

1970

Minutes of the Annual Meeting of the Wyoming State Bar

Joseph E. Darrah

Follow this and additional works at: https://scholarship.law.uwyo.edu/land_water

Recommended Citation

Darrah, Joseph E. (1970) "Minutes of the Annual Meeting of the Wyoming State Bar," *Land & Water Law Review*: Vol. 5 : Iss. 1 , pp. 229 - 240.

Available at: https://scholarship.law.uwyo.edu/land_water/vol5/iss1/16

This Wyoming Bar Proceeding is brought to you for free and open access by Law Archive of Wyoming Scholarship. It has been accepted for inclusion in Land & Water Law Review by an authorized editor of Law Archive of Wyoming Scholarship.

University of Wyoming

College of Law

LAND AND WATER

LAW REVIEW

VOLUME V

1970

NUMBER 1

MINUTES OF THE ANNUAL MEETING OF THE WYOMING STATE BAR

September 11, 12, & 13, 1969

Jackson, Wyoming

The 28th annual meeting of the Integrated Bar and the 54th Annual Meeting of the Wyoming State Bar was called to order by President Edgar J. Herschler, at 9:30 A.M. in the Conference Room of the Virginian Motel, Jackson, Wyoming. Reverend Roy Plummer gave the invocation. Following the invocation, President Herschler introduced Felix Buchenroth who formally welcomed the members of the Wyoming State Bar to the meeting on behalf of the Town of Jackson. President Herschler then called upon President-elect, James A. Zaring, Basin, Wyoming, to respond to the address of welcome.

President Herschler next called upon Joseph E. Darrah, 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 was dispensed with. Following Mr. Darrah's report on the condition of the Treasury, Alan K. Simpson, Cody, Wyoming, Chairman of the Auditing Committee reported the results of the Auditing Committee's examination of the books of the treasurer. Mr. Simpson concluded his report by recommending that the Treasurer's report for the period ending July 31, 1969, be approved. Following the reports of the Treasurer and the Auditing Committee, it was duly 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 the next meeting.

President Herschler then relinquished the floor to President-elect Zaring who in turn formally introduced President Edgar J. Herschler and called upon him to report on his year's

activities as president of the Wyoming State Bar. President Herschler's report contained among other things, commendation for the officers and committees serving during his tenure, dealt with the fine handling of member grievance complaints by the Commissioners and summarized the increase in the sound financial basis of the Wyoming State Bar. It was regularly moved, seconded and carried that the report of President Herschler be approved and accepted as read. President-elect Zaring then returned the floor to President Herschler.

President Herschler then called upon Mr. Alan K. Simpson, Cody, Wyoming, who responded with a legislative report on the progress and failures of the 1969 Wyoming Legislature. At the conclusion of the legislative report by Mr. Simpson, it was regularly moved, seconded, and carried that the report of the committee be approved as read.

After commending Mr. Simpson for all of his committee work, President Herschler then introduced Mr. William J. Kirven, Buffalo, Wyoming, the State Bar Delegate to the American Bar Association who reported on his activities and emphasized the importance of the American Bar Association to the members of the Wyoming State Bar. Following Mr. Kirven's report it was duly moved, seconded and carried that the report be adopted as read. Thereupon, President Herschler called upon Alfred M. Pence, Laramie, Wyoming, the Wyoming State Delegate to the American Bar Association, who reported upon Uniform Laws, emphasizing the uniform customer's credit code and the uniform probate code. Mr. Pence recommended that the Bar become active in urging the adoption of the Uniform Probate Code. Following Mr. Pence's report it was legally moved, seconded and carried that the report be approved, whereupon after thanking Mr. Pence for his report, President Herschler adjourned the morning session at 11:45 A.M.

The members of the Wyoming State Bar then met for a luncheon at the Virginian Motel where they were addressed by Glenn R. Jack, Esq., the Board of Governors, American Bar Association, Oregon City, Oregon.

The wives of the members of the Wyoming State Bar were enjoying a river float on the nearby Snake River which was highlighted by an outdoor lunch.

