

January 2004

Proceedings of the 2003 Wyoming State Bar Annual Meeting

Wyoming State Bar

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

Recommended Citation

Wyoming State Bar (2004) "Proceedings of the 2003 Wyoming State Bar Annual Meeting," *Wyoming Law Review*. Vol. 4 : No. 1 , Article 12.

Available at: <https://scholarship.law.uwyo.edu/wlr/vol4/iss1/12>

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 Review by an authorized editor of Law Archive of Wyoming Scholarship.

Proceedings of the 2003 Wyoming State Bar Annual Meeting

WYOMING STATE BAR OFFICERS

Richard H. Honaker, President
Thomas Lubnau, II, President-Elect
Mark W. Harris, Vice-President
Warren A. Lauer, Secretary-Treasurer

WYOMING STATE BAR COMMISSIONERS

Gay Woodhouse, First District
William M. MacPherson, Second District
Joseph B. Bluemel, Third District
Greg L. Goddard, Fourth District
Michael S. Messenger, Fifth District
Stanley S. Sheehan, Sixth District
Patrick Dixon, Seventh District
Ray I. Hoopman, Eighth District
R. Michele Russell, Ninth District

OFFICERS ELECTED AT THE 2003 ANNUAL MEETING

Thomas E. Lubnau, II, President
Mark W. Harris, President-Elect
Warren A. Lauer, Vice-President
Joseph B. Bluemel, Secretary-Treasurer

NEWLY ELECTED COMMISSIONERS

Richard L. Lavery, Third District
P. Jaye Rippley, Seventh District
Eric E. Jones, Eighth District

REPORT OF THE PRESIDENT

Richard H. Honaker, President of the Wyoming State Bar, 2002-2003

A Year of Cooperation and Accomplishment

It has been a high honor and privilege for me to serve the greatest profession in the world as exemplified by Wyoming lawyers – my colleagues and friends. I have spent much of the year talking about “practicing law the Wyoming way.” By that I mean representing our clients competently and aggressively while treating our adversaries with honesty and civility. This is professionalism, and it is prevalent among Wyoming lawyers. Unfortunately, I have not always found that to be the case outside our borders, particularly in the large metropolitan areas of this country.

But even in Wyoming, we cannot afford to take professionalism and civility for granted. As individual practicing lawyers, on a day-in and day-out basis, we must be committed to the highest ideals of personal and professional integrity. We must keep our focus on the small matters as well as the great. The reputation of our profession as a whole sometimes rests upon the smallest things – perhaps a discovery dispute, or a request for an extension of time, or meeting a difficult client on a busy day. A bar association as a whole reflects the character of its individual members, and so, the reputation of the Wyoming State Bar is entrusted to each of its members. I am happy to report that the reputation of the Wyoming State Bar is very good, and that I am proud to be a Wyoming lawyer.

The 2002-2003 bar year was extraordinarily successful in many respects, and, as a result, the Wyoming State Bar stands today on very solid ground. Much has been accomplished through the cooperation of many. As I’ve heard it said so often, “There is no limit to what an organization can accomplish if no one person has to take all the credit.”

The Wyoming State Bar functions through its thirteen officers and commissioners, supported by a highly motivated and competent staff, and through the work of nearly thirty volunteer boards and committees. I was proud to report to the Western States Bar this year that: “I am thankful for the willingness of Wyoming lawyers to volunteer – as each of you has – to serve our profession generally. It is amazing but true that nearly twenty percent of Wyoming’s licensed attorneys serve the profession through service on some bar committee or project.”

One of the greatest assets of the Wyoming State Bar is the excellent working relationship it has with our Supreme Court. As you know, the Bar is an administrative agency of the Court. And through the Bar, the Court exercises the judicial branch’s regulatory authority over the legal profession – controlling admissions, defining the scope of the practice of law, mandat-

ing continuing legal education, promoting professionalism, and enforcing the rules of professional responsibility.

