

State of the Judiciary
Chief Justice Larry L. Lehman, Wyoming Supreme Court
Message to the Legislature
January 10, 2001

Governor Geringer, President Coe, Speaker Tempest, Members of the Legislature, elected officials, my colleagues in the judiciary, ladies, gentlemen and children of Wyoming:

Once again, it is a privilege to stand before you representing the Wyoming Judiciary, and I consider it a great honor to speak on their behalf to the Executive and Legislative branches of government and the people of Wyoming. I am joined today by my colleagues from the Supreme Court and many of the trial judges from across the state, and I am pleased to report that the State of the Judiciary in Wyoming is strong and acting as a responsible co-equal partner in government.

The State of the Judiciary

Last year when I appeared before you, the State of our Judiciary was sound -- and not much different than it was during statehood in 1890. But we agreed it was a judiciary that could be improved with some minor modifications to give us a new court system for a new century.

The Wyoming Court Consolidation Act was recommended by the Wyoming Judicial Planning Commission, which you created three years ago. You, the Legislature, responded by passing the legislation, and Governor Geringer signed it into law. As of July 1, of 2000, we began using our court system for the 21st Century. The creation of our new court system is just one example of the positive results we can achieve when our three branches work together.

We now have a circuit court system that gives us the flexibility to better manage our judicial resources and which gives our citizens more timely access to a judicial system that is more efficient.

The circuit court system also will allow, over time, all counties with justice of the peace courts to voluntarily assimilate into a truly statewide court system. Hot Springs County has already taken advantage of this opportunity and has joined the circuit court system without need for an additional judge. Judge Skar, who previously had duties only in Big Horn County, is now serving Hot Springs County as well.

Technological Improvements

Another piece of legislation approved last year was the creation of the Judicial System Automation Account that includes a special court fee of \$10 per case filed in state courts since July 1st. These fees are expected to raise approximately \$ 2million over the biennium to help bring our fragmented and aging computer system into the 21st Century.

The Wyoming Judicial Technology Task Force, a multi- agency partnership, has been working diligently to recommend ways to make our courts more efficient through use of technology --

and, as equally important, to make them easier for our citizens to use.

Installation of a new court software in Albany County as a pilot project will soon begin. Additionally, the 4th Judicial District of Johnson and Sheridan counties has been chosen for another pilot project to demonstrate system-wide technology for courts at all jurisdictional levels, as well as building the connections for information sharing with other justice agencies. These may seem like small steps, but they are important steps toward developing a system suitable for statewide implementation.

Court Administration

Last year in my remarks, I briefly touched upon several other recommendations of the Judicial Planning Commission that were already being implemented by the Supreme Court.

By rule, the Office of State Court Administrator has been established. People who understand and appreciate the importance of our budget process, current employment issues, and the need for training are staffing it. It is through the efforts of this office, that judges are free to concentrate on their judicial duties.

Without a doubt, the most significant change in the past year for the Wyoming Judiciary has been the establishment of the Board of Judicial Policy and Administration. By the creation of the Board by the Supreme Court, the supervisory authority of the Wyoming Judicial Branch was delegated to the Board of Judicial Policy and Administration.

For the first time, we have placed the governance of the judiciary in the hands of judges at all levels, from all areas of the state. The Board of Judicial Policy and Administration consists of 10 members (Some of those members are present today, and I would like them to stand as I call their name). The Board includes three justices -- myself as chair and Justices Thomas and Hill. There are three district judges -- Judges Hartman, Voigt and Donnell -- and three circuit judges -- Judges Denhardt, Zebre and Waldrip. The 10th member is a justice of the peace -- Judge Scott Cole.

The members of this board bring considerable experience from different levels. They are producing better decisions, more informed decisions, and broader resolution to issues that will best serve our judiciary as a whole and the people of Wyoming. I am convinced the long-term results from this new supervisory body will be consistency and a more uniform approach to how the courts conduct business. The people of Wyoming deserve no less.

Jury Reform

Last year, I made brief mention of a jury reform project, a cooperative venture involving judges, jurors, attorneys, and the University of Wyoming Law School. I am happy to report that the recommendations submitted by the Wyoming Commission on Jury System Improvement have been implemented by the Board of Judicial Policy and Administration.

These new procedures provide the basic tools for our citizens who serve as jurors in our courts

that you and I take for granted when we gather information to make difficult decisions outside the court.

The commission's work is not finished by any means. It currently is tackling the issues involving jury selection and pay for jurors and will be considering education activities concerning jury procedures.

Pro Se Litigants

A project that is new on our agenda but of great importance involves "pro se litigants" -- that's one of those legal phrases -- or in plain English, citizens representing themselves in court.

