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Minutes of the Annual Meeting of the Wyoming State Bar

Robert B. Laughlin

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MINUTES OF THE ANNUAL MEETING OF THE
WYOMING STATE BAR

Cody, Wyoming

September 3 and 4, 1948

Pursuant to Rule 10, the Annual Meeting of the Wyoming State Bar was held in the Auditorium at Cody, Wyoming on the 3rd and 4th of September, 1948, due notice of such meeting having been sent to all members. The meeting was called to order at 10:20 a.m., September 3, 1948, by President W. J. Wehrli.

Vice-President R. G. Diefenderfer was called to the chair to preside. Mr. Diefenderfer introduced President Wehrli who delivered his address entitled: "The Compact Clause Of The Constitution." Upon conclusion of his address, Mr. Wehrli read his report entitled: "President's Report".

Mr. E. J. Sullivan moved that Mr. Wehrli's report be received and that the recommendations therein contained be ratified. The motion was seconded by Mr. A. G. McClintock and upon being put to a vote, was carried.

Vice-President Diefenderfer thanked Mr. Wehrli who then resumed the chair.

The Secretary-Treasurer read the financial report covering the period from the 1947 Annual Meeting. Upon motion, made, seconded and carried, the financial report was received and adopted.

President Wehrli introduced Mr. E. J. Sullivan who read his paper entitled: "The Tidelands Question".

Mr. H. S. Harnsberger discussed Mr. Sullivan's paper and presented the following Resolution:

RESOLVED, that the Wyoming State Bar approves and urges the adoption of S-1988 offered in the Senate of the United States on January 16, 1948, at the second session of the Eightieth Congress entitled "A Bill to Confirm and Establish the Titles of the States to Lands and Resources in and Beneath Navigable Waters within State Boundaries;" and be it further

RESOLVED, that the Wyoming State Bar, in approving and urging the adoption of S-1988, is opposed to any compromise or amended measure which may be offered which would have the effect of quit-claiming or relinquishing everything within the three mile off-shore belt except the minerals therein; and be it further

RESOLVED, by the Wyoming State Bar that the President of the said Bar is authorized, empowered and directed to appoint one member of this Bar as a representative thereof to contact like representatives in the other states of the United States for the purpose of representing this State in its desire and endeavor to aid in bringing about some relief from the effect of the decision of the United States Supreme Court known as the "Tidelands Decision"; and be it further

RESOLVED, that copies of this resolution be sent to the appropriate committees of the United States Senate and the House of Representatives.

Mr. Harnsberger moved the adoption of the foregoing Resolution and the motion was seconded by Mr. S. J. Lewis. A general discussion followed until the hour of 12:00 noon at which time Mr. E. J. Goppert moved that the meeting be recessed until 1:30 p.m. The motion was seconded. Prior to putting the motion to a vote, the President appointed the following as the Necrology Committee: Mr. John C. Pickett, Mr. T. C. Daniels, and Mrs. George W. Ferguson. Following announcements concerning the program for the day, the motion to recess was put to a vote and carried.

The meeting was reconvened at 2:00 p.m. The President announced that the first order of business would be the consideration of Mr. Harnsberger's motion that the foregoing Resolution be adopted. There was a further general discussion. Mr. Jerry Housel moved that the motion be tabled until the Legislative Meeting of the Wyoming State Bar, which motion was seconded by Mr. A. G. McClintock. Upon being put to a vote, the motion to table was lost. The President then announced that the question was on the original motion by Mr. Harnsberger that the Resolution be adopted. Upon being put to a vote the motion carried.

The President then introduced to the meeting the Honorable C. C. McLaurin, Judge of the Supreme Court, Calgary, Alberta, Canada.

The President called on Dean R. R. Hamilton of the College of Law, University of Wyoming, who reported as Chairman of the Legal Education Committee. Dean Hamilton commented on the national program of continuing legal education of the American Law Institute and also read the "Report of The College of Law, University of Wyoming." Mr. Wehrli urged the continuance of the Committee on Continuing Legal Education.