On behalf of the Bar, I would like to thank Chief Justice Hill and Justices Golden, Lehman, Kite, and Voigt for their cooperation and involvement in matters of concern to the Bar. While all practicing lawyers are familiar with the Court's appellate functions, most are probably not aware of the extent to which members of the Court personally involve themselves in advancing the effectiveness and stature of the legal profession through service on various boards, commissions, and committees. No state bar president could effectively lead the Bar without a close and cordial working relationship with the Chief Justice. Thank you, Chief Justice Hill, for your interest, availability, and support during numerous telephone conversations and meetings over the past year, and thank you for your friendship to me and to the legal profession.

Out of the cooperation of many came many accomplishments during the past year. I would like to highlight just a few of them.

A New Executive Director

Effective January 1, 2003, Mary B. Guthrie was hired as executive director of the Wyoming State Bar. We could not ask for a more capable, personable, and dedicated executive director, and I feel that with Mary the Bar will be on a course of stability and continuity. Mary comes from a highly regarded Wyoming family of lawyers and judges, including her father, former Wyoming Supreme Court Chief Justice Rodney M. Guthrie, and her sister, District Court Judge Nancy Guthrie. Mary understands the history and heritage of the Wyoming State Bar, and there are very few Wyoming lawyers that Mary doesn't know personally.

Efficient Handling of Complaints against Wyoming Lawyers

Under the direction of Rebecca Lewis, an experienced and skilled trial lawyer who has served as Chief Bar Counsel since November 2001, ethical complaints are being effectively reviewed and prosecuted.

Accepting the work of the Select Committee to Review Disciplinary Functions, which I chaired, the Wyoming Supreme Court adopted a comprehensive new disciplinary code, effective November 1, 2003, that will enhance fairness, flexibility, and consistency in the disciplinary process. The new code features a diversion program for less serious offenses, a peer review panel to determine probable cause before formal disciplinary complaints proceed, and the availability of administrative law judges for non-dispositive procedural rulings and for the conduct of disciplinary hearings. Final impositions of non-public discipline and final recommendations to the Supreme Court for public discipline will still be entrusted to the board of

professional responsibility. I expect that our new code will become a model that other states copy.

Professionalism

Because of the Bar's hope that ethical pitfalls can be avoided by new lawyers, effective July 1, 2003, the Supreme Court has adopted a new continuing education rule requiring newly admitted lawyers to take a required course in professionalism and ethics.

Review of the Rules of Professional Responsibility

The Supreme Court has appointed a select committee, chaired by Professor John Burman, to extensively review and revise the Rules of Professional Responsibility, taking into consideration various proposals of the American Bar Association. This is a major project that we expect to be completed within the next twelve to eighteen months.

Admissions Fees

As a result of teamwork between the Board of Bar Commissioners and the Board of Law Examiners, chaired by Deb Wendtland, effective September 1, 2003, the Supreme Court has increased admissions fees from \$200.00 to \$450.00, bringing our fees into line with the actual costs of processing admissions and with fees charged by our neighboring states.

Relations with the Wyoming Legislature

The Bar enjoyed good relations with the Wyoming Legislature during the year. It didn't hurt anything that the Speaker of the House, Representative Fred Parady, is my Rock Springs neighbor, and that the President of the Senate, Senator April Brimmer-Kunz, is a member of the Bar. The Bar's lobbying efforts, led by Past President Dave Uchner, were extraordinarily effective. During this year's general session, the Bar's officers and commissioners, and members of the legislative and law reform committee, hosted a luncheon at the Plains Hotel for lawyer members of the legislature. The purpose of the luncheon was to highlight public service by lawyers and to express the Bar's appreciation to its members who serve in the legislature. The luncheon was well-attended, and I hope it becomes a traditional biennial event during general sessions of the legislature.

