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## Address of the President - Annual Meeting of the Wyoming State Bar

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# LAND AND WATER LAW REVIEW

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## ADDRESS OF THE PRESIDENT

### ANNUAL MEETING OF THE WYOMING STATE BAR

*George F. Guy*

Cheyenne, Wyoming

September 21, 1967

First of all, as a resident of Cheyenne I want to welcome all of you to my native city. The Wyoming Bar has not met here since 1959, and all of us in Cheyenne and Laramie County are happy indeed to play host to this distinguished group. The lawyers of this state have—as they have everywhere—throughout our history furnished not only legal talent, but political, executive and business talent that has inured to the benefit of the entire state. Cheyenne is, indeed, happy to have you and your families with us at this—the Fifty Second Annual Meeting of the organized Bar and the Twenty Seventh Annual Meeting since our Bar was first integrated.

This address is really more of a report by your outgoing President on the activities of this organization during the past year than it is a formal address. At the Bar Officers and Commissioners meeting on Saturday morning, September 3, 1966 at Riverton, Cheyenne was selected as the site for the 1967 meeting and the dates September 20th through 23rd were selected to coincide with the opening home football game at Laramie with Wyoming against the Air Force. This meant that the 1967 meeting is about three weeks later than usual.

For some months prior to ascending to the Presidency I had assisted the then President Elmer Scott in the work involved in setting up a Governor's conference on the reorganization of our minor courts and for the passage of Constitutional Amendment No. 1. This conference was held at the University at Laramie September 22-24. The opening address on the night of September 22nd was given by U.S. Supreme Court Justice Tom Clark. The Conference attracted over 100 Wyoming citizens who came at their own expense and who went to work in earnest on the questions presented by Constitutional Amendment No. 1 which was to successfully pass by the required vote of the people at the Wyoming election in November. Robert Stanley Lowe of Rawlins, as Chairman of the Minor Courts Committee of the Wyoming State Bar, and Hume Everett of Casper, as Chairman of the Committee on Judicial Selection and Tenure, deserve great credit for the work which they did in connection with the Citizens' Conference. We are, of course, indebted to Judge Clark, to U.S. Senator and then Governor Cliff Hansen and many others who worked long and hard to make the Citizens' Conference the success that it was.

On October 12th to 14th I attended the meeting of the Nebraska State Bar at Omaha and found that exposure to be profitable and pleasant. President Herman Ginsburg of the Nebraska Bar, who had attended our meeting at Riverton, hosted us at Omaha, and we had a most pleasant and informative experience.

November and December were devoted in large measure toward the activities surrounding the campaign for Constitutional Amendment No. 1 and for the other activities incidental to the incoming of the Legislature in January of 1967. Ed Herschler of Kemmerer proved to be a most effective Chairman of the Bar's Legislative Committee. I would not attempt to cover the accomplishments in that field as they are fully covered in the report by Mr. Herschler previously submitted.

The biennial Legislative meeting of the Wyoming State Bar was held in Cheyenne January 13th and 14th, 1967. The full Legislative program was discussed and report received by Mr. Don Sherard of Wheatland, Chairman of the Special Legislative Committee, covering requests made by the State Supreme Court. The social aspects of the mid-winter meeting and the Bar Commissioners' meeting culminated in a dinner-dance in the Range Room of the Plains Hotel on Saturday night, January 14th. A good time was had by all.

The Wyoming Legislature which opened on January 10th and concluded on February 18th was marked by the successful adoption of one of our measures, namely, the voting of an appropriation of \$10,000.00 for use by the Statute Revision Commission to determine the most advisable course in the reorganization of Wyoming's minor courts as authorized by Constitutional Amendment No. 1. It should be noted in passing that members of the Bar of this State occupied important positions in the Legislative session, including William Swanton of Casper as Speaker of the House of Representatives, and John Rooney of Cheyenne as Minority Leader. Other lawyers in both the House and the Senate were most influential. It is not remiss to also point out that the Chief Executive, the Governor of this State, the Honorable Stanley K. Hathaway is a member of the Wyoming Bar.

