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## Address of the President

Henry A. Burgess

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# LAND AND WATER LAW REVIEW

## ADDRESS OF THE PRESIDENT

### ANNUAL MEETING OF THE WYOMING STATE BAR

*Henry A. Burgess*

Sheridan, Wyoming

September 12, 1968

Rule 10 providing for the organization and government of the Bar Association provides that there should be an annual meeting held for the election of officers, to hear the address of the President, and in general for the discussion of matters and interest to the State Bar affecting the administration of justice. Pursuant to that rule I submit the following report of my year as President.

For the past several years the Wyoming State Bar Presidents have been active in two fields, one field has been in the representation of the State Bar at meetings of the Bar Association of other states, Regional Bar meetings, National Bar meetings, and the other field has been in the implementing of Wyoming State Bar programs. The degree of participation of the Wyoming State Bar President in these two fields of activity has been regulated only by his personal desire to travel and attend meetings and by the financial resources at his disposal.

Upon taking office and obtaining a statement of the financial condition of the Bar from the Treasurer it became apparent that the level of activities of the Bar President for 1967-1968 would have to be seriously reduced from previous levels for financial reasons.

One of the interesting facets of the financial side of our Bar has been that our fiscal year has been for a period of August 1st to July 31st of each year. A Bar President takes office following the annual meeting in September. This means that a Bar President has available to him income accruing in two fiscal years. With no budget required of a Presi-

dent, and with no advance approval of his expenditures required, a President could spend any amount deemed by him appropriate without regard to the financial situation in which his successor would be placed.

The Citizens Conference held at Laramie, Wyoming, and the Bar expenditures in behalf of the Constitutional Amendments in the election of 1966, the expenditures of my predecessor in office made it crystal clear to me that unless there was a drastic curtailment in Bar programs and officers' travel and telephone expense, this Bar, either during my term or that of Ed Herschler, would be financially embarrassed.

I have reduced those expenditures over which I had control and Ed Herschler has also minimized his expenditures, as you may realize from the Treasurer's report. It has been my major concern, program, and endeavor while in office to build up sufficient funds for future Bar committee work and programs.

I also had three eminent attorneys, James O. Wilson, Archie McClintock, and Thomas O. Miller, all past Presidents, represent me in petitioning the Supreme Court to amend our Bar rules numbered 5 and 16. After listening to these three wise heads, the Supreme Court amended the rules to provide for a fiscal year commencing October 1st and ending September 30th. In the future this will make it impossible for any one President to spend more than one year's dues during his term of office.

The Court also amended Rule 16 to provide that funds may be disbursed by the Treasurer only upon order of the Board of Bar Commissioners as evidenced by a budget adopted and approved by the Board of Commissioners at the commencement of the President's term.

These two changes should make it possible for expenditures in the future to be budgeted and controlled by the Board of Commissioners. It will also prevent the accumulated funds of several years from being expended in one administration without the prior approval of the Board.

The Supreme Court also increased the annual Bar dues to \$35 a year, which was the amount previously authorized by statute.

You will recall that at the time of creating the Client's Security Fund it had been intended to earmark the sum of \$5.00 from each member's annual dues to the Fund to augment the original fund of \$5,000.00. No monies were credited to this Fund during my term of office. I believe there are suf-

ficient funds on hand at this time to place in the Client's Security Fund \$5.00 from the dues of each member. It is an item of business which I am sure the new President and Board of Commissioners will consider.

For some years now our Association has been concerned with the program of Judicial Selection, Tenure, Retirement, and Minor Courts Reorganization. Following the adoption of the Constitutional Amendment in the 1966 election which permits a reorganization of our Minor Courts, the 1967 Session of the Legislature assigned to the Statutory Revision Commission the assignment of drafting legislation for the reorganization of the Courts. The Commission has asked for some consensus of opinion of the Bar as to how the Minor Courts should be reorganized. This question is on the program for this morning for your consideration.

One of the most distressing aspects of my tenure has been the receipt of what I deem to be a large volume of complaints from clients and out of state lawyers concerning the ethics and conduct of legal matters by the attorneys of this state. Most of the complaints are based upon a failure of communication between the client and the lawyer or the want of diligence by an attorney in the discharge of his work. Fortunately, almost all of these matters have been resolved by being brought to the attention of the attorney, who promptly resolves the situation.

One of the activities of a Bar officer is to represent his association at the meetings of other organizations. In view of the excellent presentation of professional problems at the National American Bar Association meetings, and in view of our financial situation, Ed Herschler limited his attendance at other associations to the Idaho State Bar Association meeting, and I attended the Nebraska State Bar meeting. I also attended the American Bar Association meeting in Chicago.

Being President of your State Bar has been a stimulating and rewarding experience. One of the richest aspects of the experience has been the cooperation of the other Bar officers. From time to time it has also been necessary to ask attorneys to represent the Bar, either in the Supreme Court on rule changes, or at the admission of new members, or in a District Court proceeding. Every request for appearance or assistance on behalf of the Bar was honored, even though it required a sacrifice of time and considerable effort by counsel without any remuneration. I trust that the Bar is being left in a financial condition where it once again can finance its programs on a reasonable level.