The President announced that the next order of business would be the consideration of the Proposed Rules of Civil Procedure as published in the August 1948 issue of the Wyoming Law Journal, the rules having been prepared by the Advisory Committee appointed by the Supreme Court pursuant to Chapter 53, Session Laws of Wyoming, 1947. The Advisory Committee was composed of the following:

W. J. Wehrli, Chairman
 A. G. McClintock, First Judicial District
 Frank J. Trelease, Jr., Second Judicial District
 R. Dwight Wallace, Third Judicial District
 James Munro, Fourth Judicial District
 E. J. Goppert, Fifth Judicial District
 Thomas O. Miller, Sixth Judicial District
 W. H. Brown, Jr., Seventh Judicial District

Mr. Wehrli stated that he would ask each member of the Advisory Committee to discuss the portion of the rules which they had prepared. Whereupon Mr. W. H. Brown, Jr., Mr. Frank J. Trelease, Jr., Mr. A. G. McClintock, Mr. E. J. Goppert and Mr. Wehrli each discussed different portions of the rules. Upon conclusion of the discussion by the committee members, the President announced that the order of business would be passed for the time being.

Mr. Wehrli introduced Judge Ori L. Phillips of the United States Circuit Court of Appeals who addressed the meeting on the subject: "International Order and Justice Under Law."

Mr. Wehrli thanked Judge Phillips for his address and then announced that the meeting would revert to that order of business, consideration of the Proposed Rules of Civil Procedure. Judge B. S. Cromer suggested that the election of officers be held at this time and that consideration of the rules be deferred until the next morning. Mr. C. A. Zaring opposed the suggestion and Mr. R. G. Diefenderfer moved that the meeting be recessed until 9:30 a.m., Saturday, September 4, 1948. The motion was seconded and upon being put to a vote was carried.

The members and their ladies were entertained from 6:30 p.m. until 7:30 p.m., September 3, 1948, by Mr. and Mrs. Milward L. Simpson, and attended a banquet at the Cody Inn commencing at 7:30 p.m. Mr. Milward L. Simpson acted as Toastmaster and the principal address was delivered by Justice C. C. McLaurin on the subject: "American-Canadian Relations, Economic and Political Union."

The meeting was reconvened at 10:00 a.m. on September 4, 1948. Messages of greeting from Senator E. V. Robertson, Mr. S. S. Bernfeld and Mr. Thomas O. Miller were read. Mr. Frank J. Trelease, Jr., reported on the Wyoming Law Journal and recommended that the method of payment by the State Bar be changed so that the State Bar would contribute \$1.80 per member per year, rather than the present method of contributing one-half of the expense of publication not to exceed \$150.00 per issue. It was moved by Mr. L. A. Crofts, seconded by Judge C. O. Brown, that the method of payment be referred to the Board of Commissioners. Motion carried.

The names of the new Commissioners were announced by the President as follows:

James O. Wilson, First Judicial District
J. R. Armstrong, Second Judicial District
P. J. Quealy, Third Judicial District
Burton S. Hill, Fourth Judicial District
J. O. Spangler, Fifth Judicial District
William G. Watt, Sixth Judicial District
Franklin B. Sheldon, Seventh Judicial District.

Mr. George F. Guy discussed the practice of out-of-state attorneys before the Public Service Commission, and offered the following resolution:

IT IS HEREBY RESOLVED by the members of the Wyoming State Bar in a meeting duly assembled at Cody, Wyoming, this 4th day of September, 1948, as follows: That the appearance for persons or corporations having causes before the Public Service Commission of the State of Wyoming in matters affecting the regulation of public utilities and/or motor carriers by attorneys constitutes the practice of law within the State of Wyoming and that only persons licensed and authorized to practice law in the State of Wyoming are eligible to make such appearances; and

IT IS FURTHER RESOLVED that a copy of this Resolution be served upon the Public Service Commission of the State of Wyoming by the Secretary of the Wyoming State Bar; and

BE IT FURTHER RESOLVED that should any persons who are not members of the Wyoming State Bar attempt to appear before the Public Service Commission of this State in any such causes that the officers of this association shall then take such action as may be necessary to restrain such appearances.

Mr. Guy moved the adoption of the foregoing resolution, which motion was seconded by Mr. Franklin B. Sheldon, and after a general discussion the motion carried.

