

1969

## Minutes of the Annual Meeting of the Wyoming State Bar

John T. Dixon

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University of Wyoming

College of Law

# LAND AND WATER LAW REVIEW

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## MINUTES OF THE ANNUAL MEETING OF THE WYOMING STATE BAR

*September 12, 13 & 14, 1968*

*Sheridan, Wyoming*

The formal opening of the 28th Annual Meeting of the Integrated Bar and the 53rd Annual Meeting of the Wyoming State Bar was preceded on Wednesday, September 11, 1968 by a delightful social hour hosted by the First National Bank of Sheridan, The Bank of Commerce of Sheridan, and the First Federal Savings & Loan Association of Sheridan. The festivities were held at the Sheridan Country Club. Following the social hour the members were on their own for the remainder of the evening.

The regular annual meeting of the Wyoming State Bar was called to order by President Henry A. Burgess at 9:45 a.m. in the Sheridan Inn, Sheridan, Wyoming, by calling upon the Reverend Larry Brynnel who gave the invocation. Following the invocation President Burgess introduced Mayor Carl Nelson who welcomed the members of the Wyoming State Bar on behalf of the City of Sheridan. President Burgess then called upon President-Elect Edgar J. Herschler, Kemmerer, Wyoming, to respond to the Mayor's address of welcome.

President Burgess next called upon John T. Dixon, Secretary-Treasurer, Powell, Wyoming, for the reading of the minutes of the last meeting and the annual Treasurer's report. Upon motion duly made, seconded and carried the reading of the minutes of the annual meeting of 1968 were dispensed with. Following Mr. Dixon's Treasurer's report Ross D. Copenhaver, Powell, Wyoming, Chairman of the Auditing Committee reported the results of the Auditing Committee's examination of the books of the Treasurer. Mr. Copenhaver concluded his report by recommending that the Treasurer's report for the period ending July 31, 1968 be approved, and advised the membership that the report published in the Law Journal would differ from the report presented by the Treasurer and would include the months of August and September due to the fact that the fiscal year of the Wyoming State Bar for the 1967-68 year would terminate on September 30, 1968, instead of July 31, 1968. Following the reports of the Treasurer and the Auditing Committee it was regularly moved, seconded and carried that the reports of the Treasurer and the Auditing

Committee be accepted and approved as read and spread at length in the minutes of this meeting.

President Burgess then turned the meeting over to President-Elect E. J. Herschler, Kemmerer, Wyoming, who in turn re-introduced President Henry A. Burgess who reported on his year's activities as President of the Wyoming State Bar. Following Mr. Burgess's report, President-Elect Herschler thanked him for his efforts in keeping the Bar on a sound financial basis during the 1967-68 year, and it was regularly moved, seconded and carried that the report of President Burgess be approved and accepted as read and spread at length in the minutes of this meeting. President-Elect Herschler then turned the meeting back to President Burgess.

President Burgess then called for the report of the O.E.O. Committee which was given by E. J. Herschler in the absence of the committee chairman, Byron Hirst. At the conclusion of the O.E.O. Committee report it was regularly moved, seconded and carried that the report of the committee be approved as read and that the incoming President appoint a continuing committee as recommended by the present committee to investigate and study the suggestions set forth in the committee report.

After thanking Mr. Herschler for reporting on behalf of the O.E.O. Committee, President Burgess called upon Joe Cardine, Casper, Wyoming, Chairman of the Minor Courts' Committee who reported on behalf of that committee. At the conclusion of Mr. Cardine's report President Burgess recognized E. J. Herschler who detailed for the membership the problems encountered by the Statutory Revision Commission of which Mr. Herschler is a member. Following Mr. Herschler's discussion, a general question and answer session followed, at the conclusion of which the matter was tabled until the following day in order to allow the Minor Courts' Committee additional time in which to prepare suggestions and recommendations for submission to the meeting.

President Burgess then recessed the meeting at 11:00 a.m. for a ten minute coffee break and reconvened at 11:15 a.m. by calling upon W. Hume Everett, Casper, who reported as Chairman of the Judicial Selection and Tenure Committee. Following Mr. Everett's report it was regularly moved, seconded and carried that the report be adopted as read.