Civil and Criminal Pattern Jury Instruction Revisions

One of my highest priorities for the year was to place into the hands of Wyoming practitioners updated and revised copies of the Wyoming Civil Pattern Jury Instructions and the Wyoming Criminal Pattern Jury Instructions. Thanks to the leadership and hard work of Civil Pattern Chair John

Davis and Criminal Pattern Chair Bob Reese and the members of their respective committees, that is going to happen sometime this fall.

I might add that I still have a vision for a publications division of the Wyoming State Bar, but that vision will have to become a reality under the direction of future bar leaders.

Strategic Planning

Over the past four years, the Bar has engaged in truly effective strategic planning. Concrete goals, strategies, and time frames are set. Responsibilities are assigned. Progress is monitored. Bad ideas are scrapped, and good ideas are implemented. The process provides for progress and continuity, and under the leadership of President-elect Tom Lubnau, it has been working very well. As a result of two strategic planning meetings of the commissioners this year, a revised and practical strategic plan is in place for the Wyoming State Bar.

Pro Hac Vice Fees

Following several years of study and discussion, and consideration of written comments from the membership, on March 10, 2003, the board of commissioners asked the Supreme Court to establish a \$250.00 per case pro hac vice fee, comparable to pro hac vice fees imposed by most other western states. In the West, only Wyoming and New Mexico currently impose no pro hac vice fee. The commissioners and the Court discussed this issue during a June 10, 2003 meeting, and the Bar presently awaits the Court's decision.

Defining the Practice of Law

Unless the practice of law is carefully defined, prohibitions against the unauthorized practice of law cannot be enforced. The Bar has grappled with this issue for at least the past six years. Finally, through the leadership of the Unauthorized Practice of Law Committee, chaired by Stuart Day, on April 4, 2003, the commissioners approved a comprehensive definition of the practice of law and submitted it to the Supreme Court for its review and adoption. Recognizing the substantial implications this issue presents, the Court has expressed the intent to study the issue in detail before formally adopting a new definition.

Fiscal Soundness

By legislation enacted in 2001, the commissioners are now empowered to set bar dues, subject to approval by the Supreme Court. Bar dues were previously set by the legislature. A primary initiative of my presidency has been to increase non-dues revenues so that our members can be better

served without having to pay higher dues. Revenues will increase significantly with the admissions fee increase, with mandatory administrative costs to be assessed under the new disciplinary code, with additional continuing legal education programs being offered by the Bar, with successful annual conventions such as the one in Cheyenne this fall, and, potentially, with the establishment of pro hac vice fees.

Hiring and Retention of Bar Staff

During the six years I have served as a member of the board of bar commissioners, I have witnessed massive staff turnover. The primary reason for turnover has been salaries and benefits which are not competitive in the Cheyenne area with state government and the private sector. Through enhanced revenues, the Bar is working to increase staff salaries to competitive levels. In addition, this spring the Wyoming retirement system agreed with us that Bar employees should be entitled to participate in the system. Next year's budget provides for these added benefits.

We currently have a staff that is young, talented, creative, and energetic. Program directors are Sharon Wilkinson, communications director; Kim Mayo, continuing legal education director; and Cathy Duncil, lawyer referral service director. They all handle multiple tasks and projects and are doing excellent work for the membership of the Wyoming State Bar.

Enhanced Website

The Bar's website is better than ever, and increasingly more useful to its members. When CLE records were made available on-line this summer, the website received more than 700 "hits" in the first week alone. On-line registrations by credit card are available for the bar convention and for other CLE events sponsored by the Bar.

Numerous other successes and advances were achieved by the Wyoming State Bar in the past year. The state of the Bar is excellent. Our budget is in order, our staff is dedicated, our volunteers are tireless, our mission is clear, and our future is bright. Under the leadership of Tom Lubnau as the Bar's new president, and an executive committee which will include Mark Harris, Warren Lauer, and Joe Bluemel, we can look forward to a future of continued excellence and commitment to our core functions.