The President announced that the meeting would revert to that order of business, consideration of the Proposed Rules of Civil Procedure. Mr. E. J. Goppert presented the following resolution:

BE IT RESOLVED by the Wyoming State Bar, in meeting assembled at Cody, Wyoming, this 4th day of September, 1948, that we hereby approve the Report of the Committee on the Proposed Rules of Civil Procedure, for courts of record in the State of Wyoming, as printed in the August 1948 volume of the Wyoming Law Journal; and instruct the Committee, after this Committee gives consideration to any proposed amendments which may be submitted to the Committee prior to October 20, 1948, that the Proposed Rules, with such changes as the Committee may approve, shall be submitted by the Committee on behalf of the Wyoming State Bar to the Supreme Court of the State of Wyoming, with recommendation that the Proposed Rules, as submitted, be adopted.

Mr. Goppert moved the adoption of the foregoing resolution. The motion was duly seconded and upon being put to a vote, was carried by the following vote: Sixty-two members present, sixty-one voting "yes", one voting "no".

Mr. Wehrli expressed his appreciation to the Rules Advisory Committee and to the State Bar for their cooperation during the preparation of the Proposed Rules, and Mr. Trelease, on behalf of the Advisory Committee, expressed appreciation to Mr. Wehrli for his work as Chairman of the Committee.

Mr. A. G. McClintock presented the following resolution:

BE IT RESOLVED, by the Wyoming State Bar, at the meeting of September 3 and 4, 1948, that it is the attitude of this organization that the practice before boards and commissions of the State of Wyoming, is of such importance to the attorneys of this state and the people thereof, as to warrant the adoption of formal rules of practice to be worked out by a committee, or committees, of this Bar and proposed to the particular board or commission concerned.

BE IT FURTHER RESOLVED that the President of the Wyoming State Bar be authorized to appoint such committee, or committees, as are necessary and proper to formulate and propose such rules, and that funds of the Wyoming State Bar may be used, under direction and control of the Board of Commissioners, to defray the reasonable expenses of such committee or committees.

Upon motion duly made, seconded and carried, the foregoing resolution was adopted.

Mr. Gerald A. Stack proposed the following resolution:

WHEREAS, The Workmen's Compensation Law of The State of Wyoming, by the provisions of Section 72-130 thereof, limits the fees to be allowed attorneys for services rendered an injured workman; and, WHEREAS, the limit now existing that may be paid an attorney for services rendered is so insufficient that attorneys are often reluctant to represent an injured workman; and,

WHEREAS, as a result of the limitation of attorneys fees by the provisions of The Workmen's Compensation Law of The State of Wyoming, an injured workman is often deprived of adequate representation and is thereby denied justice;

NOW THEREFORE, Be It Hereby Resolved by the members of The Wyoming State Bar, in meeting assembled at Cody, Wyoming, on September 4, 1948, that the Legislative Committee of The Wyoming State Bar prepare and present to the Legislature of The State of Wyoming, legislation amending the provisions of Section 72-130 of The Workmen's Compensation Law of The State of Wyoming, to allow the judges of the several District Courts of The State of Wyoming, to set the amount of attorney's fees to be allowed in each case, said fee to be commensurate with the amount of the services rendered and the amount of award granted the injured workman, the same, at the discretion of the Court, to be paid from the Workmen's Compensation Fund.

Upon motion duly made, seconded and carried, the foregoing resolution was adopted.

Mr. Gerald A. Stack presented the following resolution:

WHEREAS, it is deemed advisable, that the Judiciary System of the State of Wyoming be reformed with respect to the number, type of courts, and their jurisdiction;

NOW THEREFORE BE IT RESOLVED, by the Members of the Wyoming State Bar, at regular meeting assembled at Cody, Wyoming, on the 4th day of September, 1948, that Justice of the Peace be abolished, either by constitutional amendment, or otherwise, and that there be established in place thereof, a system of County Courts with County Judges presiding.

BE IT FURTHER RESOLVED, that there be one County Court in each County of the State, said County Courts to have original jurisdiction over all matters of divorce and probate, in all civil actions where the amount in controversy, exclusive of costs, does not exceed \$2,000.00, and they shall have jurisdiction to hear and determine cases of misdemeanors and preliminary hearings as may be provided by law.

BE IT FURTHER RESOLVED, that each of said County Courts shall be presided over by a County Judge, that said Judge must be a member of the Wyoming State Bar and a resident of the County, said County Judge shall receive an annual salary to be fixed by law, and he may act as attorney or counselor at law in any other Courts of the State and in other County Courts.

