

December 2019

Committee Report - Study of Minor Judicial System

Robert Stanley Lowe

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Recommended Citation

Robert S. Lowe, *Committee Report - Study of Minor Judicial System*, 16 Wyo. L.J. 134 (1962)
Available at: <https://scholarship.law.uwyo.edu/wlj/vol16/iss2/11>

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COMMITTEE REPORT—STUDY OF MINOR JUDICIAL SYSTEM

ROBERT STANLEY LOWE, Chairman

They tell the story in South Dakota of a motorist, picked up for speeding, being hauled to Court by the highway patrolman. As they are walking up the street, the motorist saw a lawyer friend of his and said, "Would you come up with me, I am having to appear in Court." So the lawyer obliged and he attended Court with him. When they got in Court the proceedings started and the patrolman proceeded to put on the State's evidence. At the end of the patrolman's evidence, the lawyer got up and said to the Justice of the Peace, "Your Honor, the State has failed to prove a case and what's more has failed to prove the defendant guilty beyond a reasonable doubt, and, therefore, I move that the case be dismissed." A moment of silence ensued and finally the Justice of the Peace said, "Isn't anyone going to second the motion?" The lawyer turned to his client and said, "Second it, you darn fool." The client seconded the motion, the Justice of the Peace said, "Very well, all in favor of the motion say I." The vote was two to one for dismissal.

Now gentlemen, I don't presume to tell you, experienced in the law and in the administration of justice, nor do I indulge in the fantasy that I can even tell you anything of the deficiencies of our minor judicial system. Certainly our otherwise distinguished and able judiciary represented by our fine Supreme Court Judges and our fine District Court Judges, certainly their position of eminence is not enhanced in the eyes of the public by the type of justice that people receive in the minor judicial system of our State on the whole.

Often times our citizens, and I should point out that a greater number of our people, experience the administration of justice in minor courts than ever get into the District Courts, and certainly into the Supreme Court. Certainly most people, after they have had an experience in a Justice of the Peace Court, are often like the man in Abraham Lincoln's story who, after being ridden out of town on a rail, was asked how he felt. His response was, "If it weren't for the honor of the occasion, I would of just as soon walked." And certainly that is a situation that we run into as we all know. We are fortunate that some of the lawyers are willing to make the financial sacrifices to undertake the administration of justice in these important branches of our judicial machinery, but, unfortunately, these dedicated souls are far too scarce.

We have, of course, the situation of the country squire Justice of the Peace system, which is a carry over from the original English system and I should say that our J.P. system inherited from England, although retained and flourishing quite well here, has been abolished many years ago in England from which source we obtained it. Many states are now progressing to the point where they either have adopted legislation or

are in the process of adopting legislation to abolish the present minor judicial system and replace them with systems that are more capable of administering justice fairly and within the limits of the law as one old J.P. once said in Rawlins several years ago when a lawyer told him he couldn't do something because the law forbid him from doing it, he said, "Law, law, I don't want to hear anything about law. This is a Court of Justice." And so that is a typical situation that we must overcome in order to bring our administration of justice within the limits of the law because certainly, if there is one principal of our country that is well founded, it is the principal that we are a nation of law and not men and most certainly the system we presently have does not entirely live up to that system in the untrained layman administered minor judicial system.

I, therefore, after these brief remarks, would like to at this time move, Mr. President, that you appoint, with the consent of the Board of Bar Commissioners, a Committee dedicated to the proposition of investigating the situation of our minor judicial system in this State with instructions to report at the next annual meeting as to their findings and their proposals to rectify this present situation.

REPORT OF THE LEGISLATIVE COMMITTEE

September 6, 1961

The Honorable John Ilsley,
President, Wyoming State Bar,
Gillette, Wyoming.

Dear Sir:

By this letter, I am making a report to you of the activities of the Legislative Committee of the Wyoming State Bar for the year 1960-1961.

Your Committee was composed of Dean Borthwick, Donald Sherard, Robert Murphy, Joe Wilmetti and John F. Sullivan.

Numerous bills were submitted to the Committee and at the Legislative meeting of the Bar held in Cheyenne in January, 1961, all that had been submitted, were discussed and recommendations were made. All that were favorably recommended were properly drafted and submitted to the Legislature through members of the Bar who were likewise Legislators. Particular credit should be given to the lawyer members of the Legislature, Robert Murphy, D. N. Sherard, W. F. Swanton, Ted Frome, Edward Herschler, Max Osborne and Richard Tobin. They all were very cooperative with the Bar Committee and for the most part our program was successful.

Special note should be made of the fine work done by the special Committees who handled the Uniform Corporation Code and the Com-