

State of the Judiciary  
Chief Justice Larry L. Lehman, Wyoming Supreme Court  
Message to the Legislature  
February 14, 2000

### A New Court System for A New Century

Governor Geringer, President Twiford, Speaker Bebout, members of the Legislature, elected officials, my colleagues in the judiciary, and citizens of Wyoming:

Thank you for the honor of addressing you as you begin your first session in the 21st century and indeed in a new millennium.

It is a privilege to report to you on the State of the Judiciary and to outline several significant steps we should take to improve our judicial system for the people of Wyoming. One step I will discuss specifically with you in a few moments is a bill we hope will become the Wyoming Court Consolidation Act of 2000 a new court system for a new century:

I stand before you today to deliver the judicial address; but, in addition, I come to convey our support as you begin momentous deliberations on issues that will have far-reaching impact on the citizens of our state. And, it is my personal wish to strengthen the relationships among the Executive, Legislative and Judicial Branches.

First, let us begin that process by introducing you to the trial judges of our state court system. This is a historic occasion; we believe it may be the first time in our state's 110-year history that the judiciary has gathered for the opening of the session with the members of the Legislature and our state elected officials.

I will call their roll quickly, as I know your time is valuable.

From the First Judicial District:

Judges Grant, Kalokathis, and Allen.

From the Second Judicial District:

Judges Stebner, Donnell, Caster, and Waldrip.

From the Third Judicial District:

Judges Ryckman, Zebre, Soule, and Mealy.

From the Fourth Judicial District:

Judges Brackley and Sampson.

From the Fifth Judicial District:

Judges Hartman and Skar.

From the Sixth Judicial District:

Judges Price, O'Brien, Edwards, Tharp, and Hegge.

From the Seventh Judicial District:

Judges Sullins, Park, Huber, and Brown.

From the Eighth Judicial District:

Judges Voigt, Kautz, Arp, and Cole.

And from the Ninth Judicial District:

Judges Guthrie, Rogers, Denhardt, Hall, and Crow.

Ladies and gentlemen, your state trial court judges. These judges represent many other hard working people who make up your judicial system today, all serving the people of Wyoming.

As has been traditional in our judicial system for nearly a millennium, dating back to English common law, our judges wear robes because, like legislators, judges are part of a system of government that is steeped in tradition, yet is responsive to changing trends in society.

Indeed, the similarities between judges and legislators are many. We serve the same master and are both charged with making difficult decisions on behalf of the people of Wyoming decisions that can affect families, children, businesses, and personal liberties. You, as legislators, must address the broad concerns of society and attempt to resolve problems that significantly affect the lives of all our citizens. We, as judges, must resolve problems that often affect one or two individuals, even if that decision favors a single person over the majority. Judges, like legislators, are people who, beneath their judicial garb, share your concerns about our society as they maintain their families and homes in your communities.

Just as the composition of the Legislature changes, so does the judiciary. During the past year, it has been our pleasure to welcome into our ranks County Judges Robert Skar in Big Horn County; Randal Arp in Goshen County; and Wade Waldrip in Carbon County. Judge Gerald Connolly, from Goshen County, retired at the end of the year; and Judge Margie Meacham, from Carbon County, retired at the end of January.

This is the last year you will see Justice Richard Macy in an opening session, as he reaches mandatory retirement age on June 2nd. He has served the Supreme Court with distinction for 15

years, and we will miss his contributions to the citizens of our state. I want to publicly thank Justice Macy at this time for his years of service.

No State of the Judiciary address would be complete without praise for Governor Geringer's thoughtful appointments to the state bench and to the hard-working members of the Judicial Nominating Commission for providing the governor with outstanding nominees. As I told the governor recently, the nominating commission's job is to make his decision as difficult as possible. Of course the real beneficiaries are the people of Wyoming, who are served by an extremely well-qualified judiciary.

As we assemble on the threshold of a new century and millennium, the State of Wyoming's judiciary is sound. As I noted last year, Wyoming's judiciary at the turn of this century is fundamentally the same system as was in place in 1890. Over the past 110 years, we have added two justices on the Supreme Court; added district courts; and, most recently, established the county courts.

We have not made major changes because your court system has, by and large, served you well. However, it is a system that can be improved with the modifications we bring today, modifications that I would characterize as subtle but significant. Modifications that will give us a new court system for a new century.

Two years ago, the Legislature in its wisdom approved Senate File 63, which created the Wyoming Judicial Planning Commission. The Legislature directed the Commission to undertake the most comprehensive reassessment of your state court organization since statehood. Your charge to the Commission was to propose a court system which would more effectively and efficiently utilize judicial and court resources to better serve the citizens of Wyoming.

It has been my distinct privilege to be a part of a process involving dedicated people who unselfishly devoted hundreds of hours developing a vision for the future of Wyoming's Judicial System.

The Planning Commission, as required, delivered its report to the Governor and the Legislature on November 1, 1999. Wyoming is a state of great traditions and values, with the wisdom to not make change just for the sake of change. But, we also are a state with a progressive spirit, dedicated to making subtle but significant changes when they make sense. This is the case with these recommendations. If the Commission's recommendations are enacted by the Legislature, our courts will be more accessible to our citizens, and justice will be more uniform throughout our state.

It is on behalf of the Planning Commission that I present two proposals for your consideration: House Bill 43, Court Consolidation; and House Bill 31, Court Fees. Let me speak first about House Bill 43, Court Consolidation, which is the centerpiece of the Commission's work.

This bill represents a continuation of our current system with three significant changes. First, it eliminates boundaries that currently confine county judges to one county by creating circuits, which have the same boundaries as our judicial districts. Second, it allows for judges to help each other with their caseloads. And, third, it guarantees an accountable judicial presence in every

county where there is no sitting circuit court judge.

