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Minutes of the Legislative Meeting of the Wyoming State Bar

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bility of recovery by subsequent litigants by adoption of the permanent nuisance theory and thereby obviated a necessity for a distinction between public and private nuisance.

F. BURDETT.

WYOMING STATE BAR SECTION

MINUTES OF THE LEGISLATIVE MEETING OF THE WYOMING STATE BAR

Cheyenne, Wyoming
January 22, 1949

The Legislative Meeting of the Wyoming State Bar was held at the Supreme Court Room in the Supreme Court Building, Cheyenne, Wyoming, on January 22, 1949, pursuant to the call of the President and due notice of the time and place of the meeting having been sent to all members. The meeting was called to order at 9:30 A. M. by President R. G. Diefenderfer who announced that the meeting had been called to consider legislation.

The President then called upon Mr. Erle H. Reid, Chairman of the Legislative Committee. Various members of the Legislative Committee presented the bills considered by the Committee with the recommendations thereon. The bills presented, the recommendations of the Committee, and the action taken by the meeting upon motion, made, seconded and carried in each case, are indicated below.

1. Bill relating to minors committed to State Institutions. Committee recommendation: Approval. Action: approved and recommended to Legislature for passage.

2. Bill relating to causes of action that survive. Committee recommendation: approval. Action: approved and recommended to Legislature for passage.

3. Bill relating to clauses in insurance policies as to insolvent assureds. Committee recommendation: approval. Action: approved and recommended to Legislature for passage.

4. Bill relating to orders to show cause in estates. Committee recommendation: approval. Action: Disapproval. Bill referred back to Sheridan County Bar Association.

5. Bill relating to fees for defending pauper prisoners. Committee recommendation: approval. Action: amended with reference to appointment of counsel for minors prior to a plea of guilty and as amended, approved and recommended to Legislature for passage.

6. Bill relating to residence in divorce cases where the grounds are insanity. Committee recommendation: approval. Action: approved and recommended to Legislature for passage.

7. Bill relating to estates tail. Committee recommendation: approval. Action: approved and recommended to Legislature for passage.

8. Bill relating to rule against perpetuities. Committee recommendation: approval. Action: approved and recommended to Legislature for passage.

9. Bill relating to salaries of District and Supreme Court Judges. Committee recommendation: approval. Action: amended and as amended recommended to Legislature for passage.

10. Bill relating to inventory and appraisements in estates. Committee recommendation: approval. Action: approved and recommended to Legislature for passage.

The President introduced Honorable Frank E. Holman, President of the American Bar Association, who addressed the meeting on the subject: "The American Character."

Following the address Mr. Holman was thanked by President Diefenderfer for coming to Cheyenne to address the Bar and a motion for a standing vote of thanks to Mr. Holman was carried by acclamation.

The hour of 12:00 noon having arrived, the meeting was recessed until 2:00 P. M.

The meeting reconvened at 2:00 P. M., and was called to order by President Diefenderfer who announced that the first order of business was the election of a Delegate to the House of Delegates of the American Bar Association. The meeting was declared open for nominations. The name of Mr. C. A. Zaring was placed in nomination. Upon motion duly made, seconded and carried, nominations were closed and the Secretary was instructed to cast the unanimous ballot of the meeting for Mr. Zaring. The President thereupon declared Mr. Zaring elected as a Delegate to the House of Delegates of the American Bar Association.

The meeting then resumed the consideration of legislation.

11. Bill to redistrict the State. Committee recommendation: approval. Action: approved and recommended to the Legislature for passage.

12. With the approval of the Legislative Committee, Mr. A. R. McMicken presented a bill providing for the retirement of judges which bill had not been theretofore considered by the Legislative Committee. Upon motion duly made, seconded and carried, the bill was approved and recommended to the Legislature for passage.

13. Bill relating to requirements for admission to the Bar. Committee recommendation: approval. Action: approved and recommended to the Legislature for passage.

Mr. Charles Crowell, a member of the special committee to formulate and propose rules of practice before State boards and commissions, reported on behalf of the committee that its final report would be delayed pending action by the Legislature on certain bills.

The report of the Committee to study and report on the Standards for Title Examinations of the Seventh Judicial District Bar was given by Mr. Oliver W.

Steadman, Chairman. Mr. Steadman presented the report Standard by Standard and upon motion duly made, seconded and carried in the case of each Standard, the report of the Committee was adopted, with the exception of Standard No. 16 of the Seventh Judicial District Bar which was amended to include "material-man's lien", and as so amended was likewise adopted.

The meeting then resumed the consideration of legislation.

14. Bill relating to the curative act as pertains to marital status. Committee recommendation: approval. Action: approved and recommended to the Legislature for passage.

15, 16 and 17. Bills relating to the conveyancing of a homestead. Committee recommendation: approval. Action: disapproval.

Mr. Franklin B. Sheldon submitted a bill relating to the release of homestead in a conveyance. Upon motion duly made, seconded and carried the bill was approved and recommended to the Legislature for passage. Mr. Sheldon also submitted an addition to the bill relating to the curative act as pertains to marital status (no. 14 above), the addition providing for a presumption. Upon motion duly made, seconded and carried, the addition was approved.

There being no further business the meeting was adjourned at 5:00 P. M. on January 22, 1949.

The members and their ladies were entertained at a banquet at the Cheyenne Country Club in the evening. Honorable Frank E. Holman, President of the American Bar Association, was the principal speaker of the evening.

Robert B. Laughlin
Secretary-Treasurer

WYOMING RULES OF CIVIL PROCEDURE

Adopted by Supreme Court June 7, 1949

Effective from and after January 1, 1950

Rule 1. In any action, the court may in its discretion, and upon request of any party shall, direct the attorneys for the parties to appear before it for a conference to consider

- (1) The simplification of the issues;
- (2) The necessity or desirability of amendments to the pleadings;
- (3) The possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof;
- (4) The limitation of the number of expert witnesses;
- (5) The advisability of a preliminary reference of issues to a master for findings to be used as evidence when the trial is to be by jury;
- (6) Such other matters as may aid in the disposition of the action.