

December 2019

Report of President Magagna

Wyoming State Bar

Follow this and additional works at: <https://scholarship.law.uwyo.edu/wlj>

Recommended Citation

Wyoming State Bar, *Report of President Magagna*, 11 Wyo. L.J. 73 (1957)
Available at: <https://scholarship.law.uwyo.edu/wlj/vol11/iss2/1>

This Special Section is brought to you for free and open access by Law Archive of Wyoming Scholarship. It has been accepted for inclusion in Wyoming Law Journal by an authorized editor of Law Archive of Wyoming Scholarship.

REPORT OF PRESIDENT MAGAGNA

My first official act after the Cody meeting was to attend a meeting of the Colorado Bar Association in Colorado Springs. It was there that I first heard the speaker who will be on this afternoon. He gave a lecture on Wills and Trusts, and I was so impressed that I made the arrangements for him to be here today. Incidentally, the meeting was held at Colorado Springs, the official headquarters at the Broadmoor, and I say this: "It was nice to be a visiting President, with nothing to do but listen and be entertained."

I next attended the midyear meeting of the American Bar Association in Chicago and the National Conference of Bar Presidents. Among other things, the question of membership to the A.B.A. was fully discussed. I presume that before the meeting is over we will have an official report as to how their membership drive went over. I am particularly proud in that connection. When Ed. Murane came over to Sweetwater County, we went around and signed up as members of the A.B.A. all of those who had not previously been members. All 17 members of the Wyoming State Bar residing in Sweetwater County, including four persons who are not active in the practice, became members of the A.B.A.; so we have 100% in that group.

The next meeting on the schedule was of the Interstate Bar Council at Cheyenne, Wyoming, and I hope to have reports from committees as to activities of this meeting. I want to say one thing however, that of all the different meetings I attended, and all the places I have been, I got more actual worthwhile knowledge and ideas from the two days I attended the Interstate Bar Council at Cheyenne. We found that the other states in our neighborhood had quite a few of the same problems, what they had done, ways of obtaining information, and on any particular thing, you found someone in that crowd who had experience or knowledge, and I say that the Interstate Bar Council is very, very important and should be kept on for the exchange of ideas that we can get from it. I found that some of the things that I was particularly interested in the State of Oregon had tried to solve. The solution I had, had been tried twice and had not succeeded, so I knew enough by that not to give it a try.

The next meeting I attended, which was a very interesting one, was the Attorney General's Conference on Court Congestion and Delay in Litigation held in Washington D. C. There were people there from practically every state in the Union. I know that at one time they counted some 18 Federal Judges. The Administrative people from the Federal Judiciary were there. However, I have to confess one thing, and that is that some of the problems were a little far away for someone from Wyoming. One of the pleasures of the thing was that I found out that we are not very bad-off in Wyoming. When I talked to one of the attorneys from New

York City he mentioned that he was not getting to trial on a series of cases that he had filed approximately three years prior to the time they were coming to trial. I said, "Well, you must not have been very anxious to get those tried." "Why," he said, "I was lucky. We anticipate 2½ years regularly." They went on to point out just what the load problem is and I do not want to burden you with statistics. There is a printed report out on this Conference with graphs, figures and the rest, consisting of 162 pages. I obtained four copies and I have written for some additional copies which I think might be helpful to turn over to our Judges; not on the theory that they have much congestion in this area, but I think there are some ideas on how those people who have congestion have worked out to save time. I think, in our case, it would be helpful to prevent any backlog being built up. There is one very interesting figure that was set forth in this report. Just to show you what is happening in the Courts generally, I picked this one out because it impressed me particularly. Prior to World War II, there were filed in the Federal Courts approximately 38,000 civil Government cases a year, where the Government was plaintiff on civil matters, but in 1953, that number had increased to 64,000. It did drop down in 1954 to 62,800. Another interesting thing in that connection, then again this is in Federal Courts only (they had statistics on all Courts), is the backlog of pending cases; the average backlog when World War II started, was approximately 19,000 cases. In other words, the Federal Courts had 19,000 cases on their docket as an average. That number has increased so that the type you might call routine cases of criminal matters, handling paroles and things of that kind, this backlog has increased to 48,000. In that connection there is one other thing I should report to you that the people who are advocating additional Federal Judges pointed out. What has happened in many places is that the requests for additional Federal Judges were not made until the incumbent Federal Judges got way behind. By the time legislation was passed and the mechanics set up, they were so far behind that when they got the additional Judge, they had to immediately start asking for another one. It was recommended in our informal discussions that, although the load in Wyoming is not acute, we should try to obtain the additional Federal Judge before we get ourselves in that type of position. Now they pointed out something which I felt was very important. What happens to any Court when it gets overloaded is that it is unable to devote a proper amount of time to the important cases, and as a result they have to make their decisions when they themselves are not certain. They said, "I do not have time to check this" and move on. That results in much of our bad law. Secondly, it was pointed out that as a result the Judges are required in order to attempt to keep up, to work at such speed under such a tension, that many, many Judges are impaired in their health and, I'm quoting this speaker, "When it was not necessary if he had been given a reasonable load and time." The third item that was pointed out was that overloading the Courts tends to cause people who are impatient with the delay, to

make poor settlements. Also, in order to dispose of cases and to get them off the docket for one reason or another, Appellate Courts will find, instead of deciding the case completely on its merits, that if there is some technicality on which it can be disposed of, that the temptation is to dispose of these cases on the technical basis.

I would like to mention also in my report that the places I attended are only a few of those to which I was invited. But I found, probably like all of your Presidents, that it is necessary to take some time out to make a living for your wife and your four children. However, I did attend one other meeting, just a short time ago, which I want to recommend particularly to the attorneys here at Sheridan, because the next meeting will be in Montana. I attended the second annual Rocky Mountain Mineral Law Institute at Boulder, Colo. That session was a real cram session and like going back to school. They had very good lectures by skilled people, and their panel discussions were interesting. The next meeting is to be in Missoula, Montana, and anyone that is interested in Mineral Law of any kind should not pass up the opportunity of attending this meeting. In connection with this I was informed by telephone and got the impression that it was the duty of the President of the Wyoming State Bar to appoint three members on the Institute. So I appointed three members and sent them to the Institute. However, my impression was incorrect and we were only to have one member. Thus they were forced to pick one of the three. They said they would never tell me how they arrived at the picking because they think that somebody shook dice or something over in the corner, but we did get a member on the Institute and he is carrying on.

I do not believe I have anything more to report, as far as the official report goes. I might state, I came to Sheridan to a meeting in conjunction with planning for the convention and also to discuss the problem we had here at the back of the hall this morning. I want to tell you one thing about that situation and then quit. When this situation of J. Norman Stone started, I received phone calls from people in various parts of the state, not from Sheridan (I did have one party from Sheridan). Many callers asked "What is the Wyoming State Bar going to do about this situation?" Most of them say something should be done. I want to give this report in that connection because I started trying to figure out what should be done. My answer finally to these phone calls was this, "Yes, I think the Wyoming State Bar should do something about it, what do you suggest?" No one has been able to come up with the suggestion as to what the State Bar should do. There are many suggestions as to what should be done in other ways. So in view of that, I took the position that until we had something definitely concrete that we could do, that we would just have to ride along.