

IN THE SUPREME COURT, STATE OF WYOMING

APRIL TERM, A.D. 2000

In the Matter of the Assignment of)
Administrative and Fiscal Responsibilities)
from the Supreme Court to the Judicial)
Conference of the Various District Courts)

IN THE SUPREME COURT
STATE OF WYOMING
FILED

APR - 5 2000

Judy Pacheco
JUDY PACHECO, CLERK

**ORDER ASSIGNING ADMINISTRATIVE AND FISCAL
RESPONSIBILITIES FROM THE SUPREME COURT TO THE
JUDICIAL CONFERENCE OF THE VARIOUS DISTRICT COURTS**

This matter came before the Court upon its own motion in conjunction with a review of Enrolled Act No. 18, House of Representatives, Wyo. Stat. Ann. § 5-3-102(b)¹, which was enacted during the 2000 Session of the Wyoming Legislature as a result of the efforts of the district courts. Although we do not render advisory opinions in circumstances such as these, we are duty bound to express our concerns about the validity of such an enactment in light of Art.5, § 2, and Art. 2, § 1, WYO. CONST., as well as the inherent conflict of that amendment with Wyo. Stat. Ann. § 5-2-102 (LEXIS 1999). Consistent with those concerns, we note with considerable uneasiness the apparent effect of the legislation, without the benefit of a corresponding constitutional amendment, in placing the administration of the district courts within the ambit of the Legislative Branch. This clearly cannot be in the best

¹ (b) The district courts shall be free of administrative and fiscal control by the supreme court. There shall be a judicial conference comprised of all district judges which shall meet no less than twice per year. The conference shall coordinate improvement efforts with the judicial administrative conference and shall report to the joint judiciary interim committee of such efforts annually on or before November 1. The conference shall adopt rules governing the organization and procedures of the conference which shall be published in the court rules volume of the Wyoming statutes. The conference shall adopt rules, which shall be binding on all of the district judges, governing the administration of the district courts to include, without limitation, personnel, fiscal, and budgetary policy except technology which shall be done to provide an integrated statewide system in accordance with the efforts of the judicial technology task force.

interests of the Judicial Branch, but the divided administration created by § 5-3-102(b), may be counterbalanced to some limited degree by the commitment of the district courts to cooperate in a uniform state-wide administrative effort.

Therefore, in view of the insistence of the district courts to be self-governing in matters relating to their individual fiscal, budgetary, personnel, and other administrative affairs; and in view of the Supreme Court's need to delegate those responsibilities to the district courts in order to fully and efficiently carry out the other responsibilities assigned to the Supreme Court by the Court Consolidation Act, as well as by the Wyoming Constitution, Title 5 of Wyoming Statutes Annotated, and powers inherent in the institution of the Wyoming Supreme Court, but without reference to § 5-3-102(b); the Court finds that, consistent with its constitutional, statutory and inherent powers, all fiscal, budgetary, personnel, and other administrative matters that relate to the district courts shall be delegated to the district courts not later than June 1, 2000. It is therefore,

ORDERED that not later than June 1, 2000, the State Court Administrator shall forward to the individual district courts all fiscal, budgetary, personnel, and other administrative files currently maintained by the staff of the Court Administrator's Office; and it is,

FURTHER ORDERED that once received by the individual district courts, it shall be the responsibility of the several district courts to maintain all such fiscal, budgetary, personnel, and other administrative files in such a manner as may be required by applicable state laws, rules and regulations, state agency directives, or guidance in other forms applicable to the various administrative functions of the district courts. So as to fully respect the district court's autonomy hereby delegated by the Supreme Court in all fiscal, budgetary, personnel, and other administrative matters, all requests for assistance in such matters shall be in writing to the Chief Justice from the district court; and it is

FURTHER ORDERED that approval of out-of-state travel requests and actual expense reimbursement authorizations for in-state travel shall be approved by the President of the District Court Division² of the Judicial Council or otherwise in

² The "judicial conference comprised of all district judges" referred to in the second sentence of § 5-3-102(b) shall be that organizational entity created by the district courts for purposes of their self-

accordance with rules adopted by the governing entity created by the judicial conference comprised of all district courts. For this purpose, the Court delegates the authority vested in the office of the Chief Justice by Wyo. Stat. Ann. § 9-3-102(d)(i) (LEXIS 1999) to that entity; and it is

FURTHER ORDERED that the rule governing accumulation of sick leave, annual leave and compensatory time and/or overtime by court reporters adopted by this Court on February 19, 1997, is hereby revoked and shall be of no further force or effect (see Attachment "A"); and it is

FURTHER ORDERED that requests for data processing hardware, software, consultants, or training purchases, shall be forwarded to the Chief Justice for approval in accordance with Wyo. Stat. Ann. § 9-2-1005(a)(xii)(C) (Lexis 1999); and it is

FURTHER ORDERED that all matters relating to technology, including but not limited to those described in the paragraph immediately above, shall be managed by the Supreme Court so as to ensure compliance with current standards developed by the Supreme Court's Technology Management Department, and further to ensure the compatibility of systems, equipment and usages; and it is

FURTHER ORDERED that the State Court Administrator's Office shall be responsible for collecting and reporting statistical data for the Judicial Branch, including the district courts, and that each clerk of a district court shall provide such data to the Supreme Court on forms agreed upon by the clerks of the district court and the State Court Administrator; and it is

FURTHER ORDERED that all rules required to be adopted by the legislative enactment set out above are hereby incorporated by this Court as requirements of district court administrative autonomy and all such rules: Shall be published in the Wyoming Court Rules Volume; shall be prepared by the district courts as a group; and shall be submitted by the district courts for publication, accompanied by an order adopting those rules which must be under the signature of the individual elected, appointed or otherwise designated by the district courts to exercise such authority.

governance. The "judicial administrative conference" referred to in the third sentence of § 5-3-102(b) has not yet been created. The only judicial organization currently in existence is the Judicial Council, which is made up of the Supreme Court Division, The District Court Division, and the County (soon to be Circuit) Court Division.

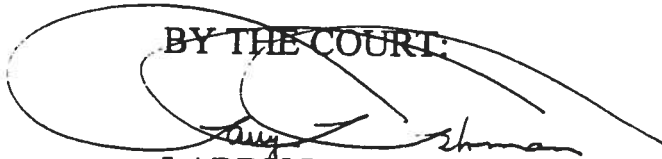
All such submissions must be done in accordance with the requirements of LEXIS Law Publishing and/or West Publishing. Any disputed matter concerning the publication of such rules as may be addressed to the Supreme Court by LEXIS Law Publishing and/or West Publishing shall be resolved by the Supreme Court; and it is

FURTHER ORDERED that all minutes of meetings, reports, rules, or other documents required to be filed with the Supreme Court shall be submitted in a format consistent with W.R.A.P. 7.05(b); and it is

FURTHER ORDERED that these rules shall become immediately effective on the date this order is signed by the Chief Justice.

DATED this 5 day of April 2000.

BY THE COURT:



LARRY L. LEHMAN
Chief Justice