

Wyoming Supreme Court
Cheyenne, Wyoming 82002



DATE: July 30, 2012

TO: Joint Judiciary Committee – 61st Legislature
FROM: Chief Justice Marilyn S. Kite
RE: Wyoming Supreme Court
SUBJECT: Proposed Reductions to 2013-2014 Biennium

In accordance with Section 319, of the Budget Bill passed by the Legislature in the 2012, the Supreme Court submits the following proposed reductions to the 2013-2014 Biennial Budget for the Wyoming Supreme Court (101). As you are aware, most of the Judicial Branch budget consists of salaries. Judicial salaries are, of course, set by statute. We do not have programs that can be eliminated as all of our courts are created by the constitution or by statute. Historically, the Judicial Branch has not been required to apply budget reductions to salaries because the legislature has recognized that we need the personnel we have to function and provide judicial services to Wyoming citizens. Our workload studies, updated annually and closely monitored by the Supreme Court, demonstrate we are operating under lean conditions already, and reductions in staff could have drastic consequences on the delivery of justice. A 4% reduction applied to salaries would result in cutting over 7 positions in the Supreme and Circuit Courts and at least ½ of a position in every district court. The constitutional mission of the Wyoming Supreme Court is to ensure “(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.” An arbitrary reduction in personnel would most certainly prevent us from carrying out our constitutional obligations.

However, we also recognize that our branch of government must attempt to find savings where we can and work with the other two branches to reduce spending in the

light of the potentially difficult revenue picture we all face. We propose to do that in a number of ways, some of which will take some time to accomplish and some will require statutory changes.

We have closely examined the Supreme Court budget and believe we can propose the following budget reductions without drastically impacting our operation:

Administration	\$ 46,826	printing, legal books, and travel
Law Library	\$152,778	legal research books
Circuit Courts	\$ 40,000	close three satellite courts
	\$127,480	hourly magistrate fees and printing
BJPA	<u>\$ 13,476</u>	in-state travel
Total	\$380,560	

In the Circuit Courts, we have closely watched the weighted caseloads and have not filled some vacated positions where the case filings did not justify those positions. However, we believe it would not be prudent to cut any positions from the budget until we have the updated caseload study which was funded by the legislature last year and will be completed this fall. At that time, we may be able to eliminate a few positions. In addition, the Board of Judicial Policy and Administration (BJPA) took two actions last week which, if implemented, will result in savings. First, the BJPA recommended closing three satellite courts (Dubois, Powell, and Lovell) by July 1, 2013 because case loads did not justify separate offices and citizens throughout the state have similar distances to travel to reach their circuit courts. The savings from that action are estimated to be \$40,000 per year. We realize that those actions will not be welcomed by the local communities and we regret having to take them, but believe those citizens will still be served in a similar fashion as the rest of the state. Second, the BJPA, with the concurrence of the circuit court judges, is recommending phasing out the full-time magistrates. This would require changing the full-time magistrate statute (W.S. § 5-9-206) to reflect that a full-time magistrate “may” be appointed in a district where a circuit judge does not reside, to allow the Supreme Court to phase out those magistrates. Over time that could result in savings of over \$175,000. However, because such action will require statutory changes, we will need legislative support and will be respectfully

requesting the Management Council to allow the Joint Judiciary Committee to consider those changes for the 2013 session.

In the district courts, reductions are even more difficult because their operations are already very small. Each district judge has only three employees, a judicial assistant, a law clerk and a court reporter. Obviously, each of the employees is critical to the functioning of the district court. You will be hearing from the district judges directly what reductions they may be able to accomplish in areas other than salaries. Court reporters are paid both a salary and a fee for each page of transcript they produce. W.S. 5-3-404 et.seq. requires some transcripts that are apparently not necessary and the BJPA has recommended statutory changes to allow district judges to reduce those unnecessary costs as they see fit. Again, that will require the support of the legislature and we will also be asking both the Joint Judiciary Committee and the Management Council to allow that legislation to be considered for introduction in the next session.

Attached to this memo are the proposed reductions to the Supreme Court budget which includes the circuit courts.

