

December 2019

Report of Committee on Publication of Wyoming Reports

Wyoming State Bar

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

Recommended Citation

Wyoming State Bar, *Report of Committee on Publication of Wyoming Reports*, 15 Wyo. L.J. 147 (1961)
Available at: <https://scholarship.law.uwyo.edu/wlj/vol15/iss2/8>

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 COMMITTEE ON PUBLICATION
OF
WYOMING REPORTS

TO: Wyoming State Bar Association, Casper, Wyoming

Your committee on the publication of the Wyoming Reports, serving for the year 1959-60, and composed of Clarence A. Brimmer, Jr., Rawlins, Wyoming, Chairman; Edward T. Lazear, Cheyenne, Wyoming, and William E. Barton, of Casper, Wyoming, as members, respectfully submit the following report:

STATEMENT OF PROBLEM

1. The Secretary of State, under Sections 5-36 to 5-38, Wyoming Statutes, 1957, with the advice and approval of the Supreme Court Reporter, is required to contract for publication of the Wyoming Reports, making a separate contract for each annual volume. However, bids in the past have been informally requested by the Court Reporter. Publishers other than Prairie Publishing Company, of Casper, Wyoming, have either declined to bid or have submitted bids higher than Prairie Publishing Company, which submitted its bids on the understanding that it is not urgent work and can be done during its periods of slack time. Several years ago Prairie Publishing Company's contract price for printing one volume a year and furnishing the State with 150 volumes was approximately \$1,250.00. It was later raised to \$1,450.00, and in the year 1958 it was raised to \$2,500.00 on the understanding that Prairie Publishing Company would furnish a proof reader. Prairie Publishing Company is selling about 350 volumes to the lawyers of Wyoming at a cost of \$6.86 per volume, which was the cost of Volume 78.

2. The steps presently required for the publication of a volume of the Wyoming Reports are as follows: (a) The Court Reporter obtains the opinions from the Wyoming Supreme Court, prepares head notes (using those found in advance sheets of the Pacific Reporter in the same case with the addition of a short heading or sub-title), summarizes the points of Counsel and forwards the material to be printed by Prairie Publishing Company; (b) Prairie Publishing Company, in its free time, sets up the material in type and sends the Court Reporter galley proofs which the Court Reporter corrects and returns to Prairie Publishing Company; (c) The printer corrects the errors, sets the type to pages and sends the Court Reporter a second galley proof which is then checked and returned for further corrections. While Prairie Publishing Company had a proof reader at one time, it does not now furnish a proof reader.

3. Prairie Publishing Company has had extreme difficulty in its efforts to publish error-free volumes of the Wyoming Reports. Volume 76 at first contained several errors, consisting generally of misspellings, transpositions, wrong type faces, misplaced or omitted punctuation and

spacing errors, all of a substantial nature, and was reprinted before it had been circulated generally. Volume 77 is also believed to contain many errors, but has not been extensively proof read by the Wyoming Supreme Court. Volume 78 of the Wyoming Reports was submitted to the Wyoming Supreme Court at the forepart of the year 1960. After proof-reading by the Court, it was found to contain many errors of the same nature and was rejected by the Court. This volume has been reprinted and most of the errors have been corrected. The Court recently accepted Volume 78.

4. Extreme care is taken on the part of the personnel of the Wyoming Supreme Court, and their employees, to issue error-free typewritten opinions. The personnel of the Court cannot and will not proof read future volumes of the Wyoming Reports, but expect and demand future volumes to be printed complete and substantially perfect.

4. Professional law book publishers, including West Publishing Company, Bancroft-Whitney, Callaghan, Lawyers Co-operative and Michie, publish state reports. Many reports are published by the state governments themselves and others are published by local firms. West Publishing Company is printing the majority of reports, as shown by Schedule A attached hereto.