President Herschler re-convened the meeting at 2:15 P.M. in the Conference Room of Virginian Motel by introducing Robert Edward Sullivan, Esq., Dean of the School of Law,

University of Montana at Missoula, Montana, who addressed the session concerning the Uniform Commercial Credit Code with emphasis upon the advantages for both creditors and consumers. After thanking Dean Sullivan for a very stimulating and informative talk, President Herschler then called upon the Committee on Minor Courts consisting of Donald E. Chapin, Esq., Casper, Wyoming, R. Stanley Lowe, Staff of the American Judicature Society, Chicago, Illinois, Mr. Claude Martin, Casper, Wyoming and Mr. Richard Tobin, Casper, Wyoming, and Lawrence A. Yonkee, Esq., Sheridan, Wyoming, who gave a formal report emphasizing the legislative history, drafting problems, approach to the legislature, and report of the failure in the last legislature. The formal presentation of the panel was followed by an open discussion whereupon a motion duly made, seconded and carried it was resolved that the Wyoming State Bar in Convention in 1969 formally embrace and approve proposed legislation as drafted by the Minor Courts Committee. After thanking the panel for their excellent presentation, President Herschler adjourned the afternoon session at 4:30 P.M. with the members and their wives enjoying a cocktail party at the Cowboy Bar hosted by the Title Guaranty Company of Wyoming. This was followed by a dinner at the Cowboy Bar at 8:00 P.M. where Thurmond Arnold, Esq., Washington, D.C., was appropriately recognized. The membership then enjoyed an address by Patrick J. Quealy, Esq., of Kemmerer, Wyoming, regarding Campus Disorders.

The membership re-convened at 9:30 A.M. on Friday, September 12th. After calling the meeting to order, President Herschler introduced Richard R. Bostwick, Esq., Casper, Wyoming, who addressed the membership concerning the new Code of Professional Responsibility. Upon completion of Mr. Bostwick's presentation a short discussion followed whereupon it was regularly moved, seconded and carried that the next President of the Wyoming State Bar appoint a committee to study the proposed code and report back to the next state bar meeting.

President Herschler then welcomed Major General Kenneth J. Hodson, the Judge Advocate General of the United States Army, Washington, D.C. who addressed the membership concerning the protection of legal and constitutional rights of soldiers and the system of Military Justice, with particular reference to military justice in Viet Nam.

After thanking General Hodson for an excellent presentation, President Herschler then called upon William H.

Erickson, Esq., of Denver, Colorado, John J. Flynn, Esq., of Phoenix, Arizona, and Joseph A. Ball, Esq. of Long Beach, California, who presented a panel on criminal law. Mr. Erickson made a formal presentation on Discovery in a Criminal Case with particular emphasis on the History of Discovery of various states and the development of case law pertaining to the subject. Mr. John J. Flynn then made a formal presentation on case law and legislative developments in the field of confessions, making interesting commentaries concerning his defence in the *Miranda Decision*. Thereupon, Mr. Ball delivered his commentary concerning Search and Seizure under the Fourth Amendment and its relative importance in protecting the individual with a detailed resume of the case law pertaining to the subject. Open discussion followed.

President Herschler adjourned the morning session at 11:30 A.M. whereupon the members and their wives enjoyed a luncheon at the Snow King Ski Shelter Area.

President Herschler opened the afternoon session at 2:00 P.M. by again presenting William H. Erickson and General Kenneth A. Hodson who related to the membership the proposed minimum standards of criminal justice and the efforts to get approval in the various states.

President Herschler then introduced Dean Frank J. Trelease of the University of Wyoming College of Law who gave his annual report on the law school and various activities during the past year. Dean Trelease also related to the membership efforts to have Rule 18 of the Wyoming Supreme Court rules amended to conform with the recommendation of the American Bar Association resolution pertaining to Court Appearances by Law Students. Mr. Elmer Scott of Worland, Wyoming moved that the matter of the suggested clarification of Rule 18 in conformity with the American Bar Association resolution be referred to the officers and commissioners of the Wyoming State Bar, or a committee designated by the officers, and that the Wyoming State Bar accept their report and approval. The notion was duly seconded and carried.

William Knudsen, of the College of Law then reported on the Student Defender Aid Program and asked that a committee be appointed to study the feasibility of a Public Defender officer in the State of Wyoming. It was then moved, seconded and carried that the officers assign the task of consideration of the Public Defender Program to the legal aid committee as appointed by the President. Immediately fol-

lowing the presentation by the Law School, President Herschler called for old business, whereupon Elmer Scott, Esq., Worland, Wyoming, took the floor concerning the Client Security Fund and expressed the need to increase the amount of principle in the fund.

President Herschler then called upon D. P. Svilar, Esq., of Lander, Wyoming, 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, with instructions to have the Secretary spread the same at length in the minutes of this meeting.