President Burgess next introduced the following individuals, new admittees to membership in the Wyoming State Bar since the 1968 annual meeting held in Cheyenne:

Rex Arney .....	Sheridan, Wyoming
Bill Everett .....	Casper, Wyoming
Peter McNiff .....	Cheyenne, Wyoming
Jack Gage .....	Cheyenne, Wyoming

Dan Spangler ..... Kemmerer, Wyoming  
 Otis Beach ..... Greybull, Wyoming

After welcoming the new members as members of the Wyoming State Bar, President Burgess called upon Clarence A. (Bud) Brimmer, Rawlins, who presented a talk entitled "The Rancher's Subservient Surface Estate" which dealt with the right of surface owners for damages for mineral development. Following Mr. Brimmer's remarks Mr. Burgess thanked him for addressing the annual meeting and adjourned the morning session at 11:45 a.m.

The members of the Wyoming State Bar met for luncheon at Sheridan City Center where they were addressed by George Aldrich, Assistant Legal Advisor, East Asian & Pacific Affairs, on the subject "Legal Aspects of Vietnam."

The wives of the members of the Wyoming State Bar met for their noon luncheon at the Golden Steer during which they were entertained with a fashion show presented by Betty Harrison.

President Burgess reconvened the meeting at 2:10 p.m. in the Sheridan Inn, Sheridan, by introducing Leonard S. Janofsky, Esquire, Los Angeles, California, a member of the American Bar Association Committee on Specialization in the Practice of Law, who addressed the assemblage on that subject. After thanking Mr. Janofsky for taking time out of his very busy schedule to come and talk to the members of the Wyoming State Bar, President Burgess called on the panel on Water for Industrial and Preferred Uses composed of Leonard Bennett, Portland, Oregon, Deputy Attorney General Thomas Cahill, Cheyenne, Wyoming and William Wehrli, Casper, Wyoming.

At the conclusion of the panel's presentation the meeting was adjourned at 4:25 p.m. until 9:30 a.m. Friday, September 13, 1968.

Both the members and their wives were entertained at a delightful social hour held at the Sheridan Inn, hosted by the First National Bank, Bank of Commerce, and the First Federal Savings & Loan Association all of Sheridan, Wyoming. Following the social hour the members and their wives adjourned to the Sheridan Center for dinner where they were addressed by the Honorable Alfred P. Murrah, Chief Justice, Tenth Circuit. Justice Murrah gave an off the cuff talk on criminal justice, crime and its implications and the tenth circuit itself.

The Annual Meeting of the Wyoming State Bar was re-convened at the Sheridan Inn by President Henry A. Burgess at 9:34 a.m. by introducing George W. Hopper, Professor Harold S. Bloomenthal, University of Wyoming, Kim Briggs, Deputy Secretary of State, and Don Stocking, Regional Administrator, S.E.C., Denver, Colorado who presented a panel on securities.

At the conclusion of the panel's presentation President Burgess thanked them for the very excellent discussion and declared a ten minute coffee recess at 11:00 a.m.

President Burgess re-convened the meeting by introducing B. J. George who discussed the Gault & Whittington cases and the present day Wyoming juvenile laws and courts. At the conclusion of Mr. George's remarks the meeting was recessed for the noon luncheon at 11:45 a.m.

The members assembled at the Golden Steer for the noon luncheon where they were privileged to hear the Honorable William T. Gossett, Detroit, Michigan, President of the American Bar Association.

Meanwhile the members' wives were entertained at a chuckwagon brunch at Lodore Lodge, Story, Wyoming following which the women had a choice of either a tour of the Bradford Brinton Memorial at Big Horn, Wyoming or the Wyoming Girls' School, Sheridan, Wyoming.

President Burgess reconvened the meeting at 2:15 p.m. by introducing Larry Sisk, Publisher's Representative, Union Tribune Publishing Company, San Diego, California, Jim Flinchum, Publisher, Wyoming State Tribune, District Judge John F. Raper, Cheyenne, Wyoming and Al Pence, Laramie, Wyoming, who discussed the Reardon Report, Free Press-Fair Trial.

President Burgess then recessed the meeting at 3:45 p.m. for a coffee break and reconvened the same at 4:00 p.m. by again calling upon Joe Cardine, Casper, Wyoming, Chairman of the Minor Courts' Committee who read an eight point resolution adopted by that committee. At the conclusion of Mr. Cardine's report the following resolution was, upon motion duly put and seconded, carried.

