

JUDICIAL BRANCH



SUPREME COURT



STATE OF WYOMING

2013-2014

SUPPLEMENTAL BUDGET REQUEST

(Reflects Section 319 of Senate File No. 1 of the 2012 Budget Session)

SUPREME COURT 101

Agency Name and Number

Submitted by:

Signature _____/s/_____

Name _____Honorable Marilyn S. Kite_____

Title _____Chief Justice_____

Person(s) responsible for the preparation of this budget:

_____Joann Odendahl_____

_____Kristi Racines_____

AGENCY NAME: WYOMING SUPREME COURT

AGENCY NUMBER: 101

WYOMING SUPREME COURT – AGENCY 101

The Supreme Court's budget consists of seven programs: Supreme Court Administration, Judicial Nominating Commission, Law Library, Circuit Courts, Court Technology, Judicial Retirement, and Board of Judicial Policy and Administration.

INTRODUCTION: WHAT THE JUDICIAL DEPARTMENT DOES

Under the Wyoming Constitution, the judicial power of the government of this state "shall be vested * * * in a supreme court, district courts, and such subordinate courts as the legislature may, by general law, establish and ordain from time to time." Wyo. Const. art. 5, § 1; Wyo. Const. art. 2, § 1. The Supreme Court has general appellate jurisdiction statewide in both civil and criminal cases; it also has "general superintending control over all inferior courts, under such rules and regulations as may be prescribed by law." Wyo. Const. art. 5, § 2. The Supreme Court has original jurisdiction in quo warranto and mandamus as to all state officers and in habeas corpus. Wyo. Const. art. 5, § 3. The Supreme Court also has power to issue writs of mandamus, review, prohibition, habeas corpus, certiorari, and other writs necessary and proper to the complete exercise of its appellate and revisory jurisdiction. Wyo. Const. art. 5, § 3. Five justices, one of whom serves as the chief justice, sit on the Supreme Court. Each justice serves an eight-year term and may hold successive terms upon retention by the statewide electorate. Wyo. Const. art. 5, § 4.

By statute, the Supreme Court manages and supervises the circuit court system created by the Legislature. Wyo. Stat. Ann. § 5-5-108. All 23 of the state's counties have elected to establish the circuit court system. Wyo. Stat. Ann § 5-5-102 through 103. Twenty-four circuit judges and six full-time magistrates serve in these courts.

Statutes relating to the state's courts are found in Wyo. Stat. Ann. § 5-1-101 through § 5-7-107. Those statutes, which specifically relate to the Supreme Court, are found in Wyo. Stat. Ann. § 5-2-101 through 501. Of particular note, the Supreme Court has extensive rule-making authority, Wyo. Stat. Ann. § 5-2-113 through 119, including rules relating to the practice of law and procedures relating to review of decisions in cases originating in a municipal court or a circuit court. The Supreme Court "superintend(s) and direct(s) all expenditures of money for the law library." Wyo. Stat. Ann. § 5-2-501.

As an independent, co-equal branch of state government, the judiciary, headed by the Supreme Court, exercises the state's judicial power to ensure to all of the state's citizens the protection of civil, political, and religious liberties secured by the state constitution. Wyo. Const. art. 1 and Preamble. The mission of the Supreme Court is to ensure that all courts exercise their respective judicial powers within the bounds of the state constitution and the laws of the state not inconsistent therewith so that "(a)ll courts shall be open and every person for an injury done to person, reputation or property shall have justice administered without sale, denial or delay." Wyo. Const. art. 1, § 8.

In order to exercise its judicial powers, the Supreme Court must maintain a support staff of well qualified and adequately compensated employees to assist the five justices as they carry out their constitutional and statutory duties and responsibilities.