Wyoming Supreme Court (101)

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 Judicial Sal/Ben & 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						
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	0	0	0	0	0
Law Library	0400	1,581,316	1,581,316	790,658	31,626	63,253	126,505
Circuit Courts	0500	27,352,177	17,824,821	8,912,411	356,496	712,993	1,425,986
Court Technology	0600	2,488,654	2,488,654	1,244,327	49,773	99,546	199,092
Judicial Systems Auto (SR)		3,878,347	0	0	0	0	0
Judicial Retirement	0700	1,745,059	0	0	0	0	0
Bd of Judicial Policy & Adm	0900	673,817	673,817	336,909	13,476	26,953	53,905
Total by Appropriation Org		49,368,365	28,363,681	14,181,841	567,274	1,134,547	2,269,094
Means of Funding							
General Fund	G	42,156,421	28,363,681	14,181,841	567,274		
Special Revenue	R	6,928,347	0	0	0		
Federal Funds	X	283,597	0	0	0		
Total by Funding		49,368,365	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)

Proposed Reductions to 2013-2014 Biennium

Another way to look at the budget and reductions

Division Description	FT	PT	Personal Services 0100	Supportive Svs. 0200	Cent. Svs 0400	Grants & Aid Payments	Contract Services	Total Standard Budget	Judicial Sal/Ben & SR/FF Funds	Adjusted Standard Budget	4% Reduction
Administration	30	0100	7,570,674	615,717	53,006	0	61,000	8,300,397	-2,505,324	5,795,073	231,803
Pro Se/Credit Card Fees (SR)				545,000	0	0	5,000	550,000	-550,000	0	0
Children's Justice Proj (FF)	1		131,462		3,217	0	148,918	283,597	-283,597	0	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	0
Judicial Nominating Comm		0200	0	15,001	0	0	0	15,001	-15,001	0	0
Law Library	3	1 0400	652,202	922,893	6,221	0	0	1,581,316		1,581,316	162,799
Circuit Courts	154	7 0500	25,342,005	1,441,326	86,887	0	481,959	27,352,177	-9,527,356	17,824,821	712,993
Court Technology		0600	0	2,339,939	93,715	0	55,000	2,488,654		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	0
Judicial Retirement	16	0700	1,745,059	0	0	0	0	1,745,059	-1,745,059	0	0
Bd of Judicial Policy & Adm		0900	150,000	211,817	0	0	312,000	673,817		673,817	26,953
Total by Appropriation Org	199	24	38,521,718	7,594,973	249,246	555,000	2,447,428	49,368,365	-21,004,684	28,363,681	1,134,547
Means of Funding											
General Fund		G	35,459,940	5,546,693	239,829	0	909,959	42,156,421	-13,792,740	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	7,594,973	249,246	555,000	2,447,428	49,368,365	-21,004,684	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

ENROLLED ACT NO. 29, SENATE

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING
2012 BUDGET SESSION

[ZERO BASED BUDGETING]

Section 318. The budget division of the department of administration and information shall formulate a plan to include with agency budgets submitted to the joint appropriations committee for the 2015-2016 fiscal biennium budget request, zero-based budgets for all budget items in the 200, 600 and 900 series.

[STANDARD BUDGET REDUCTIONS]

Section 319.

(a) All agencies, except the department of health, in coordination with the department of administration and information budget division, shall prepare reductions to the agency standard budgets for fiscal year 2014 which equal or exceed 4% of the general funds appropriated in the 2012 budget session for the individual agency. These reductions shall be presented to the appropriate standing committee of the legislature, as determined by the management council in consultation with the governor, not later than July 1, 2012. The legislative committee shall submit comments to each reporting agency not later than October 1. The agency shall report to the joint appropriations committee, as part of the supplemental budget request, by December 1, 2012, the proposed reductions, including any modifications to proposed reductions made in response to standing committee review and comments. In preparing the governor's budget request for the 2015-2016 fiscal biennium, reductions totaling 8% of the 2012 budget session general fund appropriation for agency standard budgets, including the department of health, shall be included in the governor's recommendation.

(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.

(c) This section is effective immediately.

[NATURAL GAS REVENUE REDUCTION PROVISION]

Section 320. If the consensus revenue estimating group issues a revenue report revision prior to the October revenue forecast which lowers the official estimate of forecasted natural gas prices from price levels forecasted in the preceding official January estimates to a degree which results in directly related lower estimated revenue to the general fund and budget reserve account, from severance tax and federal mineral royalty