BE IT FURTHER RESOLVED, that the present system of District Courts, Judicial Districts and the Supreme Court be retained, said Courts to retain their present jurisdictions, each County Court herein provided for shall have concurrent jurisdiction with the District Courts in all civil actions where the amount in controversy, exclusive of costs, does not exceed \$2,000.00; probate and divorce matters.

BE IT FURTHER RESOLVED, that the District Courts shall have appellate jurisdiction in cases arising in the County Courts, and as may be prescribed by law.

BE IT FURTHER RESOLVED, that the clerks of the District Courts, shall, in addition to their present duties, keep and maintain the records and books of the County Courts.

Mr. Stack moved the adoption of the resolution, which motion was seconded. The motion lost upon being put to a vote. Mr. Jerry Housel moved that the foregoing resolution be referred to a committee for study and report. The motion was seconded, and upon being put to a vote, was carried.

Mr. J. R. Armstrong moved that consideration of the Standards for Title Examinations of the Seventh Judicial District, be the next order of business. The motion was seconded and upon being put to a vote, was carried. Following a discussion, Mr. H. S. Harsnberger moved that the Standards for Title Examination of the Seventh Judicial District, be referred to a committee for a study and report. The motion was seconded by Mr. E. J. Goppert, and upon being put to a vote, was carried.

Mr. Charles M. Crowell moved the adoption of the following resolution: **WHEREAS**, the Wyoming State Bar, in reliance upon and pursuant to the blandishments, assurances and promises of the Park County Bar Association, did determine to hold this, the 1948 annual meeting of that organization in Cody; and

WHEREAS, each and every such assurance and promise so made has been kept and performed by said Association to a degree beyond the most pleasurable expectations and anticipations of the members of said State Bar;

NOW THEREFORE BE IT HEREBY RESOLVED by said Wyoming State Bar so assembled that the whole-hearted appreciation and gratitude of said Bar be extended to the Park County Bar Association and to Mr. and Mrs. Milward Simpson for their generous hospitality extended to the members of the Wyoming State Bar and our guests during this 1948 annual meeting.

The motion was duly seconded and was adopted by acclamation. The Secretary was instructed to send copies to the individuals concerned.

Mr. H. S. Harnsberger moved that the President be instructed to refer the matter of procedure in disciplinary cases to a committee for study and recommendations. The motion was duly seconded. Mr. William J. Garlow moved that the motion be tabled. The motion to take was seconded, and upon vote, was carried.

Mr. John C. Pickett presented the Report of the Necrology Committee and moved its adoption. The motion was duly seconded and carried. The entire membership stood in reverent silence in memory of the deceased members.

It was duly moved, seconded and carried that all reports of the meeting be published.

Mr. Wehrli announced that Mr. Ernest O. Wilkerson, at Mr. Wehrli's request, had prepared a History of the Wyoming State Bar Association, which would be published in a forthcoming issue of the Wyoming Law Journal. Mr. Wehrli expressed appreciation to Mr. Wilkerson, and suggested that the History be preserved by the Secretary and kept up to date.

The President then announced that the next order of business would be the election of officers and reviewed the method by which the election would be conducted, to-wit: that nominations would be by secret written ballot with the two receiving the highest number of votes being nominated; that a second secret written ballot would be had to determine the election between the nominees.

Upon secret written ballots so had, the following officers were elected:

President: R. G. Diefenderfer

Vice-President: Alfred M. Pence.

It was moved by Judge C. O. Brown, and duly seconded, that the rules be suspended and that Robert B. Laughlin be nominated for the office of Secretary-Treasurer, that nominations be closed, and that the President cast the unanimous ballot of the meeting for the nominee. The motion was carried and the President declared Robert B. Laughlin elected Secretary-Treasurer.

Mr. Wehrli thanked the membership for their attendance at the sessions. Mr. Wehrli then turned the meeting over to the new President, Mr. R. G. Diefenderfer who thanked the meeting for his election, and commented briefly on his plans for the coming year. The new Vice-President, Mr. Pence, was presented to the meeting by Mr. Diefenderfer.

Mr. John C. Pickett moved that a standing vote of thanks be extended to Mr. Wehrli, which motion was seconded and adopted by acclamation.

There being no further business the meeting was adjourned.

Robert B. Laughlin,
Secretary-Treasurer.