It has been the highest honor to lead the Wyoming State Bar. Thank you for giving me the opportunity to serve you, and thank you for your confidence and support. All of the citizens of Wyoming should be proud of the work done by the Wyoming State Bar and by the profession it so well represents.

REPORT OF THE LEGAL AID SERVICES COMMITTEE*Jacqueline Brown, Chair*

The legal aid services committee has been extremely active this year. Four main areas were concentrated on: CLE for Pro Bono Work, Legal Needs Assessment, Pro Se Forms and Marketing of Legal Aid.

Our committee has worked for several years on creating CLE for pro bono work and were extremely pleased to see that rule take effect. Already two attorneys have applied for CLE credits!

Secondly, our committee worked on developing a legal needs assessment. We know there is a large segment of the population with legal needs that are being unmet. There has not been any survey done, however, to determine exactly how great this population is or what their full legal needs are. We believe very strongly that a county-by-county survey should be undertaken to determine this need and then, once the needs are known, take efforts to help meet those unmet legal needs. The first part of the legal needs assessment was to create a survey instrument to be utilized. Marcie Schneider, a third year law student at UW, and Leigh Anne Manlove took this task to heart and spent much time and effort working with UW Research Center to develop the survey tool. Now funding needs to be raised to implement the survey and ensure that a statistically accurate survey is accomplished county by county. Ideally, there will be telephone surveys, field (in person) surveys, surveys in other languages and at the reservations, as well as talking with various members/entities of the community involved with this population such as judges, DFS workers, service providers and others. Our committee will focus on finding funding sources and starting the survey in the next year.

The committee has been notifying the Citizens Access to Courts Committee regarding the prose forms and comments/problems noticed. The committee will continue to work in this area and assist any way needed.

Finally, legal aid will write an article in each issue of *the Wyoming Lawyer* detailing statistics regarding the applications received, the types of cases they are working on, their program guidelines, and priorities.

REPORT OF THE COMMITTEE ON RESOLUTION OF FEE DISPUTES*Andrea Richard, Chairperson*

The fee dispute resolution program is one of the most important services that the Bar offers to members of the public. Clients benefit from the fee dispute process in that consumers can seek redress of fee issues without having to hire another attorney and incur further expense. This system of resolution self-examination is a hallmark of the Bar's commitment to promoting the highest level of service to the public.

This twenty-eight-member committee is one of the hardest working in the Bar. The members generously donate their time to conduct an average of twenty-two evidentiary hearings per calendar year. This year, we have several new members on the committee: Robert Leonard from Albany County; Frederick Harrison from Carbon County; Ray Hoopman from Converse County; Cecil Cundy from Crook County; John Vincent and John Schumacher from Fremont County; Greg Goddard from Johnson County; Sharon Fitzgerald and Terry Harris from Laramie County; James Sanderson from Lincoln County; Todd Hambrick from Natrona County; Robert Pfister from Niobrara County; Mary Reed from Park County; Eric Alden from Platte County; Hardy Tate from Sheridan County; Bill Twichell from Sublette County; Clark Stith from Sweetwater County; Keith Goody from Teton County; Sharon Rose from Uinta County; and John Worrall from Washakie County.

During 2002, fourteen Petitions for Resolution were filed. Of these, one matter is still pending; one matter was dismissed due to untimely filing by Petitioner, a panel found for the Petitioner in one matter; a panel found for the Respondent in seven matters; and four matters were resolved informally.

Based on my experience as both a panelist and as chairperson of this committee, it appears that the majority of these matters are brought before the committee for one reason – a lack of communication between attorney and client. Members of the Committee have made recommendations to practitioners in three areas:

1. Written Fee Agreements. A written fee agreement would, in many cases, eliminate dispute. The Committee encourages members of the Bar to enter into signed fee agreements with clients prior to providing representation. The written engagement letter should be as specific as possible as to the scope of the matter being handled and the nature of the fee.