#### RESOLUTION

WHEREAS, a Constitutional Amendment was adopted by the people of Wyoming so as to enable the establishment of a system of Minor Courts by the Legislature of Wyoming, and

WHEREAS, the 39th session of the Wyoming Legislature appropriated to the Statute Revision Commission \$10,000.00 to be used by the Commission to study and make proposals for the revision of our Minor Court system, and

WHEREAS, the Wyoming State Bar at its annual meeting duly assembled in Sheridan, Wyoming on September 13, 1968 is desirous of making recommendations to the Statute Revision Commission, and to the legislature for their consideration and action:

NOW, THEREFORE, BE IT RESOLVED by the Wyoming State Bar that the Statute Revision Commission and the 40th session of the Wyoming Legislature be memorialized to make such changes, amendments and additions to the statutes of Wyoming as may be necessary to enact into law the following recommendations:

To provide for one system of County Courts for the State of Wyoming replacing the present Justice Court system and

making Justices of the Peace judges of the County Court in each county of Wyoming providing that:

1. Judges of such county courts, should be attorneys who are members of the Wyoming State Bar Association. In areas requiring judges, where attorneys are not available for services, provision should be made for appointing lay judges having a minimum high school education. The County Court should remain the people's court, where any citizen can represent himself and take all action necessary in his own behalf.

2. We should have just one minor court, called a County Court. The judges of this court should be permitted to engage in the private practice of law in areas not in conflict with their duties as judge of the County Court. These judges should be half time, one-fourth time, or one-eighth time, depending upon their volume of work and should be paid a salary according to their designation.

3. Our court system should remain a three-court system with the Supreme Court being our highest court, the district courts being courts of general jurisdiction, and the county courts being our minor courts.

4. The judges of these courts should be elected by the voters of the county in which they preside. In areas where an attorney, who is a member of the Wyoming State Bar Association, does not file for election to the office of judge, a judge should be appointed immediately following the election. Mechanics for appointment should include the submission of not less than two, nor more than four, names of qualified persons by the practicing attorneys' Association in the county affected.

5. All judges should be required to attend a course of instruction supervised by the Supreme Court of the State of Wyoming.

6. The jurisdiction of the County Courts should include matters in controversy involving either \$500.00 or \$1,000.00. In criminal matters, the County Court should have jurisdiction to hear and decide all criminal charges through high misdemeanors, and, of course, should retain preliminary hearings, as at present. A simplified procedure should be set up to handle small claims up to \$150.00, providing for service by registered mail, and simplified appearance and hearing.

7. Municipal Courts should not be incorporated into the County Court system, but should remain separate, as at present. This should not prevent a judge of the County Court from also being appointed Municipal Judge, if the town or city council should make such appointment.

8. The County Court should not be a court of record. It should be up to the litigants to provide for a record, either by manual reporting or electronic device should

there be any intention to appeal a case to the District Court, or appeals to the District Court should not be by trial de novo.

BE IT FURTHER RESOLVED that the Secretary-Treasurer of the Wyoming State Bar send copies of this resolution to the Chairman of the Statute Revision Commission, to the Speaker of the House of Representatives and to the President of the Senate of the Wyoming Legislature.

Respectfully submitted,  
Joe Cardine, Chairman

President Burgess then called for the report of the Resolution Committee but upon motion duly put, seconded and carried the reading of the resolutions of the annual meeting of the Wyoming State Bar was dispensed with.

President Burgess then called upon Alan Simpson for the reading of the Necrology report but upon motion duly put, seconded and carried the report of the Necrology Committee was dispensed with. Upon motion duly put, seconded and carried the Secretary was instructed to spread both the reports of the Necrology and Resolutions Committee at length in the minutes of this meeting.

#### RESOLUTION NO. 1

WHEREAS, the members of the Wyoming State Bar were privileged to have enjoyed the hospitality and generosity of the Sheridan County Bar Association, the wives and members thereof, the City of Sheridan, Sheridan Country Club, First National Bank of Sheridan, Bank of Commerce of Sheridan, First Federal Savings & Loan Association, Callaghan and Company, Bancroft-Whitney, The Michie Company, The Bobb's Merrill Company, West Publishing Company, Commerce Clearing House, Inc., Matthew Bender and Company, Shepard's Citations during the 53rd Annual Meeting of the Wyoming State Bar at Sheridan, Wyoming, held on September 11, 12, 13 and 14, 1968 and

WHEREAS, the members of the Wyoming State Bar are desirous of expressing their appreciation, thanks and gratitude to all who have made the meeting so successful and memorable.

NOW, THEREFORE, BE IT RESOLVED that the Wyoming State Bar in session duly assembled on the 13th day of September, 1968, does hereby extend and express the appreciation, thanks and gratitude of all its members and wives who have attended the said annual meeting to the above named parties.