At the conclusion of the Legislative session, Mr. John Rooney of the Cheyenne Bar was appointed Chairman of the Statute Revision Commission and Senator Dick Tobin of the Casper Bar was appointed Chairman of the Subcommittee dealing with the minor court revision. Robert Stanley Lowe of Rawlins, who had so ably headed the Minor Courts Committee for so long, had done such a good job that he was employed by the American Judicature Society in Chicago as an Assistant Director. Sometime later, Joe Cardine of Casper was appointed by me to succeed him as Chairman of the Minor Courts Committee and a report from Mr. Cardine will be received later in this session. Unfortunately, we were not successful in securing adoption by the Legislature of measures to increase the State Supreme Court to five Judges or to provide for judicial selection and tenure. However, we feel that substantial groundwork was done in those areas and that the future looks bright for successful adoption of both measures.

More or less routine Bar duties occupied my attention except that on February 20th I departed for Mexico City to attend the Mid-Winter meeting of the Western States Bar Conference. Our President Elect, Henry Burgess, represented the Wyoming lawyers at the Mid-Winter meeting of the American Bar Association in Houston, Texas earlier in February. This was in keeping with our program of having the person who holds the office of President-Elect attend meetings out of the State to give him benefit of the contacts with other State organizations as well as with the American Bar Association.

My immediate former President, Elmer Scott of Worland, was elected President of the Western States Bar Con-

ference at its Mid-Winter meeting in Mexico, and I was certainly happy to see a Wyoming lawyer achieve this high position with that organization. Mr. Alfred M. Pence of Laramie had also been President of the Western States Bar Conference in 1957. Mr. Scott will report on the Western States Bar Conference later in this meeting.

The Wyoming State Bar jointly with the American Bar and with the American Automobile Association sponsored a Traffic Court Conference for Wyoming Judges, J. P.'s and Police Judges, held at Casper College May 22nd and 23rd. The Bar is indebted to numerous Casper lawyers who assisted in that project as well as to District Judge Vernon G. Bentley, Police Judge Harold Mai of Cheyenne and numerous other Police Judges from throughout the State in attending this session. We had not had a Traffic Court Conference in Wyoming since 1957 and I was happy to see this valuable practice revived.

On June 2, 3 and 4 I attended an informal gathering of the Bar Presidents of the States of North and South Dakota and Montana at Silver Gate, Montana. Out of this meeting came a proposal to form an organization known as the Northern Plains-Mountain States Bar Association. I will report separately on this matter later in this convention. While enroute to the meeting at Silver Gate, Montana, your President met with the Park County Bar Association at its meeting at Cody on June 2nd. Numerous matters were discussed including the importance of careful selection of Bar Commissioners.

On June 15 and 16 I attended the meeting of the Montana State Bar Association at Missoula. This was the first time that a Wyoming Bar President had attended the Montana meeting in a number of years, and as a result the present Montana President, Mr. Paul Keller of Helena, and his wife are in attendance at our meeting today.

On June 22 to 23 I attended the meeting of the Utah State Bar at Park City, Utah, and Mr. Dave Kunz and Mrs. Kunz, present President of the Utah State Bar, are in attendance here today. This continues a long standing practice between Utah and Wyoming.

On June 29th and 30th your President, along with the President-Elect, Vice President and Secretary-Treasurer, met with the Justices of the Wyoming Supreme Court and all Wyoming District Judges at Teton Village in Jackson Hole. A profitable exchange of ideas ensued which I feel resulted in much better understanding between the Bar Offi-

cers and the Judges. This was the first time in Wyoming's history that such a meeting had been accomplished and it is to be hoped that it can be continued at least on an annual basis.

Mr. and Mrs. Jerry Smith, Idaho Bar President, and his wife are with us at the current Wyoming meeting. It might be noted in passing that it was at the Idaho meeting that I heard Mr. Gerald Getty, Public Defender of Cook County, Chicago, in his very fine address to the Idaho lawyers, and it was at Coeur d'Alene that I persuaded Mr. Getty to appear on the Wyoming program.