AGENCY NAME: WYOMING SUPREME COURT

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The Supreme Court has a constitutional obligation to ensure that the state's courts at every jurisdictional level are sufficiently funded by the Legislature so as to ensure to the state's citizens uninterrupted access to the courts and expeditious and efficient delivery of justice. Operational expenses incurred in fulfilling the Supreme Court's constitutional obligation include, but are not limited to, salaries and benefits to employees, supplies, equipment (including the court computer automation system), furnishings, communications, travel, legal research materials of both print and electronic variety, circuit court magistrates, juror fees, continuing judicial education programs, and judicial administration programs including membership in the National Center for State Courts.

The Supplement Budget presented herewith is in response to Section 319(b) of Chapter 26, Session Laws of Wyoming, 2012, which states:

[STANDARD BUDGET REDUCTIONS]

Section 319.

(b) The supreme court and all district courts shall prepare reductions to each court's standard budgets for fiscal year 2014 which equal or exceed 4% of the general funds appropriated in the 2012 budget session for the court. The supreme court shall report to the joint appropriations committee, as part of the supplemental budget request, by December 1, 2012, the proposed reductions. ~~In preparing the courts' budget request for the 2015-2016 fiscal biennium, reductions totaling 8% of the 2012 budget session general fund appropriation for courts' standard budgets shall be included in the request.~~

The following two pages (SC-5 and SC-6) provide information on the impact a four percent (4%) budget cut will have on the divisions of the Wyoming Supreme Court. In order to meet the 4 % reduction for 2014, reductions will be taken in Administration, the Law Library, the Circuit Courts, and the Board of Judicial Policy and Administration. Details of the cuts are discussed further in each division's section of this book.

The Supreme Court appeared before the Joint Judiciary Committee on July 30, 2012. Minutes of the meeting can be found in the Appendices on pages C-1 and C-2.

Collectively, a 4% reduction may not seem excessive; however, the impact in each individual division and court is severe. An eight percent (8%) cut during the 2015-2016 biennium would be detrimental to the daily operations of the Supreme Court and Circuit Courts. As such, **we request that the last sentence of Section 319(b) be removed, as indicated above.**

Wyoming Supreme Court (101)

Presented to Joint Judiciary Committee July 2012

Proposed Reductions to 2013-2014 Biennium per Section 319 of 2012 Budget Bill
(Sustaining an 8% cut for 2015-2016)

Division Description		Total Standard Budget	Subtract Jud Sal/Ben, One time funds & SR/FF Funds	Adjusted Standard Budget for 2013-2014	FY2014 Appro or 1/2 of the 2013-2014 Appro	4% Reduction for FY2014	4% Reduction for 2015-2016	8% Reduction for 2015-2016
Administration	0100	8,354,397	-2,559,324	5,795,073	2,897,537	115,901	231,803	463,606
Pro Se/Credit Card Fees (SR)		550,000	-550,000	0	0	0	0	0
Children's Justice Proj (FF)		283,597	-283,597	0	0	0	0	0
WY Center for Legal Aid (SR)		2,500,000	-2,500,000	0	0	0	0	0
Judicial Nominating Comm	0200	15,001	-15,001	0	0	0	0	0
Law Library	0400	1,593,316	-12,000	1,581,316	790,658	31,626	63,253	126,505
Circuit Courts	0500	27,395,797	-9,570,976	17,824,821	8,912,411	356,496	712,993	1,425,986
Court Technology	0600	9,992,154	-7,503,500	2,488,654	1,244,327	49,773	99,546	199,092
Judicial Systems Auto (SR)		3,878,347	-3,878,347	0	0	0	0	0
Judicial Retirement	0700	1,745,059	-1,745,059	0	0	0	0	0
Bd of Judicial Policy & Adm	0900	787,097	-113,280	673,817	336,909	13,476	26,953	53,905
Total by Appropriation Org		57,094,765	-28,731,084	28,363,681	14,181,841	567,274	1,134,547	2,269,094

Means of Funding								
General Fund	G	49,882,821	-21,519,140	28,363,681	14,181,841	567,274		
Special Revenue	R	6,928,347	-6,928,347	0	0	0		
Federal Funds	X	283,597	-283,597	0	0	0		
Total by Funding		57,094,765	-28,731,084	28,363,681	14,181,841	567,274		