2. Maintaining Good Time Records. Committee Members who hear and determine these fee disputes also recommend keeping good records of time spent working on behalf of the client and maintaining notes and ample files to demonstrate the work performed for the client. Committee Members recommend that good time records and records of work performed be maintained even in contingent fee or flat fee matters.

3. Handle Fee Disputes Personally. Attorneys should always discuss billing disputes personally with the clients. Deferring this task to others in the office is a not conducive to an appropriate resolution.

REPORT OF THE UNIFORM LAWS COMMISSION*Harold E. Meier, Chairman*

The Uniform Laws Commission worked to obtain passage of the Uniform Trust Code last session. We have also been successful in obtaining the revised Article 9 of the Uniform Commercial code.

Recently the Wyoming commissioners on Uniform State Laws attended the annual meeting of the Commission in Washington D. C., August 1 through August 8, 2003. During the meeting we debated and worked on several proposals. They were:

- Amendments to the Uniform Trust Code
- Uniform Environmental Covenants Act
- Uniform Entity Transactions Act
- Revised Estate Tax Apportionment Act
- International Conciliation Amendments to the Uniform Mediation Act
- Revision to the Uniform Commercial Code Article 7
- Uniform Certificate of Title Act
- Uniform Real Property Electronic Recordation Act
- Amendments to the Uniform Apportionment of Tort Responsibility Act
- Revision of Uniform Management of Institutional Funds Act
- Uniform Wage Withholding Procedure Act
- Uniform Limited Liability Act
- Uniform Durable Power of Attorney Act

The conference adopted six acts for presentation to the States. They were :

- Revision to the Uniform Commercial Code Article 7
- Uniform Environmental Covenants Act
- Revised Estate Tax Apportionment Act
- International Conciliation Amendments to the Uniform Mediation Act
- Amendments to the Uniform Apportionment of Tort Responsibility Act
- Amendments to the Uniform Trust Code

We believe the Uniform Child Custody Jurisdiction and Enforcement Act and the Uniform Interstate Enforcement of Domestic Violence Protective Orders should be enacted in Wyoming and will work toward the enactment of other Uniform State Laws.

REPORT OF THE CLIENTS' SECURITY FUND COMMITTEE*Randy L. Royal, Chairman*

The Clients' Security Fund Committee is investigating six pending claims for an initial report and resolution. The Committee has discussed a variety of ways to increase the efficiency of the committee; principally, to

act more expeditiously on complaints. The Committee plans to use a standard investigation form and hold frequent meetings.

REPORT OF THE COMMITTEE ON LEGISLATIVE AND LAW REFORM

David D. Uchner, Chairman

The Committee on Legislative and Law Reform was quite active during the past session of the legislature in 2003. Our procedure, which we have followed for many years, is to have a telephone conference call every Friday morning. During said conference we discuss any and all pending matters before the legislature which may have some effect on the Wyoming State Bar. In the interim, it has always been my practice to follow all pending bills in cooperation with Brent Kunz. Both of us have other clients outside of the Bar, and it works real well for the two of us to coordinate on our notes.

This committee is probably one of the most important within the organization. I assume that some members of the Bar don't even know about its existence. The thing that made it so workable this year was the splendid cooperation, which we have received from President Dick Honaker.

REPORT OF THE PERMANENT RULES ADVISORY COMMITTEE (CIVIL DIVISION)

George Santini, Chairman

Since the last meeting of the Bar, the Civil Division of the Permanent Rules Advisory Committee has recommended changes to the Wyoming Rules of Civil Procedure to simplify the requirements for service of process and to adopt the recent change in Federal Rules of Civil Procedure limiting the scope of discovery to "any matter, not privileged, which is relevant to the claim or defense of any party." Additional rule changes approved by the Committee established a presumptive limitation on deposition length of one day or seven hours; adopted the recent amendments to the Federal Rules of Civil Procedures concerning the scope of available sanctions for discovery misconduct and provided for payment of fees and costs for private mediators in court sponsored mediation by agreement between the parties. The Committee agreed to recommend a rule regarding the fees paid when a twelve person jury is requested rather than the normal fee of fifty dollars for a six person jury. The Committee proposed an additional fee of One Hundred fifty dollars for a twelve person jury demand rather than a six person jury demand.