Your President attended the American Bar Association annual meeting in Honolulu August 3rd through 9th and devoted his particular attention to the National Conference of Bar Presidents. It had also been my pleasure to attend the annual meeting of the American Bar Association at Montreal, Canada, while I was President-Elect in August 1966, along with Mr. Elmer Scott who was then President. The association made by your organization with the National Conference of Bar Presidents was thus continued. Dick Bostwick, Past President of the Wyoming Bar, also attended both of these sessions. The National Conference of Bar Presidents is one of the most important sections of the American Bar Association and its activities and actions are always watched with interest and respect by the high command of the American Bar Association.

On August 12th I attended the dinner-dance at the Casper Country Club given by the Natrona County Bar Association for the Natrona County Medical Society. This was also a part of the District Seven Bar meeting which had resulted the day before in the election of Barry Mahoney as the new Bar Commissioner for District Seven.

On September 6th to 9th I attended the meeting of the Missouri State Bar at Kansas City and was afforded the pleasure of again watching that fine organization in action. On the way home I stopped for a luncheon meeting with the Denver Bar Association in the Petroleum Club, Denver, on Monday, September 11th.

Preparations for the 1967 meeting of the Wyoming State Bar have been proceeding in one way or another since a year ago when Cheyenne was first selected as the site for the annual meeting. I had two years ago importuned Earl Morris of Columbus, Ohio, to be with us, knowing that he would be President of ABA after August 10, 1967. We are

happy to again have the highest ranking officer of the legal profession in the United States as our honored guest. Mr. Morris will speak to us during the convention as will our own Stanley K. Hathaway, Governor of Wyoming. Other speakers of note include Glenn Winters, Director of the American Judicature Society, speaking on the Wyoming court system, William Kleindorfer of the ABA staff, speaking on the functions of the American Bar, Stephen Blewett of Altadena, California, speaking on the reconstruction of automobile accidents, Kline Strong of Salt Lake City, speaking on law office management and financial affairs, and Gerald Getty, Public Defender of Cook County, Chicago, Illinois, speaking on the public defender system and his experiences in the Speck murder trial. The program was assembled only after considerable effort and some expense, and we trust that all participating in the annual meeting will find the program interesting and informative.

The decision to "join up" with Wyoming's first home football date has proven to be an attractive feature and it is our regret that we were not able to obtain sufficient football tickets to meet the demand.

### *BAR COMMISSIONERS*

It has always been my feeling that the Bar Commissioners are extremely important people and that care should be taken in their election. Under the rules they are really the governing body of the Bar, although as a matter of practical application, in many instances the day to day running of the organization is limited to the President, Vice President, President-Elect and Secretary-Treasurer. During my administration I have attempted to be in touch with the Bar Commissioners on all major issues and to solicit their comment and in the required instances, their vote of approval or disapproval. The outgoing Bar Commissioners who have served two years are Joe Maier, Torrington, First District, David Norman Burns, Jackson, Third District, Chester Ingle, Thermopolis, Fifth District, and Al Kaufman, Douglas, Seventh District. Their successors are Jim Horiskey, Cheyenne, Ted Frome, Afton, Charles Kepler, Cody and Barry Mahoney, Casper. The hold-over members from the even-numbered Districts are Harold Johnson, Rawlins, Philip Garbutt, Sheridan, and William Taylor, Lusk. I am sure that President-Elect Burgess will have a good hard-working group of Commissioners to assist him in the administration of the Bar during the coming year.