President Herschler then called upon Mr. Paul Limos, Esq., Cheyenne, Wyoming, 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 the report of the Necrology Committee at length in the minutes of this meeting.

RESOLUTION NO. I

WHEREAS, the members of the Wyoming State Bar were privileged to have enjoyed the hospitality and generosity of the members and wives of the Teton County Bar Association, and enjoyed the scenery of the most beautiful area in the world, 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 12th day of September, 1969 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.

RESOLUTION NO. II

WHEREAS, Edward E. Murane has been a long time faithful member of the Wyoming Bar Association and is one of its most respected members as a result of his many years of devotion to the legal profession and the Wyoming Bar Association, and

WHEREAS, Edward E. Murane is a candidate for the office of President of the American Bar Association.

NOW, THEREFORE, BE IT RESOLVED that the Wyoming State Bar Association go on record as being unanimously in favor of his candidacy for President of the American Bar Association.

RESOLUTION NO. III

WHEREAS, Edgar J. Herschler has ably served the Bar of the State of Wyoming, as its President, for this year, and

WHEREAS, Edgar J. Herschler has been one of the outstanding members of the Wyoming Legislature, where he has ably promoted the integrity of the legal profession, 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 many years of past service and dedication to the causes of the Bar, and for the fine program provided at the 1969 Bar Convention.

NOW, THEREFORE, BE IT RESOLVED that the Wyoming State Bar acknowledge with gratitude the service rendered by Edgar J. Herschler, and upon the adoption of this resolution the committee will deliver a true copy to Edgar J. Herschler, Esq.

1969 REPORT OF THE WYOMING STATE BAR NECROLOGY COMMITTEE

Since our meeting in 1968, the deaths of eight members of the Wyoming State Bar have been reported. Of the eight two were District Judges, two had practiced law in the State of Wyoming more than fifty years and two were past presidents of this organization.

R. G. DIEFENDERFER, GILBERT E. HYATT, HARVEY J. LANDERS, WALTER J. MUIR, R. N. OGDEN, JUDGE JOSEPH O. SPANGLER, JUDGE GLEN G. STANTON, and JAMES L. (LOU) THORPE will be remembered by the Wyoming State Bar as respected members and learned practitioners of the legal profession. All of these distinguished gentlemen made valuable contributions to their respective communities and states and the Bar suffers by their passing and will miss them.

R. G. DIEFENDERFER

R. G. Diefenderfer, dean of the Sheridan County Bar, passed away in January of 1969 at the age of 80 years.

He graduated from the University of Michigan Law School in 1911 and came to Sheridan, Wyoming on August 11 of that year. He

served as Sheridan County Attorney for two terms, January 1913 to January 1917, and served as City Attorney under three mayors.

Mr. Diefenderfer practiced continuously since his admission to the Wyoming Bar with his offices in Sheridan except for the early 1930's when he was in Newcastle in partnership with the late Judge E. C. Raymond. He was President of the Wyoming State Bar in 1948-49, and received his 50 year plaque in 1961. He will be best remembered for his work in the courtroom which was always colorful and dramatic; stories of his some 20 first degree murder cases will be told for years to come. Of his legal style the Sheridan Press had this to say :“ * * * There was a certain salt and pepper about him that made his courtroom appearance a worthy incident in life. * * * He leaves to this community, to this area, and to the legal fraternity the gift of believing that there is something to be said for all of us and that salt and pepper are still worthy spices in life * * * .”

Although the law was his first love Mr. Diefenderfer was an active member and participant of the Elks Lodge having served as Exalted Ruler of the Sheridan Lodge in 1920-21 and First District Deputy, Grand Exalted Ruler for Wyoming North in 1949-50.

He is survived by his widow and one son, Raymond, Jr.

GILBERT EUGENE HYATT

Gilbert Eugene Hyatt was born in Hyattville, Wyoming on September 23, 1925 and died January 3, 1968 in Worland, Wyoming. He attended schools in Hyattville and was graduated with a Bachelor of Laws Degree from Montana State University in 1951. He did not practice law as such but was a member of both the Wyoming State Bar and the Montana State Bar and was active in school affairs as a member of the Wyoming Schools Advisory Committee.

He was a veteran of the Army in World War II and spent quite some time as a prisoner of war.