5. West Publishing Company has proposed that by using its plates from the Pacific Reporter, it could publish a 300 page volume of the same size as the Pacific Reporter entitled "The Wyoming Reporter," and could furnish 150 copies to the state at \$7.00 per copy and could extend the same price of \$7.00 a copy to current subscribers to the Wyoming Reports. This is the same type of book that has been adopted in Kentucky, Florida, Oklahoma and Missouri. It of necessity contains partially blank pages, although there seem to be no more blank pages than are usually found in the Reporter System. Such a volume could contain one-third to one-half more cases reported than a single volume of the present Wyoming Reports. It would be buckram bound.

6. In the alternative, West Publishing Company has offered to publish a small 400 page buckram bound state report, similar to that which it publishes for states such as Arizona, Idaho, Louisiana, New Mexico and Utah, which would be complete with headnotes and points of counsel and would be about the same size as the present Wyoming Reports. It would contain one to one and one-third as many cases as the present Wyoming Reports, and would cost \$9.00 per volume.

7. Personnel of the Wyoming State Library advise that the present sheepskin binding of the Wyoming Reports collects dust and is not as easy to handle as buckram bindings. Wyoming is the only state that still uses a sheepskin or leather binding.

8. The Secretary of State regards it as a problem for the lawyers and

the Court to decide. In the past, the Secretary of State has left this matter to the Court Reporter to let the contract and supervise publishing of reports.

9. Legislation in other states regarding the publication of state reports generally provides for specifications for content, type, page size, character of appearance, binding and other details, to be established by the supreme court, and for the contract for the printing of such reports to be let by the court, state board or the court reporter. While the printers are sometimes required to furnish bond, your committee does not regard this requirement as necessary in Wyoming. The term of the contract in many cases is permitted to be for a longer period than one year.

RECOMMENDATIONS

To meet this problem your committee makes the following recommendations:

(1) It is of primary importance to obtain a change in the present Wyoming Statutes relating to publication of the Wyoming Reports. This matter should not be left to the Secretary of State, but is a matter to be handled by the Court and its Court Reporter. The present statutory limitation of an annual contract for each volume is impractical. For these reasons your committee urges that Sections 5-36, 5-37 and 5-38, Wyoming Statutes, 1957 be repealed and that the following statute be enacted in lieu thereof:

The Supreme Court of the State of Wyoming is hereby vested with full and complete authority to arrange and contract for the timely publication of its opinions from time to time, as may be required, and the legislature shall make adequate appropriation to defray the expenses thereof.

This provision will give the Wyoming Supreme Court the maximum of latitude in establishing specifications for the Wyoming Reports and will permit a contract to be let for a period of more than one year.

(2) The publication of the Wyoming Reports should be continued, despite the fact that the majority of the Bench and Bar use and have access to the Pacific Reporter, which reports the Wyoming cases accurately and completely. Many state, county and local officials use the Wyoming Reports instead of the Pacific Reporter.

(3) The publication contract for the Wyoming Reports in the past has been a mere standby arrangement which was never intended to be permanent. High standards for the publication of the Wyoming Reports should now be established to produce substantially error-free copies of these reports, which will be a credit to Wyoming's judiciary and the members of its Bar.

(4) The contract for Volume 80 of the Wyoming Reports has not

yet been let. The Court Reporter and Bar Association should ask the justices of the Wyoming Supreme Court to prepare specifications for the publication of this volume, in the same manner that they would under the new legislation proposed by your committee. The Court Reporter should then let the contract for the publication of this volume. Presumably Prairie Publishing Company may be the successful bidder, and this Wyoming firm should be granted the contract if it is willing to perform the work and meet the specifications. If Prairie Publishing Company does not then do satisfactory work and meet the specifications for Volume 80, the Court and Court Reporter should then make arrangements for publication of a buckram bound volume, of the same size, similar to the Arizona Reports, by a professional law book publishing company.

(5) The State Bar Association should advise the Court whether or not it should continue to publish the points and authorities of the parties in each case. The committee recommends continuation of the publication of the points and authorities of the parties.

(6) In the publication of the Wyoming Reports the Court Reporter should not be obliged to act as a proof reader prior to the time of submission of the final proof of each volume before release, but should be required to examine and proof-read the final proof of each volume to determine whether or not the specifications established by the Court have been met and the publisher has performed his contract, and make his recommendations to the Court.