### RECOMMENDATIONS ON RULE CHANGES

*Fiscal Year—Rule 5.* For quite a number of years the annual meeting has been held either very late in August or through Labor Day or the first week in September. This year is the latest it has been held that I know of, and that was to take advantage of the opening home football game to get a large crowd. Apparently this succeeded as we do have a very large registration at this meeting. For years we have talked about changing the fiscal year for the operations of the Bar, and we find that Section 33-55, as amended by Chapter 166, Session Laws of 1965, provides the fiscal year from October 1st through September 30th. However, Rule 5 still provides for an August 1-July 31 fiscal year. I recommend that the Bar officers and commissioners ask the Supreme Court to amend Rule 5 to conform to Section 33-55, Wyoming Statutes 1957, as amended by Chapter 166, Session Laws of 1965. I am sure that this matter will be covered more adequately in the report of Jack Dixon, Secretary-Treasurer.

*Rule 9 Concerning Election of Bar Commissioners.* I recommend that Rule 9 be amended to eliminate the requirement that the new Commissioners be elected "within thirty days prior to the annual meeting". The exact date of the annual meeting is always uncertain and in any event it is a problem to get a group of lawyers out twice within a thirty-day period, i.e., once for the District Bar meeting and then almost immediately for the annual meeting. I would recommend that Rule 9 be changed so that the Commissioners might be elected at any time after June 1st of the year in which the term expires, i.e., in the odd-numbered years for the odd-numbered Commissioners and in the even-numbered years for the even-numbered Commissioners.

### DISCIPLINARY METHODS

It seems that I was confronted with a substantial number of disciplinary problems during the past year, one of which was of major magnitude. I have discussed with Jerry Housel, Chairman of the State Board of Law Examiners, our present machinery which provides that when a complaint is received that it is referred to the State Board of Law Examiners and they, in turn, refer it to the Bar Commissioner in the District involved, i.e., District where the lawyer complained against resides and practices. The Bar Commissioner then makes an investigation and a report back to the State Board of Law Examiners, either the President, Mr. Housel at Cody, or



the Secretary, Mr. Edward T. Lazear, Cheyenne. The Board then meets and discusses the situation and takes some action, which could include referring the case to the Attorney General for disbarment. This procedure in disciplinary matters is really not satisfactory and it is to be hoped that an appropriate committee of the Wyoming State Bar working in conjunction with the Disciplinary Procedures Committee of the American Bar Association can come up with something more workable and more effective. I will not attempt to enumerate the number of disciplinary cases which have come to my attention during the past twelve months except to say that their presence has consumed a substantial amount of time, not to mention energy and concern.

The question of the maintenance of a high-degree of professional ethics and prompt performance of duties assumed by lawyers is of paramount importance, and the profession must be ever mindful of its responsibilities in that regard.

#### *CLIENTS SECURITY FUND*

This Fund was set up under the administration of former President Elmer Scott and provides for reimbursement to clients who have lost money through defalcations of their lawyers. In my opinion this is an admirable step in the right direction and should go a long way toward reinforcing the public's confidence in the legal profession. There have been no demands upon this fund during my tenure as President. Mr. Sterling Case, Chairman of the Client Security Fund Committee has filed his report with the Secretary-Treasurer. I think that perhaps we might give consideration to more publicity concerning the existence of this fund as I believe it would improve our public image.

#### *MINOR COURT REORGANIZATION*

I certainly feel that the organized profession should give every possible assistance to the Statute Revision Commission in the all-important matter of the reorganization of Wyoming's minor courts as authorized by the passage of Constitutional Amendment No. 1.

#### *JUDICIAL SELECTION AND TENURE*

Hume Everett of Casper has worked long and hard on the question of judicial selection and tenure for our courts above the minor court level. This has included attention to the perplexing problem of the four-Justice Supreme Court.

I commend to my brothers in the profession serious attention to this situation.

### *BAR DUES*

Bar dues were authorized increased from \$20.00 to \$35.00 by the 1967 Legislature but the Supreme Court, acting at the request of the Bar, has increased the dues to \$30.00 rather than \$35.00 leaving a "cushion" against future needs. The South Dakota State Bar has a schedule which results in an annual fee of \$100.00 per year after the fifth year of practice. This fee schedule enables them to furnish copies of the current Supreme Court reports to all members, to publish a monthly newsletter, to maintain a full-time Secretary and to afford free registration at all annual meetings of the South Dakota State Bar. I recommend consideration of this system.