BE IT FURTHER RESOLVED that the Secretary-Treasurer of the Wyoming State Bar send copies of this resolution to the parties herein named.

## RESOLUTION NO. II

WHEREAS, the Wyoming State Bar has been fortunate in having the following men participate and contribute to the various proceedings and meetings, to-wit: George Aldrich, Esq., Assistant Legal Advisor, East Asian and Pacific Affairs, Leonard S. Janofsky, Esq., Los Angeles, California, Leonard Bennett, Esq., Portland, Oregon, the Honorable Alfred P. Murrah, Chief Justice, Tenth Circuit Court of Appeals, Kim Briggs, Deputy Secretary of State, Don Stocking, Regional Administrator, S.E.C., Denver, Colorado, the Honorable William T. Gossett, President, A.B.A., Detroit, Michigan, Larry Sisk, Publisher's Representative, Union Tribune Publishing Company, San Diego, California and Jim Flinchum, Publisher, Wyoming State Tribune.

WHEREAS, the Wyoming State Bar is greatly appreciative of the fine work of these gentlemen which has contributed much to the success of this 53rd Annual Meeting.

NOW, THEREFORE, BE IT RESOLVED that the Wyoming State Bar extend its thanks and appreciation to the distinguished gentlemen above-named for their contribution to and participation in this meeting, and that the Secretary-Treasurer of the Wyoming State Bar send copies of this resolution to the parties named.

## RESOLUTION NO. III

WHEREAS, the Sheridan Legal Secretaries, through their untiring efforts, contributed greatly to the success of the 53rd Annual Meeting of the Wyoming State Bar, and

WHEREAS, the members of the Wyoming State Bar wish to express their thanks to the Sheridan Legal Secretaries.

NOW, THEREFORE, BE IT RESOLVED, that the members of the Wyoming State Bar do hereby express their thanks and appreciation to the Sheridan Legal Secretaries that the Secretary of the Wyoming State Bar send copies of this resolution to each of the Sheridan Legal Secretaries.

## RESOLUTION NO. IV

WHEREAS, Henry A. Burgess has ably served the Bar of the State of Wyoming, as its President, for this year, and,

WHEREAS, this distinguished gentleman is retiring as President of the Wyoming State Bar and the Bar regards it fitting and proper to recognize and commend him for his service and dedication to the causes of the Bar.

NOW, THEREFORE, BE IT RESOLVED that the Wyoming State Bar acknowledge with gratitude the service rendered by Henry A. Burgess and the Secretary of the Wyoming State Bar shall send a copy of this resolution to Henry A. Burgess, Esq.

Respectfully submitted,  
Larry Yonkee, Chairman

**1968 REPORT OF THE WYOMING STATE BAR  
NECROLOGY COMMITTEE**

The Wyoming State Bar has experienced a relatively healthy year as the passing of only three members has been reported since our last meeting. Nonetheless, the loss to the families, associates and friends of each of the departed is great, and the entire State Bar suffers by their passing and will miss them.

**JESSE R. WILLIS**

Jesse R. Willis was born in Illinois October 3, 1897. He attended Illinois Wesleyan University and was admitted to the Bar of Illinois in 1924. He practiced law in Bloomington, Illinois, for several years.

Mr. Willis was admitted to the Wyoming Bar in 1955. He resided in Torrington for several years and in Afton for a short time before his death, but did not engage in active practice of law during his residence in Wyoming. Mr. Willis passed away in July of 1967, but his passing was omitted from last year's report of the Necrology Committee and for that reason we are including it in this year's report.

**MEYER RANKIN**

Meyer Rankin was born in Oregon, Missouri on March 3, 1899, and lived in Cody, Wyoming, from 1906 until his death. He was an honor graduate from Cody High School, obtained his law degree, cum laude, from Northwestern University, in 1924. He was admitted to the Wyoming Bar in the same year and commenced his practice of law in Cody in 1925.

He practiced initially with William L. Simpson and was later associated in partnership with Paul R. Greever, who was elected to the United States Congress during their association together. After Mr. Greever's election to Congress, Mr. Rankin was appointed as Park County Attorney and served in this position for six years.

He was one of the original organizers of the Park County Bar Association and was instrumental in the formation of the first Rural Electrification Association operations.

He served as a member of the Wyoming State House of Representatives in the Session of 1933.

He was City Attorney for the City of Cody for 27 years and was active in all phases of municipal government.