We in Wyoming have not yet seen the increase other states have seen in pro se litigation -- except perhaps in domestic violence and domestic relations cases. Over the next year, the courts will be working with the State Bar to examine ways to assist those individuals that can't afford counsel.

Drug Courts

Another movement that the Judiciary strongly supports is the expansion of the drug court system in Wyoming. There are currently three circuit courts in the state operating drug court programs. The drug courts in Uinta, Lincoln, and Sheridan counties have already achieved success in breaking the cycle of substance abuse and criminal activity. The way in which drug courts hold offenders accountable through the intensive supervision by a judge and frequent testing and monitoring has increased the level of public safety, lowered recidivism rates, and saved taxpayer dollars through motivating successful treatment.

Supplemental Budget

Finally, I would commend to your attention our requests for supplemental appropriations. First of all we have requested \$1.1 million for compensation for Judicial Branch employees. Last session, \$12.7 million dollars was approved for the state employee compensation plan, and I would just like to respectfully point out that the Judicial Branch employees were NOT included in that appropriation. Our request parallels the market salary theory that the Executive Branch used in distributing the funds approved last session. As you know, this session the governor has requested an additional \$14 million for the compensation plan for Executive Branch employees, but again, that proposal does not include judicial branch employees.

Second, we are asking for authorization for three new district judges and two new circuit judges. At the request of the Joint Interim Judiciary Committee, we updated our 1998 Weighted Caseload Model with 1999 statistics. The study demonstrates a need for additional judges in Natrona, Laramie and Sweetwater Counties, as well as related staff and operating costs. It was not the weighted case study that brought this need to our attention; the need has existed for more than a few years. It was The Planning Commission that initially requested the weighted case study as an objective measurement tool. The results of the study were not surprising but, for the first time, provided objective information we could give to you in addition to the caseload

numbers and observations of the judges. And while the costs for the additional judges are significant, they are necessary to meet the needs of our citizens. The citizens of Wyoming deserve equal access and timely justice.

When I left my firm to become the county court judge in Uinta County, I was given the proverbial gold watch. Inscribed on that watch was a quote from one of our greatest jurists and legal scholars, Justice Learned Hand. What it said was simple, "Thou Shalt Not Ration Justice." The demands, however, in these counties require that the time available to every case be rationed. Our citizens deserve more.

We are also seeking an appropriation for the operating expenses of the Circuit Court in Hot Springs County. As I noted earlier, Judge Skar is handling the caseloads of both Big Horn and Hot Springs counties, but we have the additional obligation of picking up the operational expenses in Hot Springs County.

Finally, against the reality of Wyoming Judicial salaries ranking 47th among our 50 states, and our continued need to attract the best Wyoming lawyers to the bench, the Board is also asking for your consideration of a Judicial salary increase to be effective in January of the year 2003.

Conclusion

In summary, our Wyoming Judiciary is a strong and responsible co-equal partner in Wyoming's state government. Through your actions last year, we have embarked on an effort to provide a judicial system that meets the needs of our citizens' in the 21st Century. With your continued support this year, we will make further refinements, add technology, and provide a level of justice to the citizens of Wyoming that can be unequalled in our history.

The Judicial Branch

Since my last report to you, Justice Macy retired from the court in June. I want to note his many contributions during his 14 years on the Court. Justice Macy brought to the court an unflagging sense of timeliness with his opinions as well as an unbending conviction to do the right thing and a sense of fairness to all litigants.

Although we miss Justice Macy, we are embracing the energy, enthusiasm and ability of his replacement. Justice Kite is a welcome addition to the court and has impressed all of us with her hard work, her keen insight into the many legal issues we grapple with, as well as her innate sense of justice for the citizens of Wyoming. We appreciate her collegiality, and we are energized by her contributions.

We also welcome one of your former colleagues, John Perry, as new District Court Judge in Gillette. Finally, even though this will be part of the report next year, I would be remiss if I did not note the 26 years of service soon to be concluded by Justice Richard V. Thomas. We refer to Justice Thomas as the institutional memory of the court, and I want to go on record thanking him for his years of service to the citizens of our state.

Finally, I know all of you await our opinion regarding education. Believe me, we know how important this case is to this body and our State. This matter is, and will remain, our highest priority.

But, we must work to maintain the delicate balance between the urgency to produce a result with the need to be thorough and deliberate. As everyone of you know, the issues presented are difficult and complex, with thousands of pages of records and testimony. And while I cannot make any promises here today, believe me when I say we understand your responsibilities and, while we will not ration justice in the process, we will make every effort to complete our job so that you can do yours.

On behalf of my colleagues, I look forward to continued good relationships between our branches of government, and we pledge to work together with you for the benefit of the people of Wyoming and our great state. Thank you, and good luck in your deliberations.