### *LAW DAY, USA*

Ten years ago the American Bar Association originated the celebration of "Law Day" to be held May 1st as a tribute to law and the system of government by law. The date was chosen to counteract "May Day" which is celebrated throughout the Communist world. Bill Swainson of Cheyenne was State Chairman and supervised the state wide activities. Our Law Day activities this year were state wide with particular activity in Natrona County under the leadership of Howie McDaniel, President of the Natrona County Bar. Your President went to Green River to be with Supreme Court Judge Glenn Parker who made the principal address the afternoon of May 1st in the beautiful new Sweetwater County Court House. A meeting was held the same day with the Sweetwater County Bar. The Wyoming public was again this year made aware of Law Day, USA.

### *LAND AND WATER LAW REVIEW*

The year 1966 saw the transition of our long time publication, the Wyoming Law Journal, to the Land and Water Law Review. Dean Frank Trelease felt that the changeover would be beneficial to the Wyoming College of Law, in that it would enhance its stature regionally and nationally. This is no doubt true, but inasmuch as the Wyoming State Bar is responsible for a substantial part of the financing of the Land and Water Law Review I certainly feel that the lawyers of this State should maintain a keen interest in the publica-

tion. I notice that my friend Dick Bostwick has an informative article in the last issue, and I commend to my brothers of the Bar in this State the proposition that they should write and submit articles for publication in the Wyoming section of the Land and Water Law Review. My present impression is that while the Land and Water Law Review may enhance our College of Law regionally and even nationally, we may also have lost a medium of communication from the Wyoming State Bar and the Wyoming Supreme Court to the members of the profession. I know that in most of the other states that I have visited the State Bar organization publishes a journal or newsletter of some kind for direct communication with its members.

### *THE COLLEGE OF LAW*

Dean Trelease will later in this program give his report and I would not attempt to trespass upon his territory. However, we are all interested in the Law School and we want to see it grow better and better each year. The appointment of a Visiting Committee of the Law School and its functioning is certainly a step in the right direction. I cannot leave the subject of the Law School without recommending to all of you that you give serious consideration to the employment of summer interns from the coming senior class of our Law School. My own office has had eight interns, and in every instance, we were most pleased with them. I also urge that all of you give consideration to utilization of the Defender Aid Program functioning under the sponsorship of the Law School. Senior students in that program have proven most valuable in the defense of criminal cases, and in some instances have been used on the prosecution side.

I could go on in some length and in some detail relating the various adventures, alarms and excursions which I have experienced during the past twelve months, but many of them would be tedious and unexciting. You simply have to be a Bar President to know what it is like! All of the other Bar organizations to which I have been exposed during this period are blessed with sufficient funds to maintain a State Bar headquarters and a full time staff. I have now been in the practice for forty years, less the six years I spent in military service. I have seen the Wyoming State Bar grow from a mere handful, who met for a pleasant day or two each year but who were by virtue of their lack of numbers, financing and establishment, really ineffective, to our present fine statewide organization of some 600 enrollees. I think I share the views of the other older members of the

Bar when I say that we look wistfully at the other State organizations that are sufficiently financed to have a State headquarters and at least a small full time staff. I earnestly urge all of my juniors in the profession to give serious consideration to the establishment of a Wyoming Bar foundation or to the increase of dues or other means whereby someday the Wyoming State Bar can take its position along with the organizations in its sister states that do have a headquarters building and a full time staff in a permanent type structure.

It has been a pleasant experience working as your President, and as I turn over the gavel and the Australian boomerang from my Sydney, Australia friend, Ted Hunt, to my successor, Henry Burgess, next Friday night, I will do so with every good wish to Henry and the incoming officers, and with a declaration that I will be available to him and succeeding Presidents for any assignments in which they think I can serve.