Mr. Rankin passed away in Cody on November 26, 1967. He is survived by his wife, Mildred, and two sons, William of Cody, and Paul of Fontana, California, and seven grandchildren.

## THEOPHILE J. WEBER

Theophile J. (Ted) Weber was born in New York City on August 10, 1924. He attended New York University, graduated from the University of Wyoming with a B.A. Degree and from Wyoming College of Law in 1950. Mr. Weber practiced law for a while in Laramie before moving to Casper to work for the Chevron Oil Company. He later worked as a District Landman for British American Oil Company and then went into business for himself as an oil and gas lease broker.

Mr. Weber moved to Boulder, Colorado in June of 1965 to work on a higher college degree at the University of Colorado. He passed away in Boulder on July 6, 1968. He is survived by his wife, Ethel, a son, Theodore, 13, and his parents, Mr. and Mrs. O. G. Weber of St. Petersburg, Florida.

NOW, THEREFORE, BE IT RESOLVED, that the Wyoming State Bar, in its regular annual meeting assembled in Sheridan, Wyoming, September 11, 12, 13 and 14, 1968, does hereby pay its respects to Jesse R. Willis, Meyer Rankin and Theophile J. Weber, and recognizes their contribution to the legal profession in the State of Wyoming, that our sympathy be hereby extended to their bereaved relatives and that their memory be perpetuated by spreading this Resolution upon the minutes of this annual meeting of the Wyoming State Bar.

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the families of these distinguished members of our profession.

Respectfully submitted,  
Ward A. White, Chairman  
Joseph F. Maier  
Alan K. Simpson

President Burgess announced that the next item on the agenda was the election of officers and on motion, duly seconded and unanimously carried the rules of the Wyoming State Bar pertaining to election of officers were suspended and the Secretary was instructed to cast a unanimous ballot for the following named individuals for the offices set opposite their names:

James A. Zaring .....	President-Elect
Ross D. Copenhaver .....	Vice-President
William J. Kirven .....	ABA Delegate
John T. Dixon .....	Secretary-Treasurer

By virtue of the rules governing the conduct of the Wyoming State Bar, Edgar J. Herschler, Kemmerer, Wyoming, the 1967-68 President-Elect became President for the 1968-69 year without election.

President Burgess then recognized Dean Frank J. Trelease who reported briefly on the activities of the law school during the past year. At the conclusion of Dean Trelease's report, there being no further business to come before the meeting the same was adjourned at 4:15 p.m., September 13, 1968.

Concluding the social portion of the 53rd Annual Meeting of the Wyoming State Bar the members and their wives attended a social hour held at the Sheridan Inn hosted by the First National Bank, Bank of Commerce, and the First Federal Savings and Loan Association, all of Sheridan. Following the social hour the annual banquet was held at the Sheridan City Center presided over by President Henry A. Burgess. During the banquet a plaque honoring 50 years of meritorious service to and as a member of the Wyoming State Bar was presented to Carl Cook, Salt Lake City, Utah. In the absence of Mr. Cook who was unable to attend, the plaque was accepted on his behalf by the Honorable C. Stuart Brown.

After the golf trophies had been presented, President Henry A. Burgess, Sheridan, Wyoming, handed the gavel of office of the President of the Wyoming State Bar for the 1968-69 year to Edgar J. Herschler, Kemmerer, Wyoming. Mr. Herschler, on behalf of the entire membership of the Wyoming State Bar, thanked President Burgess for the services he rendered as President of the organization during the past year.

Dancing concluded the evening's entertainment.

At 7 a.m. Saturday, September 14, 1968, a bright and cheery assemblage of members and wives departed on a chartered plane for a joint meeting with the Nebraska State Bar at Lincoln, Nebraska where a panel on trusts was presented by the Nebraska State Bar at 10:30 a.m.

The afternoon session of the joint meeting between the Nebraska and Wyoming Bars was called to order in Memorial Stadium, Lincoln, Nebraska, September 14, 1968 at 2:00 p.m. by a whistle. Without doubt the non-stop two hour and fifteen minute session proved to be the outstanding one of the entire three day meeting as not one member of either Bar was detected leaving the meeting place during the afternoon session. At the conclusion of the session, there being no further business to come before either Bar, both meetings were adjourned by the respective Presidents of each Bar at 4:45 p.m. central daylight savings time. Extreme quiet prevailed on the return flight to Sheridan.

Respectfully submitted,  
John T. Dixon  
Secretary-Treasurer