

State of the Judiciary
Delivered by Chief Justice Larry L. Lehman, Wyoming Supreme Court
Message to the Legislature
February 11, 2002

Governor, Mrs. Geringer, members of the 56th Legislature, my colleagues in the Judiciary, guests, and citizens of the great State of Wyoming: I want to convey my sincere appreciation to President Coe and Speaker Tempest for allowing the Judiciary this moment of your time.

Today marks the second time the Judges from your communities have gathered here to honor the beginning of your legislative duties. In lieu of my introducing each of the Judges separately, I would just ask that they stand and be recognized. Ladies and Gentleman, the Wyoming Judiciary. Thank you.

Some of you probably believe the main reason the judges are here today is to urge the passage of HB46, the judicial salaries bill; and although every state court judge will follow the progress of that bill with a careful eye, I want to impress upon you that the Wyoming Judiciary has traveled here today as a demonstration of our commitment to maintaining open lines of communication among the three branches of Wyoming's government, so that we might all better understand our respective responsibilities.

If I had but one wish I could grant for this wonderful state, it would be that our three branches would more fully communicate with each other, discuss the tough issues, and work together to best meet the needs of our citizens. I am convinced all Government leaders and officials in Wyoming share the same values and whatever title we bear, that of a Legislator, the Governor, or a Judge, want what's best for Wyoming.

The three branches of government in Wyoming share an intimate constitutional relationship. Yet, because sometimes we fail to share with each other what is necessary and important, sometimes we fail to fully comprehend the unique duties and responsibilities of each respective branch. As judges, it is hard for us to appreciate the difficulties you as Legislators must overcome in balancing a multimillion-dollar budget. By our presence here today, I hope you know that the Wyoming Judiciary is committed to attaining a better understanding of your responsibilities and the difficulties you face in this session. And if you will indulge me for a moment, I would like to share a little about our branch of government.

I have heard it said, that the Judicial Branch is too powerful. Certainly when someone makes a decision that directly affects your life and your responsibilities, the tendency is to resent their authority to do so. But rest assured, Judges do not solicit lawsuits and, if anything, discourage them. However, when lawsuits are presented to us, we have but one responsibility, and that is to do our level best to resolve those lawsuits within the confines of Wyoming law and our Constitution. You well know that someone is always going to be unhappy in that process. And when lawsuits involve the different branches of our government, that unhappiness is bound to produce tension.

Tension is not always a bad thing. The tension that can exist between our branches must be relished, not reviled. It is what has brought us success as a nation. Within the courts we have

natural tensions brought about by reviewing each other's work and challenging each other's reasoning. But it is that very tension that makes us better at what we do because we are forced to listen, we have to communicate, and by doing so we grow both personally and professionally. In the end, that same tension assures that the quality of our work is enhanced and justice is better served.

The first line of service providers in the Judiciary are those Judges in the Circuit and J.P. Courts. Three new Circuit Court Judges join us today: Judge Tom Campbell sits here in Cheyenne; Judge Mike Patchen sits in Casper; and Judge Bruce Waters sits in Cody.

Last year in the face of nearly 120,000 cases filed in the circuit courts alone, our courts collected 14 ½ million dollars in fines, forfeitures and costs. Circuit court cases may not result in million dollar verdicts, but when neighbors are unable to resolve disputes, or when emotions run high and domestic disputes turn to violence, it is our Circuit Judges who preside over these conflicts and accomplish resolutions with the respect and civility that we have come to treasure in the United States. These Judges will be the only contact the majority of our citizens have with the court system, and I want to praise them for the difficult job they do.

I would also add that many Circuit Judges with an equal number of District Judges are involved in the operation or planning of Drug Courts. The primary ingredient of a successful Drug Court is the Judge. The programs demand patience, cooperation, and coordination of community services. Our Drug Court Judges clearly reflect the face of the communities within which they perform their duties, and I want to praise their commitment to resolution of the challenges we face as a society.

Our District Court Judges continue to face increased demands upon their time, and joining us for the first time are Judge Dennis Sanderson from the Third Judicial District and Judge John Brooks from the Eighth Judicial District. Thanks to you, the Legislature, three additional positions were added to the District Court last year. Judge Jim Burke is now sitting in Cheyenne, and Judge Nena James is sitting in Rock Springs. The additional position authorized for the District Court in Casper continues to be a concern because of the lack of facilities. However, members of the Board of Judicial Policy and Administration met with the Natrona County Commissioners last month, and the commissioners are committed to providing the space necessary for that third Judge.

