

State of the Judiciary  
Chief Justice William U. Hill, Wyoming Supreme Court  
Message to the Legislature  
January 12, 2005

Mr. Speaker, Mr. President, Governor and Mrs. Freudenthal, members of the 58th Legislature, elected officials, members of the Judiciary, family, friends and citizens of our great State. Once again it is my honor and privilege to speak to you on behalf of the dedicated men and women of the Wyoming Judiciary.

I want to offer congratulations to Speaker Luthie and to President Larson upon their well-deserved elevation to the highest posts of leadership in the Wyoming Legislature, and to thank them for their invitation to address you. I would also like to congratulate all the members of the Legislature, who are either beginning your careers, starting over in a different chamber, or continuing your adventure in public service.

As always, I also would like to thank the Legislature on behalf of the Judiciary for your attention to the needs, fiscal and otherwise, of our branch of government. We are secure in the knowledge that you will address them in the reasonable and responsible manner to which we have become accustomed, and we extend to you our best wishes for a productive session.

Governor Freudenthal, we again congratulate you and the first lady on another year of accomplishment. Governor, the Judiciary kept you busy in 2004 appointing judges. Perhaps we will have a calmer 2005, and as always, you also have our best wishes for another successful year leading our State.

I can report to you today that Wyoming's Judiciary is strong and vital and continuing to act as a responsible, co-equal partner in our government, and I want to express my appreciation to all of those who labor in the third branch and make it work. As the State continues to grow, so too grow the demands upon our courts and they have never been busier. As a testament to that statement, you will find among the pre-filed bills a request for the creation of a new district judgeship in the Sixth Judicial District, a request that we hope you will be inclined to honor.

You will also find a proposal to fund the renovation of the Supreme Court Building. The building was constructed in 1936 and has served the State well. In the intervening years, however, it has received only basic maintenance and cosmetic repairs. If the building is to be brought up to code in terms of safety, security, and the ability to accommodate the growing demands of technology, if it is to continue serving the State well into the 21st century, it must have attention soon. The Judiciary generally endorses the proposal before you, with the caveat that the architectural, historical, and esthetic integrity of the building and the grounds upon which it sits must be preserved in any renovation, at all costs.

It is typical for a Chief Justice to use this address to inform you of court projects and initiatives that have occupied the Judiciary during the past year, and indeed, there is much that I could report. But it was the changing face of Wyoming's Judiciary and legal community that

dominated 2004, and it is of those changes that I would like to speak now.

As planned, District Judge Kenneth Stebner of Rawlins retired from the bench last spring after a distinguished career. Highly respected Circuit Judge Wade Waldrip was appointed to take Judge Stebner's seat and assumed those duties last May. Judge Jane Eakin ended a noteworthy career as a public defender and private attorney in Laramie and took up the vacated circuit judgeship in Carbon County.

Circuit Judge Robert "Yogi" Allen ended a remarkable career of over 27 years of service as a judge in Laramie County with his retirement on September 1st. Judge Roberta Coates, a popular attorney with broad experience, most recently as a member of the Board of Equalization, succeeded him this fall.

Judge Don Hall of Riverton elected to retire at year's end, thus concluding over 22 years of solid service on the circuit court bench. Longtime Riverton attorney Wes Roberts was selected by the Governor to take his place only weeks ago.

Another highly respected jurist was picked for re-assignment. District Judge Jim Burke of the First Judicial District emerged from a very strong list of applicants and was tapped by Governor Freudenthal for the Wyoming Supreme Court. Justice Burke assumed his new duties just last week. Speaking on behalf of all the other Justices, Justice Burke, welcome to the Supreme Court. We look forward to our association with you with great anticipation.

Justice Burke's replacement will not be long in coming. Tomorrow the Judicial Nominating Commission will interview candidates for the open seat in Cheyenne, and the names of the three nominees the Commission selects as his possible successor will be in the Governor's hands by Friday.

These comings and goings have had great impact, but if I am to accurately report the State of the Judiciary, I must tell you that other departures have left the Judiciary and the legal community stunned and grief stricken.

In 2004, twelve practicing members of the Wyoming Bar passed away: Lowell H. Fitch of Torrington; Bruce Horton of Douglas; Charles D. Phillips of Evanston; Barry Williams of Casper; Vince Picard of Laramie; John Vinich of Hudson; James A. Zaring of Basin; and Ward White, Phil Whynott, Pete Mulvaney, Jim Gusea, and Tom Gorman of Cheyenne. Among these were three legislators, a candidate for our highest elected offices, a Deputy Attorney General, and some of our most admired attorneys. Of even more significance, all were valued members of their respective communities, who devoted much more than their legal skills to the places they called home and the people that they knew. The courts in which they practiced and the legal community as a whole are diminished by their passing. I can only imagine the degree to which their loss resonates in their towns and in the hearts of their families and friends.

Late last year the Judiciary and the State received another double hammer blow. Former Supreme Court Justice and Attorney General Archie McClintock and our colleague Larry Lehman slipped away in the space of one week.

Archie McClintock was from Sheridan. He had lived in Cheyenne since 1935 where he had a brilliant career as an attorney. In 1973 he was appointed to the Wyoming Supreme Court and served until he reached mandatory retirement age in 1981. Looking for a challenge, Archie, as he was called by nearly everyone who knew him, took and passed the California Bar Examination, one of the very hardest such tests in America, at the age of 71, and resumed the practice of law.

In 1982, Governor Ed Herschler asked Archie to be his Attorney General. Archie agreed and found the job that he told many people was his favorite. He served through 1986, then once again resumed his practice. He continued working until recent years.

Archie died at age 93. One might think that he had outlived his friends. That would be a mistake. Archie may have outlived many of his contemporaries but he had generations of friends. He was a fine lawyer, a distinguished justice, and an outstanding Attorney General. He was also a gentleman of the old school. He always will be remembered and missed by those he leaves behind.

That blow to the Judiciary and to the State was hugely compounded by the untimely death of Justice Larry Lehman, who lost his battle with cancer on December 10th. Justice Lehman originally came to Wyoming from Iowa to attend law school and Wyoming quickly became his home. He was graduated from the University of Wyoming College of Law in 1976 and took up practice in Evanston. During those turbulent times he also was elected Uinta County attorney and served with energy and distinction.

In 1985 he began his career on the bench, serving as County Judge in Evanston. In all he was to have four jobs during his judicial career. He was the first person to serve on all three Wyoming State Courts – the county court, the district court, serving in Rawlins from 1988 until 1994, and then serving on the Supreme Court until his death. Each of these jobs, although similar, is quite different from the others. Justice Lehman excelled in each one.

He also excelled in the fourth position, that of Chief Justice of the Supreme Court, which is, indeed, a second job layered upon the duties of a justice. In this role he helped lead the Judiciary through a period of significant change and into a new millennium. Our courts today reflect his vision, his determination, and his efforts. The Judiciary, the legal community, his family, his friends and his State will be calculating the dimensions of his loss for years to come.

Last summer, when Larry fully understood the nature of the struggle in which he found himself, he decided not to stand for retention to the Court. The day that he told me this news we were sitting in a room full of law books, circulating opinions, and all the other tools of his trade. He looked around the room and said, “I have loved this. I have loved this OPPORTUNITY.”

There can be no doubt that Justice Lehman made the most of his opportunity. Those of us who continue in the service of the people of Wyoming can do no less. And so, ladies and gentlemen, with the best wishes of the men and women who serve in Wyoming’s courts, I will leave you to it.

Thank you and Godspeed.