Authorized Employees		
Full Time Employee Count		199
Part Time Employee Count		24 (16 retirees)
Total Authorized Employees		223

Wyoming Supreme Court (101)

Presented to Joint Judiciary Committee July 2012

Proposed Reductions to 2013-2014 Biennium

Another way to look at the budget and reductions

Division Description	FT	PT	Personal		Cent. Svs 0400	Grants & Aid		Contract Services	Total Standard Budget	Subtract Jud	Adjusted Standard Budget	4% Reduction
			Services 0100	Supportive Svs. 0200		Sal/Ben, One time, SR/FF Funds						
Administration	30		0100	7,570,674	615,717	53,006	0	115,000	8,354,397	-2,559,324	5,795,073	231,803
Pro Se/Credit Card Fees (SR)					545,000	0	0	5,000	550,000	-550,000	0	
Children's Justice Proj (FF)	1			131,462		3,217	0	148,918	283,597	-283,597	0	
WY Center for Legal Aid (SR)				715,902	110,240	6,200	555,000	1,112,658	2,500,000	-2,500,000	0	
Judicial Nominating Comm			0200	0	15,001	0	0	0	15,001	-15,001	0	
Law Library	3	1	0400	652,202	934,893	6,221	0	0	1,593,316	-12,000	1,581,316	162,799
Circuit Courts	154	7	0500	25,342,005	1,484,946	86,887	0	481,959	27,395,797	-9,570,976	17,824,821	712,993
Court Technology			0600	0	2,999,439	93,715	1,584,000	5,315,000	9,992,154	-7,503,500	2,488,654	
Judicial Systems Auto (SR)	11			2,214,414	1,393,040	0	0	270,893	3,878,347	-3,878,347	0	
Judicial Retirement		16	0700	1,745,059	0	0	0	0	1,745,059	-1,745,059	0	
Bd of Judicial Policy & Adm			0900	150,000	211,817	0	0	425,280	787,097	<u>-113,280</u>	673,817	26,953
Total by Appropriation Org	199	24		38,521,718	8,310,093	249,246	2,139,000	7,874,708	57,094,765	-28,731,084	28,363,681	1,134,547
Means of Funding												
General Fund			G	35,459,940	6,261,813	239,829	1,584,000	6,337,239	49,882,821	-21,519,140	28,363,681	1,134,547
Special Revenue			R	2,930,316	2,048,280	6,200	555,000	1,388,551	6,928,347	-6,928,347	0	0
Federal Funds			X	131,462	0	3,217	0	148,918	283,597	-283,597	0	0
Total by Funding				38,521,718	8,310,093	249,246	2,139,000	7,874,708	57,094,765	-28,731,084	28,363,681	1,134,547

In order to meet the requirement of cutting 4% for FY2014 or \$567,274 (on page 1), the Supreme Court will need to cut funds in printing, legal research books, and travel from Administration (\$46,826); Book purchases from the Law Library budget (\$152,778); at least four full-time clerk positions from the circuit courts (\$186,714), close three satellite courts located in Powell, Lovell, and Dubois as of July 1, 2013. (The upfront savings may only be \$40,000 a year but over the next 5-7 years approximately \$299,850 will be saved), magistrate fees and printing (\$127,480); and cut travel from the Board of Judicial Policy and Administration (\$13,476). We would like to defer any cuts in positions until after our workload study results are received in September of 2012. Therefore, the actual amount being proposed at this time is \$380,560.

In order to meet a requirement of cutting 4% for 2015-2016 Biennium the picture is much more drastic. The Supreme Court will need to cut \$84,280 from travel, and printing in Administration; the Law Library will need to cut one full-time position, and books (\$269,169); and the circuit courts will need to cut six full-time clerk positions (\$560,142), magistrate fees and printing costs (\$127,480), close three satellite courts (\$80,000); and cut \$13,476 in travel from the Board of Judicial Policy and Administration budget. Cuts total \$1,134,547