The Committee's recommendations were approved by the Court on December 17, 2002, and went into effect July 2003.

For the past several years there has been a good deal of discussion on the Committee concerning whether Wyoming should follow the lead of federal courts in requiring mandatory initial disclosures in civil litigation, in order to gather information from other members of the bar, a question on the issue was included in the 2003 bar survey. The results of that survey indicated that a strong majority of the bar (74.6%) would support adoption of such a rule. Accordingly, the Committee will meet in order to draft a proposal for a mandatory initial disclosure rule. In the past, the Committee has discussed whether or not such a rule would apply in all types of litigation or whether certain categories of cases would be exempted from the disclosure requirements. An input from other members of the Bar would be appreciated by the Committee on this issue.

REPORT OF THE BOARD OF PROFESSIONAL RESPONSIBILITY

Craig Newman, Chairman

Cases Pending on 1/1/02:	68
Cases Resolved in 2002:	86
Sanctions Issued:	
Disbarments	0
Suspensions	15 (14 cases regarding one attorney)
Interim Suspensions	1
Public Censures	9
Private Reprimands	11
Informal Admonitions	7
Disability Transfers	0
Rule V(c) Dismissals	7
Reinstatement Petitions	1
New Cases Opened in 2002:	42
Cases Pending on 12/31/02	24

REPORT OF LAW SCHOOL LIAISON COMMITTEE

Gregory C. Dyekman, Chairman

On July 18, 2003, the Law School Liaison Committee met by teleconference. The Committee heard some introductory remarks by Dean Parkinson, including a discussion of the entering class. The number of acceptance letters has been reduced and a few offers have now been made from the wait list with a target class size of seventy-five to eighty. The Law School continues to use an individualized admissions process which is not based solely on test scores and GPAs. The diversity of each class continues to be addressed. The Law School has three new faculty members, Professors Romero, Delaney, and Arnold who have been introduced in the Bar column of the Wyoming Lawyer. Professor Lynn Boomgaarden is on leave-of-absence as director of State Lands. The Law School has requested permission to fill the Kepler chair, which is an endowed professorship. However,

due to investment fluctuations, the University must assist with funding for the time being.

Potter Law Club president, Rob Ingram, who participated in the call, described some of his outreach efforts to the Bar including a Potter Law Club Symposium on October 7, 2003, on law and religion. The Potter Law Club intends to invite the entire membership of the Bar and will attempt to determine the level of interest from that mass mailing for future programs at the Law School.

CLE offerings should be enhanced by a \$250,000 grant received by the Law School as part of a university-wide technology grant. The Law School intends to utilize some of the funds for enhancement of teleconferencing capabilities, internet teaching capabilities, and improved outreach. CLE programs at the law school are being reevaluated and the number of such programs may be reduced in favor of more teleconferencing, more advertising of symposia and speeches at the law school by regional and national presenters and more CLE participation by faculty in programs put on by the bar throughout the state.

The Law School is currently creating its portion of the University of Wyoming's academic plan for the next five years. The current plan, which expires in 2004, has led to some improvements at the Law School and the new Academic Planning Committee has been working all summer on the new plan draft. Chairman Dyekman has served on the Academic Planning Committee and has provided input on behalf of the Bar in the formative process of the Plan draft. The Law School plan draft should be available for comment this fall with a final version due in December. Members of the Bar will be encouraged to read the plan draft and provide their input to the Law School. One major theme is the possible increase in enrollment and/or tuition to raise money for improvements at the Law School since the University has indicated it would allow the Law School to retain these additional revenues. That may allow greater specialization in some areas, more practical training, and improvement in the legal writing program.