(7) The Bar should consider making arrangements with Prairie Publishing Company to obtain copies of the opinions as they are printed. This would be in the nature of advance sheets for the Wyoming Reports. Such advance sheets would be available to the Bar at a small cost. Not only would this be more convenient to the Bar but the Bench and Bar would thereby act to a limited extent as proof readers, since the personnel involved in each case would undoubtedly read the opinion on the case and report obvious errors to the Court or Court Reporter.

Respectfully yours,

Clarence A. Brimmer, Jr.
Edward T. Lazear
William E. Barton

EXHIBIT A

STATE	TYPE	PUBLISHER	MATERIAL
Alabama	buckram, large	West	points and auth.
Arizona	buckram, small thin	West	no points and auth.
Arkansas	buckram, small thick	State	no points and auth.
California	buckram, small	Bancroft-Whitney	no points and auth.
Colorado	buckram, small thin	local firm	no points and auth.
Connecticut	buckram, small thick	State	no points and auth.
Delaware	buckram, small medium thick	local firm	no points and auth. black faced print double spaced

STATE	TYPE	PUBLISHER	MATERIAL
D. C.	reporter type	West	no points and auth.
Florida	buckram, reporter type	West	no points and auth.
Georgia	buckram, small thick	local firm	no points and auth.
Hawaii	buckram, small thick	local firm	no points and auth.
Idaho	buckram, small thick	West	double spaced points and auth.
Illinois (Sup. Ct.)	buckram, small thick	local firm	double spaced no points and auth.
Illinois (Appeals)	buckram, small thin	Callaghan	
Indiana	buckram, small medium thick	local firm	no points and auth.
Iowa	buckram, small thick	local firm	no points and auth.
Kansas	canvas, small thick	State	no points and auth.
Kentucky	(discontinued its old reporter system with Vol. 314 in 1951; no current information available on whether the plates from the Reporter System are being used for an official volume)		
Louisiana	buckram, small thin	West	no points and auth. double spaced
Maine	buckram, small thin	local firm	no points and auth.
Maryland	buckram, small thick	Michie	no points and auth. double spaced
Massachusetts	buckram, small thick	local firm	no points and auth.
Michigan	buckram, small thin	Lawyers Co-operative	no points and auth.
Minnesota	buckram, small thick	local firm	no points and auth.
Mississippi	buckram, small thick	local firm	has points and auth.
Missouri	(discontinued its old reporter system in 1956; no current information available on whether the plates from the Reporter System are being used for an official volume)		
Montana	buckram, small medium thick	State	no points and auth. double spaced
Nevada	buckram, small thin	State	no points and auth.
N. Hampshire	buckram, small medium thick	local firm	no points and auth. but court summation of case
New Jersey	buckram, small medium	local firm	no points and auth.
New Mexico	buckram, small medium thin	West	no points and auth. double spaced
New York	buckram, small thick	local firm	no points and auth.
No. Carolina	buckram, small thick	local firm	no points and auth.
No. Dakota	buckram, small medium thin	Lawyers Cooperative	points and auth.
Ohio	buckram, small thin	local firm	no points and auth. but court summation of case
Oklahoma	buckram, large (same as reporter system)	West	no points and auth.
Oregon	buckram, small thick	State	no points and auth.
Pennsylvania	buckram, small medium thick	local firm	no points and auth.
Rhode Island	buckram, small medium	local firm	no points and auth.
So. Carolina	buckram, small thin	local firm	has points and auth.
So. Dakota	buckram, small medium	State	no points and auth. uses slick paper
Tennessee	buckram, small medium thick	local firm	no points and auth.
Texas	buckram, small thick	State	no points and auth.
Utah	buckram, small medium thin	West	no points and auth. double spaced
Vermont	buckram, small medium thick	local firm	no points and auth.
Virginia	buckram, small thick	State	no points and auth.
Washington	buckram, small thick	Bancroft-Whitney	no points and auth.
West Virginia	buckram, small thick	local firm	no points and auth.
Wisconsin	buckram, small medium thin	Callaghan	no points and auth. but court summation of case