Currently, while our county judges can provide assistance to other county courts, they are only accountable to the voters within their county. Under this legislation, by becoming circuit court judges and sharing the same judicial boundaries as district judges, they would, like district judges, be subject to voter retention by all citizens they serve within their respective circuits.

The second significant feature of House Bill 43 is the provision for judges to assign cases and assist each other with their respective workloads, within certain limits. Citizens want their cases resolved quickly, and this change will allow an allocation of judicial resources to handle cases more expediently.

As a result of our rigid court boundaries, some judges have too much to do, and justice often is delayed. Couple this with the fact that other judges have time to handle more cases but are restrained by geographical boundaries and jurisdictional limits, and the result is inefficient justice.

For example, if Judge Ryckman in Green River drives over to Evanston to preside over an arraignment, he loses more than half day driving to and from a 15-minute procedural hearing that could have been handled by a circuit judge in Evanston. A system of circuit court judges could alleviate much of the time bind that interferes with justice in the Equality State.

House Bill 43 does not require the elimination of the justice of the peace courts. Just as with our present system, it gives the eight JP counties the opportunity to choose to be a part of the circuit court system it gives them a voice in the decision. And if they make that choice, they are assured a judicial presence in their county if not by a sitting circuit court judge, then by way of a magistrate. That magistrate would be appointed by the county commissioners, subject to voter retention, and available to perform judicial work in that county in the absence of a circuit court judge. If I have learned one thing, it is that our counties want a say in determining their own future. It would be my hope that those eight counties will join the new court system. Justices of the peace have different jurisdiction and less authority than county judges, meaning the citizens in those respective counties must live by different rules. This only perpetuates the problem we face regarding unequal access to the courts and lack of statewide uniformity. I am pleased to report that a resolution in support of House Bill 43 was passed by unanimous approval of the Wyoming County Commissioners Association.

All in all, this is a citizens' bill. Wyoming can be proud of its record of making courts accessible to its citizens, despite hurdles of geography and weather. But we can do better, and this bill will enable us to better serve our citizens.

The other piece of legislation for your consideration this session is House Bill 31, Court Fees. This bill would create a special court fee a user fee if you will of \$10 per case filed in state courts to fund judicial technology. I will tell you the Planning Commission unanimously recognized that technology is the key to the future.

The Judiciary needs an adequate and integrated computerized system for the courts. Just as the Legislature recognized the wisdom of putting legislative bills, calendars and deliberations on-line,

so too do the courts. Having access on-line to case dockets, pleadings, and judicial orders will be of immense value not only to our litigants, but also to our law enforcement officers and other agencies that need immediate access to judicial information.

In truth, funds for court automation have already been generated by costs assessed against defendants in the county and justice of the peace courts since 1987. The court costs were increased, assessed, and paid for one purpose and one purpose only to fund court automation. However, after the initial expenditures for hardware and software were met, the monies from the increased court costs were diverted to support the general operation of state government.

To the members of the Joint Appropriations Committee, I applaud your endeavors. You have a thankless task, and you are forced to make unpopular decisions. Trust me, my four colleagues and I can relate to your situation. But speaking now as chairman of the Planning Commission, I would sincerely appreciate your giving the Supreme Court's request, for an integrated court information system, a second look. Integrated systems that share information are not a new concept. Clearly, it is in the public's interest for courts and justice system agencies to share information. Shared information is more accurate, more complete, less expensive, and more timely. I submit to you that decisions that rely on old information are often bad decisions. Judges, prosecutors, and law enforcement agencies need to know if a person has outstanding warrants NOW; is driving under suspension NOW; is on probation NOW; has multiple arrests for DUI NOW; is in violation of a protection order NOW.

Every Budget Session poses challenges for you as Legislators, but this one particularly so. Like the scales of justice, you must find the proper balance between legitimate expenditures and available revenues. The judiciary recognizes this will be a difficult Budget Session. We are confident that you will succeed in providing adequate funding for the many important and vital needs of the people of Wyoming.

There are several other initiatives that are proceeding this year. We are working on jury reform, child abuse issues, and the development of a system to foster a faster turn around of Supreme Court opinions by way of a per curium docket. And although I think all these issues are important, I'll leave the discussion of those issues for another time.

In conclusion, new centuries are times for new beginnings, and this session will be a time both to renew traditions and build on them with new innovations.

The changes and improvements proposed for your judicial system may seem minor in the mix of lofty issues being considered this session, but I assure you they are important and significant. They will improve a judicial system that has stood the test of time by making it more responsive to the citizens it serves.

At the same time, we must address the larger issue of cooperation and understanding among the three branches of government, all with the common bond of serving the people and helping make their lives better.

The presence of the trial judges here in Cheyenne today to participate in the opening of the

legislative session symbolizes our desire and commitment to work with all of you throughout the year to meet the challenges of the new century.

Our governor has spoken about the challenges facing us as a state as we look for long-term solutions to budget and revenue problems and, in a greater sense, look for ways to help our state grow and prosper, while retaining our traditional values and quality of life.

Out of those traditional values, we have developed a system of laws to serve as guidelines for all of us. You in the Legislative Branch enact those laws. You in the Executive Branch administer and enforce them. And we in the Judicial Branch must determine who is right when disputes arise over the laws you have enacted and administered.

Together the three branches of government can help make Wyoming a better place in which to live, work, and raise our families. We all share that common bond and goal, and we look forward to working with you over this new century on behalf of our great state.

Thank you, and good luck in your deliberations.