The Dean also indicated that one-half of the faculty are relatively new and that many are westerners, but are not well know to the practicing bar yet. He intends to get as many of the faculty as possible to the Bar Convention in September and to increase his visibility around the State as well. He will continue to encourage CLE at the Bar Convention and elsewhere, involving faculty since it provides a good opportunity for practitioners to observe the faculty and their expertise. The Law School newsletter, which is published twice a year, will have a new format under the direction of Wendy Newman and should be forthcoming shortly. In addition, the Dean is now writing a column for the *Wyoming Lawyer*, which will be published in each issue, keeping members of the Bar abreast of developments at the Law School. All of these efforts at outreach and information should go a long

way toward resolving perceived deficiencies as revealed by the recent Bar survey. The Committee discussed the Bar survey results pertaining to the Law School and determined that communication will help resolve most of the complaints voiced in that survey. The survey was provided to the Dean and by him to the faculty at its faculty retreat in an effort to make everyone aware of any perceived problems between the Bar and the Law School.

The issue of the Bar exam was briefly discussed and it was determined that the Law School will continue to increase its communication with the Bar Examiners in an effort to better understand how test scores can be improved and student preparation for the exam can be better. Bar Examiners' chairman Deb Wendtland, an ex-officio member of the Committee, mentioned that Ken Barbe of Casper is the newest member of the Bar Examiners and that the Bar Examiners were willing to make themselves available to speak with students and faculty about the bar exam process. The Committee will continue to attempt to facilitate these meetings.

The Committee will be requested to review the Academic Plan in detail when the plan draft comes out and to provide copies to others who may be interested. The Plan will also be made available on the University's and Law School's website.

The Chairman closed the meeting with a brief discussion of the need for Wyoming attorneys to have greater contact with people at the Law School, including both students and faculty. Many of the law students have never had any contact with practicing lawyers and have little idea what the practice of law actually entails. The Law School Liaison Committee will continue to encourage members of the Bar to participate in student competitions, mentoring programs, and in every other way to be more visible to students and to have more contact with faculty and staff at the Law School.

REPORT OF THE PERMANENT RULES ADVISORY COMMITTEE (EVIDENCE DIVISION)

Jeffrey A. Donnell

The Permanent Rules Advisory Committee on Evidence has received no requests for review or amendment of the current Rules of Evidence. Nevertheless, the Committee met in Laramie on February 22, 2003, to review and consider recent amendments to the Federal Rules and the possible application of some or all of those amendments to the Wyoming Rules of Evidence.

The Committee discussed the possibility of revisions to Rules 803(6), 702, 703, 701, 404(a), and 404(b). Decisions were taken not to recommend or consider further revisions to any of these rules except those rules governing expert testimony, Rules 701, 702, and 703. A review of the current law in Wyoming and the application of these rules in light of same has

been recently completed, and the Committee will likely meet again during the next few months to discuss the matter further.

REPORT OF WYOMING STATE BAR DELEGATE TO THE ROCKY MOUNTAIN MINERAL LAW FOUNDATION

John M. Daly

The delegate to The Rocky Mountain Mineral Law Foundation is selected by the president of the Wyoming State Bar for a three year term.

Purpose

The Rocky Mountain Mineral Law Foundation is an educational institution dedicated to the study of the legal system and issues affecting mineral and water resources. The goals of the Foundation are to foster and encourage a scholarly and yet practical study of the law relating to oil and gas, mining, water, public land management, land use, conservation, environmental protection, and other related areas.

Structure

The governing structure of the Foundation consists of thirty law schools, thirteen bar associations, twelve mining associations, eight oil and gas associations, with each law school, bar and industry association represented by one trustee, plus twenty-five Trustees-at-Large, three officers not otherwise represented, eight Honorary Trustees, and thirty-one Past Presidents for a total of 130 Trustees.

