 21st Century.

However, before we leave this century behind, and I am sure we will all be surprised how quickly the time will fly between January of 1999 and January of the year 2000, I would like to reflect just a minute or two on the past. During the next year, when we will hear much about the achievements and failures of an entire century, we will have a unique opportunity to reflect on our own history. And the most important product of looking backward will be to make certain that we don't inadvertently and certainly not deliberately leave behind any of those values that have made Wyoming the great state that it is.

In the January 1999 issue of the American Bar Association Journal, a brief account is given of the trials of the century. Fortunately none of them occurred in Wyoming, but each has had its impact on our lives. The ABA Journal speculates as to what might have been the trial of the century. Was it the Lindberg kidnaping or the O. J. Simpson trial? Was it the advent of school desegregation or the Miranda case? There are dozens more to be considered on the national scene, but we have also had our own trials of the century right here in Wyoming. Perhaps the most fresh in your memories, as well as ours, are the reforms necessary to restructure school finance in Wyoming. We have also had in our courtrooms of late a substantial number of death penalty cases. After almost 15 years since our last death penalty trial, we had four in 1998 and at least that many more are pending as we enter into 1999. And just as in the past, many of the decisions that will affect the lives of Wyomingites in the 21st Century will be made in our courtrooms. We must be fully prepared to make certain that those decisions will be made fairly, wisely, expeditiously and economically.

Wyoming's history is the stuff of modern AMTTH, and we must have a vision for our courts in order to meet the challenges of the future, without losing sight of our past. I am pleased to report that the development of a vision for Wyoming's 21st Century courts is already well underway. Senate File 63, now Section 9-2-2301 of Wyoming Statutes, was a bold and foresighted piece of legislation that provides the basic framework for a review and reorganization of the Wyoming court system. In many respects, we are leaving the 20th Century with about the same court system we had when statehood became a reality in 1890. To be sure, changes were made, bit by bit, as necessity required: A fourth, and then later a fifth, justice was added to the Supreme Court; new judicial districts were formed, and additional judges were added to the district court bench; more recently the county court system was established. But Senate File 63 was the first time that the need to fully reassess how our courts are organized and administered was given full recognition. The Wyoming Judicial Planning Commission has been established; and its 18 members reflect a cross-section of judges, court clerks, legislators, representatives of the executive branch, the Wyoming State Bar, and perhaps most importantly, members of the public

who are the ultimate users of the court system. That Commission has already met several times, and a talented and experienced working group has been formed to gather the information needed by the Commission to do its work. The Commission is charged with the responsibility of assuring that our citizens are the recipients of an efficient, impartial and independent judicial system. After a long and detailed examination of our existing system, the Commission is committed to providing resolutions which will result in:

1. A uniform but flexible state court system that will be friendly to its users;
2. Equitable and fair distribution of judicial workloads;
3. Improved access to justice for all citizens including efforts to overcome the barriers of weather and distances in Wyoming's unique geographic setting;
4. Efficiency and economy. Businesslike disposition of our citizens' legal concerns at a cost that is affordable. And I should add a system that is affordable to taxpayers as well; and
5. Modern, statewide technology.

It is anticipated that the Commission will meet at least five times in 1999; and, by the end of this year, we will be able to provide you with the results of our studies and concrete legislative proposals for you to consider in the year 2000.

We will soon have a statistical report of 1998 court activity. I am certain that the statistics will indicate that case loads generally continue to grow or remain at or near historic high levels. But of even greater importance is the ever-increasing complexity of litigation in our modern society. During 1999, the National Center for State Courts will complete a weighted case study so we can all more accurately evaluate the demands being placed on our trial courts. The weighted case study and the efforts of the Wyoming Judicial Planning Commission will give us the data and direction we need to ensure that Wyoming's courts continue to operate at an optimal level as we move into the year 2000 and beyond.

In addition to the progress we are making in planning for the future of the Wyoming Court System, the Supreme Court changed the term of the chief justice from two years to four years in an effort to minimize the disturbances of a two-year transition period and to maximize the benefits of experience and consistency. We have committed ourselves to an internal administrative structure upon which we can build our future and have joined with the Conference of Chief Justices to foster public trust and confidence of our courts.

I would be remiss if I did not express my sincere appreciation to the Wyoming State Bar. Its members, who volunteer their time and resources, ensure that the many bench-bar committees continue to do the critical work necessary to keep Wyoming on the cutting edge of legal developments throughout the nation. We are engaged with the Bar in ongoing efforts to eliminate gender and other biases in the courts, as well as to respond to the nationwide initiative to reform the jury system. I emphasize here that the jury reform effort is aimed at strengthening the constitutionally-based jury system and not to weaken its guarantees in any way. I am grateful to the Bar for all its past contributions and for the ever-increasing demands that will be placed on the Bars volunteer committees.

I also want to thank the Legislature for its recognition of the need for equitable and competitive compensation for the judiciary and for a more workable judicial retirement system. I am pleased that the process of addressing judicial compensation and establishment of a Judicial Planning Commission have combined to forge a reinvigorated partnership among the three independent branches of Wyoming government. We all come from, and serve, the same master the People of the Great State of Wyoming. Our goal must always be to ensure that, while we maintain our constitutionally-mandated independence, we work together to serve the People.

In closing, I invite all of you to visit your courts and observe their work. If you visit the courts, you will see the monumental challenges they face every day in dealing with disputes, both emotional and complex. These tasks, completed by proud and dedicated public servants, often go unappreciated; but they will always be vital to a strong, free and orderly society.

I thank you again for your leadership and foresight. I am grateful for your courtesy and attention today and for this opportunity to talk with you and with the People of the State of Wyoming.