He is survived by his wife, Dorothy, two sons, Gerald Eugene and Bruce Lewis, one daughter, Doris Ruth, all of Hyattville; and his father Same Hyatt of Worland, Wyoming.

HARVEY J. LANDERS

Harvey J. Landers died September 16, 1968 at his home in Casper. He was born April 15, 1912 in Gordon, Nebraska, the youngest son of Mr. and Mrs. J. R. Landers, pioneer residents of Riverton, Wyoming.

While a student in Riverton Mr. Landers worked in a book store. After graduation he attended Denver University. He then worked for Pacific Power & Light Company for fifteen years. He served in

World War II as an officer in the infantry and was a recipient of the Purple Heart. He was a member of the Honorary Reserves.

Mr. Landers attended the University of Wyoming and graduated with honors from the school of commerce in 1951. In 1954 he received his Juris Doctor from the University School of Law, and won the V. J. Tidball Award as the Outstanding Senior Law Student.

He served as a member of the board of trustees of the Methodist Church for many years and was a member of the Masonic Lodge, the Order of the Shrine, American Legion, Central Wyoming Boy Scout Council, American Bar Association, Wyoming Bar Association, the Alpha Kappa Psi business honorary, and Phi Kappa Phi.

He was associated with the firm of Lang, Miller and Landers.

He is survived by his wife, Minerva, and four children: Lt. Harvey J. of Mather Air Base, Sacramento, California, James Walter and Patricia Lucille, students at the University of Wyoming, and Barbara Ann, a student at Natrona County High School.

He is also survived by three sisters: Mrs. Ruby Allen and Mrs. Pearl Binder of Rapid City, South Dakota, and Mrs. Cynthia Temple of Casper. His brother Earl of Denver died in June, 1969. His parents, a sister and four brothers preceded him in death.

WALTER J. MUIR

Walter J. Muir was born in Rock Springs, Wyoming on the 4th day of March, 1915. He grew to manhood in Rock Springs, Wyoming and was graduated from the University of Nebraska with an AB degree, he then studied law at the University of Wyoming.

After completing law school Walter was employed as an Assistant Attorney General for the State of Wyoming and later practiced with his father in Rock Springs from 1950 to 1955. Thereafter he was on the staff of the Indian Claims Department in the office of the Attorney General of the United States and was so employed at the time of his death on February 25, 1968.

He served in the United States Army as a First Lieutenant during World War II and was with the first contingent that landed upon Omaha Beach.

Walter enjoyed the practice of law and was proud of his profession; he was respected by all for his ability and honesty.

He is survived by his wife, Mildred, and his mother, Mary L. Muir.

ROBERT N. (BOB) OGDEN

Robert N. Ogden, Sr., a colorful lawyer who practiced in Casper for half a century, died December 8, 1968 at the age of 79. He was born June 18, 1889 in Deadwood, South Dakota and graduated from the law school of the University of Michigan in 1913. He practiced in Deadwood for four years where he was active in politics. He then moved to Casper.

Mr. Ogden enlisted in the Army during World War I and was discharged as an infantry sergeant.

In 1930 he was chairman of the Natrona County Democratic Central Committee and resigned that post in 1932 to run for County Attorney. In the mid-30's he was state legal counsel for the Home Owners Loan Corporation. He was a member of Casper Collins Barracks 2359, Veterans of World War I.

A gentlemanly, erudite person, Mr. Ogden was known for his wry wit, which he used effectively in court. For many years he acted as co-counsel with the late Clarence G. (Zip) Cypreansen.

In September, 1963, he was honored by the Wyoming Bar Association which presented him with a plaque marking his 50 years in the practice of law .

Mr. Ogden's wife, Nell, died in October, 1964. He is survived by one son, R. N. Ogden, Jr., of Fallbrook, California, two grandchildren and two great-grandchildren.

JOSEPH O. SPANGLER

Joseph O. Spangler was born November 14, 1910 in Vermillion, Kansas, reared in Wyoming and attended schools in Riverton and was graduated from the University of Wyoming Law School in 1935.

Judge Spangler practiced law in Greybull, Wyoming until appointed to the district bench in 1957. He served as president of the Wyoming State Bar in 1954-55.

Always active in civic and fraternal matters he held many offices in the local, state and national Elks. He was also a member of the American Legion, Lions and Eagles. He served in the United States Navy for three years during World War II.