Committees, Boards, Authors, Program Committees, and Speakers/Faculty

In 2002-2003, more than thirty committees or project groups worked on the committees, programs, and publications; around 900 volunteer assignments were filled with many people taking on multiple assignments.

Membership

There are 525 Annual 2003 Memberships received to date, compared with 548 at this time last year.

REPORT OF THE BOARD OF CONTINUING LEGAL EDUCATION

Amy Jenkins, Chairperson

The Wyoming State Board of Continuing Legal Education met four times during the 2002/2003 fiscal year: September 12 and October 1, 2002, and January 15 and April 30, 2003. The Board considered two requests for waiver, granting one and denying the other.

The Board voted to approve a change to Rule 3 of the Rules for Continuing Legal Education of Members of the Wyoming State Bar, mandating a four-hour professionalism CLE course for new admittees, to be completed within the first year after admission. The Board also voted to approve a change to Rule 4, allowing CLE credit for pro bono work. These amendments were adopted by the Supreme Court effective July 1, 2003. The Board approved changes to the regulations regarding reinstatement after suspension for non-compliance with CLE rules to provide consistency between all types of suspensions and reinstatements, however these changes have not yet been adopted by the Supreme Court.

After working for over a year on programming, privacy and technical issues, the CLE Board has made CLE records for attorneys available on the Wyoming State Bar website. Attorneys must enter their attorney number and date of birth to access records to ensure privacy. The program appears to be a success and has received very positive feedback from members.

Official CLE statements were mailed to all active Wyoming State Bar members on February 8, 2003, for the reporting period of January 1, 2002 to January 30, 2003. On July 18, 2003, delinquency notices were sent to 142 attorneys via certified, restricted delivery mail. Third-quarter statements were mailed to all active members on August 11, 2003. A recommendation for suspension will be delivered to the Supreme Court in October, 2003, for all active members who have not complied with the 2002 CLE requirement.

Members of the Board during 2002/2003 are as follows: Deborah Kellam, Past Chairperson, whose term expired December 31, 2002; Amy Jenkins, Current Chairperson; Leonard R. Carlman; Mark E. Macy, whose term expired December 31, 2002; David Piaia; Jane Ann Shiley; Paul Kapp; Ryan T. Schelhaas; Bonita Brinkerhoff, lay member, whose term expired December 31, 2002; Dave Perry, lay member; Anita Schroeder, lay member, and; Michelle Maxwell, lay member. Kim Mayo is the Program Director for Continuing Legal Education.

REPORT OF THE BOARD OF LAW EXAMINERS

Debra J. Wendtland, Chairperson

The Wyoming Board of Law Examiners administered the state bar examination twice in 2003: To thirty-five applicants on February 26-27 at the University of Wyoming College of Law in Laramie, and; to seventy-four applicants on July 30-31 at Laramie County Community College in Cheyenne. As a result, sixty-seven attorneys were recommended to the Supreme Court to be admitted by examination.

In addition, seven applicants applying for admission by motion were considered in February and sixteen were considered in July. Twenty-one

attorneys were recommended to the Supreme Court to be admitted by motion.

The Character & Fitness Committee investigated the moral character of each exam and motion applicant and all were found fit to practice law within the state of Wyoming.

The 2003 Board of Law Examiners consists of Chairperson, Debra J. Wendtland, Vice-Chairperson, Wesley A. Roberts, J. Kenneth Barbe, II, Kay Lynn Bestol, and Michael D. Newman. The Character & Fitness Committee consists of Chairperson, Rex E. Johnson, Sandra S. Kitchen, and John W. Renneisen. Kim Mayo is the Program Director for the Board of Law Examiners.

University of Wyoming
College of Law

WYOMING LAW REVIEW

VOLUME 4

2004

NUMBER 2

COALBED METHANE SYMPOSIUM

This section of the WYOMING LAW REVIEW is
dedicated to developing and understanding land and
water law in the United States.

