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Committee Report - Publication of Wyoming Reports

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An institute was held at the University on the Uniform Commercial Code and valuable information was imparted to those in attendance. The Law School was also kind enough to hold a pre-legislative law course for members of the State Legislature.

Maxwell E. Osborn, Chairman
 Respectfully submitted,

COMMITTEE REPORT—PUBLICATION OF WYOMING REPORTS

C. A. BRIMMER, JR., Chairman

Mr. President, Members of the State Bar:

The problem on the publication of the Wyoming Reports in this. To recapitulate and refresh your memories, the Wyoming Reports have been printed by the Prairie Publishing Company for several years under a contract made by the Secretary of State. Originally, the cost of publishing 150 volumes was \$1,250.00. It was raised \$200.00, and then finally raised by \$1,000.00 with the stipulation that that Company would provide an adequate proof reader. The Prairie Publishing Company ran into extreme difficulties in publishing error-free volumes. Volume 76 had several errors, was rejected and re-printed. Volume 77 wasn't checked altogether by the Court but was believed to have errors, the same problem with 78. The Prairie Publishing Company has now completed publication of Volume 80.

You will recall at the mid-winter Bar meeting that the Bar endorsed the bill providing that the Supreme Court, rather than the Secretary of State, would have the power to provide for the publication of the Wyoming Reports. To that end, your Committee met with the members of the Court to develop specifications and to issue a call for bids. The Committee's choice at that time was between this type of Arizona Report, which as a small, bukram bound volume containing approximately 400 pages which is printed in two columns and contains the West head-notes and could contain the points of counsel and that sort of thing. The Court and Committee aimed the specifications towards that kind of a volume believing if we could obtain such a volume that it would cost us somewhere in the neighborhood of \$9.00 a copy. Our specifications provided that it would be a double column, that it would contain the points of counsel, the copyright would be in the State of Wyoming, it would have the West head-notes. We also provided for the kind of paper, type size, the binding and the printed matter on the spine. The call for bids was

sent to West Publishing Company, the Mitchie Company, Bob's Morrow, Bancroft-Whitney Company, the Lawyer's Co-op, American Law Book Company, Mills Company and Prairie Publishing Company. Of those, Bancroft-Whitney and Lawyer's Co-op frankly declined to bid. They said it would be nothing more than a bid that they would perform as a sort of public service and they just didn't want to do it. Bids were received from West Publishing Company, the Mitchie Company, and the Prairie Publishing Company. The Court and the Committee have been something more than disappointed with the results of the bids, for they were these.

The Prairie Publishing Company for 150 volumes furnished to the State, bid \$3,250.00, and then they had an additional charge for attorney's fees at \$50.00 a case, times an average of 30 cases, making \$1,500.00, or a total of \$4,750.00. The per-volume cost on that basis to those of us who subscribe to the Report would be \$31.66 and 2/3rds cents a volume.

The Mitchie Company's bid for 150 volumes to the State was at \$8.75 plus a \$3,000.00 editorial fee, making the total cost to the State \$4,312.50, roughly \$300.00 plus under the Prairie's bid. The per-volume cost to the State then would be \$28.75 and the cost to the public would be \$8.75.

The West Publishing Company, whom we believed would submit a bid that would be acceptable as they had already indicated that they could do this Arizona type for about \$9.00, came in as follows: For a minimum of 500 copies, it was \$11.00 a copy for Volume 82 and Subsequent volumes, and \$12.50 a copy for each of Volumes 80 and 81. The only problem, you see, is that they have put a minimum of 500 volumes on the order. Now, Mr. Ed Lazear and Birr Barton made a survey of the lawyers in the State, and they found that there are only 79 lawyers and 18 county attorneys, or a total of 97, who are known to buy the Wyoming Reports. This made it impossible, as you see, to accept or consider the West Publishing Company's bid.

This brings us, then to the question of where to go from there. Mr. Davies of the West Publishing Company suggested to Judge Harnsberger and, in fact, urged, that the Bar should consider the type of Report which is used in many states such as Kentucky and others which is actually a re-print from the plates of the Reporter in that area. In other words, we would use the Pacific plates. The Wyoming cases that are found in the Pacific Reporter would be printed. There would be some instances like this of where there is a blank page. There would be two or three, maybe six, volumes of the Pacific which contains Wyoming cases put into one book which is labeled in this instance "Southern Reporter, Second In A Series, Volume 123 to 126." and on the black part of the spine it says, "Florida Cases, 1960 to 1961." You see, it would not be known as the Wyoming Reporter and it would not have a volume number subsequent to 80. We do not know, because we do not have precise bids on this, what

West would charge. At first it was indicated that for this type of volume West Publishing Company would charge \$7.00 a volume to the subscribers. It is now indicated that the cost could be around \$9.00 or possibly \$11.00 a volume for this sort of thing. That would have to be found out.

The Committee does not have a written report, for which we apologize, owing to the fact that we didn't meet until yesterday, is of the opinion we have no other alternative now but to reprint the Wyoming cases from the Pacific plates in this sort of a volume. We have these points to consider. The only alternative is to go back to Prairie Publishing Company and try to work out something with them on a continuing basis which, owing to this lack of adequate proof reading and editorializing, has been something less than satisfactory.

From an economic standpoint, the reprint from the Pacific Reporter is probably the cheapest and most economic to the subscribers and furnishes a completely accurate report of the Wyoming cases done in a very professional manner. The West Publishing Company, I am told, checks the reports of the Wyoming decisions that are printed in the Pacific Reporter. In some instances I have found deletions from quotations and statutes and everything which they then bring to the attention of the Court. In other words, they do a thoroughly professional job.

There is one other advantage. The subscriber of the re-printed Wyoming Reports will have the right to subscribe to the Pacific advance sheets. Therefore, that subscriber can have the Wyoming cases in this type of volume and have his paper bound in these Pacific advance sheets which can be saved and used or cut apart and saved in that manner. We believe there would be an additional charge for the advance sheets. These reports have been available for your examination and we hope that you have had the opportunity to check some of them.

The Court and the Committee would like to have some indication of your sentiments on this matter. At this time we would request a show of hands of all those who would favor printing the Wyoming Reports on the re-print from the plates of the Pacific Reporter as opposed to re-printing it in the Arizona type report which, as you see, would cost perhaps something like \$28.00 a volume to the subscribers. Could we, at this time, have some indication of all those, first who would favor the re-print of the Arizona type, or perhaps favor your Committee doing more work trying to get a better bid on it. I see no hands raised and that would indicate that you are all pretty much in favor of the re-print of the Pacific Reporter, which is the Committee's recommendation. The Court, of course, has the final say on this, but that is the Committee's recommendation.

Mr. President, we move the adoption of the Committee's Report.