As part of my duties at the Supreme Court, I have reviewed the work of just about every District Judge, and I can tell you the quality of the work on Wyoming's District Bench is superb.

Finally, I want to acknowledge those serving with me on the Supreme Court. Every new addition to the Supreme Court brings differing perspectives and experience, and this year we are pleased to be joined for the first time by Justice Bart Voigt. While from time to time we may all express strong and differing views from the bench, my colleagues and I have used those contrasting views to strengthen, rather than weaken, our individual commitments to the judicial process.

Further, I am pleased to report that the Supreme Court is more current than in recent history. In response to some criticism regarding the length of time it takes to get a case through the Supreme

Court, I asked our staff to review our performance in 2001.

Of all the cases I assigned last year, the average number of days from a litigant's filing of the Notice of Appeal until the case was available to be assigned for research and writing to an individual Justice was 244 days, or approximately 8 months -- an average of eight months passed before an appealed case matured to the point at which a Justice could begin work on a written opinion. There are any number of reasons for that average time, but NONE can be attributed to the court.

Further, of all the cases I assigned last year, the average number of days from the date of assignment for research and writing until the opinion was drafted and circulated to the other justices was 103 days, or approximately 3 and 1/2 months. Many opinions of course were done well before that, but there are always several cases that involve extremely complex issues with thousands of documents that require additional time.

Now perhaps that amount of time would not be particularly interesting, but I compared the number of opinions written per justice in the supreme courts of all 50 states. From the most recent statistics provided by the National Center of State Courts, Wyoming ranked number 6 with regard to opinions written per Justice. That means we produce more opinions per justice than Supreme Court justices in 44 other states. I not only thought that compelling, I thought it even more so when the 5 states who are credited with writing more opinions per justice than Wyoming averaged twice the number of support staff.

I gave you that information only to support my own observation that the Supreme Court is working hard, and the Justices are investing the time it takes to maintain a current docket while always remaining cognizant of the importance of the quality of our work product.

The efficient and effective administration of Wyoming's courts is an additional constitutional duty that requires constant attention. Over the past two years we have worked hard to make sure both the District Judges and the Circuit Judges participate in that process. I truly hope for them, just as I do for you in the future, that the mystery of how we administer our courts will diminish, and that the day-to-day challenges of running efficient and effective courts will be better understood.

Outside of our day-to-day judicial duties, the Judicial Branch has been working hard on a few continuing initiatives. First of all, the Court Improvement Project is one of our most important on-going efforts. Justice Golden has chaired this project, and last summer regional training programs were conducted throughout the state in an attempt to achieve greater consistency and timely decisions involving permanency placement of Wyoming's abused and neglected children. Judge Ken Stebner and Judge Jeff Donnell of the Second Judicial District have been developing a Model Court Program for abuse and neglect cases, which we hope can be implemented throughout the State.

The Citizens Access to Courts Committee has completed a year-long project that focused on providing assistance to citizens who are unable to afford an attorney in the area of domestic law.

The Judicial Technology Taskforce is in the final stages of a pilot Justice System Network in

Sheridan and Johnson Counties. Through the hard work and diligence of our taskforce, combined with the incredible cooperation and patience of the justice agencies in Sheridan and Johnson Counties, the success of the integrated justice system is within our reach. After completion of the project, the taskforce plans to expand the integrated network district by district to assure the public safety of our citizens and law enforcement agencies across the entire state.

And finally, as a result of the hard work of the Board of Judicial Policy and Administration, within the Supreme Court's Budget I offer you the opportunity to cross another milestone in court reorganization by approving the funding for the transition of the last seven JP counties into the circuit court system.

Ladies and Gentlemen, you have many challenges ahead of you and your time is at a premium, so I will close by extending my appreciation to Senator Larson, Representative Baker and the entire Joint Appropriations Committee for the courtesy extended to the Judiciary during our budget hearing. They have a difficult job and deserve to be recognized.

At this time, I would also like to thank you, Governor Geringer, for all the time and effort you provided in making the fine judicial appointments over the years. The men and women you have appointed will serve the citizens of this great state long after you and I have left office.

Let me leave you this morning with an open invitation to visit the Wyoming Judiciary at any time. This is not a perfunctory invitation. We sincerely want you to visit our courts and see the state's judicial process at work. Our doors are always open. We are in each of your communities and serve the same constituents you serve. Just as we have gathered here today in your setting, we hope you will take the opportunity to visit the courts of our state.

Thank you.