In its memorial resolution the Wyoming Supreme Court stated " * * * Judge Spangler possessed a rare combination of those natural qualities so desirable in a jurist—friendliness, approachability, and understanding—while maintaining complete objectivity and decorum. He was an unusually able judge, who during his lifetime added much to the overall administration of justice in our state. He will long

be remembered for the legacy of good which he has left and for the splendid example, which we can all so well emulate.”

Judge Spangler passed away in the West Park County Hospital in Cody on January 4 of this year. He is survived by his wife, Margaret, sons Richard J. of Moscow, Idaho and Daniel R. of Long Beach, California and his mother Mrs. Roy Spangler of Cody.

GLEN G. STANTON

Glen G. Stanton was born in Sioux City, Iowa on December 31, 1904, thereafter moving to Butte, Montana and then to Casper, Wyoming where he was graduated from high school. He attended the University of Wyoming from 1924 to 1930 where he was an excellent athlete and captain of the University football team in 1927. He was graduated from the University School of Law in 1930 and admitted to the Wyoming Bar in that year.

During his career of 38 years as a lawyer and jurist he served as Deputy Prosecuting Attorney in Sweetwater County, and municipal judge of Rock Springs. He was judge of the Second Judicial District from 1955 until his death on August 22, 1968. At his death the Sweetwater County Bar Association paid him the following tribute: “ * * * He was an individualist with a deep belief in the rights of the individual—he was compassionate without undue sentimentality—he administered justice without being abrasive—and above all he possessed a firm patience and receptive attentiveness which marks the outstanding jurist * * * .”

Judge Stanton is survived by his wife, Nan, and two sons, John and Michael.

JAMES L. (LOU) THORPE

James L. Thorpe was born May 28, 1918 at Hudson, South Dakota and received his early education in that state. He attended the University of Wyoming graduating with a BA in 1941. While an undergraduate at Wyoming he was an outstanding athlete. He taught and coached at Hanna, Wyoming until joining the armed forces in World War II. Upon discharge he returned to the Wyoming Law School and received his LLB in 1947.

After his admittance to the Nebraska Bar he practiced law in Sidney for some twenty years and upon his death was the senior partner in the law firm of Thorpe, Peetz, Tedesco and Brower. “Lou” (as he was known to his many friends) was active in community affairs and served as Mayor and Councilman in Sidney.

He was a member of the Wyoming, Nebraska and American Bar Associations and belonged and participated heartily in numerous lodges and clubs.

Mr. Thorpe died on September 14, 1968 and is survived by his wife, Nadine, two sons, Michael and Jack, two daughters, Mrs. Pat Frerichs and Jill, and his mother, Mrs. Charlotte Olsen.

NOW, THEREFORE, BE IT RESOLVED that the Wyoming State Bar at its regular annual meeting assembled in Jackson, Wyoming, on September 11, 12, and 13, 1969, pay its respect to R. G. Diefenderfer, Gilbert E. Hyatt, Harvey J. Landers, Walter J. Muir, R. N. Ogden, Joseph O. Spangler, Glen G. Stanton and James L. (Lou) Thorpe and recognize their contribution to the legal profession of this State and elsewhere, and that our sympathy be hereby extended to their families and that their memories be perpetuated by spreading this resolution upon the record of this meeting of the Wyoming State Bar.

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

President Herschler then announced that the next item on the agenda was the election of officers for the 1969-70 year, and upon motion regularly made, seconded and unanimously carried the rules of the Wyoming State Bar pertaining to the election of officers were suspended and the Secretary was instructed to cast a unanimous ballot for the following individuals for the offices set opposite their names:

Ross D. Copenhaver	President-Elect
Joseph B. Sullivan	Vice President
William J. Kirven	ABA Delegate
Joseph E. Darrah	Secretary-Treasurer

By virtue of the rules governing the conduct of the Wyoming State Bar, James A. Zaring, Basin, Wyoming, the 1968-69 President-Elect became President for the 1969-70 year without election.

At the conclusion of the elections, there being no further business to come before the meeting the same was adjourned at 4:30 P.M., September 12, 1969.

Concluding the social portion of the Annual Meeting of the Wyoming State Bar the members and their wives attended a social hour at the Cowboy Bar hosted by the Kemmerer Coal Company and the Lincoln Service Corporation, Frontier, Wyoming. Following the social hour, the annual banquet was held at the Cowboy Bar presided over by President Herschler. During the banquet, a plaque honoring Vincent Carter, Albu-

querque, New Mexico, was presented to Mr. Carter's representative.

After the golf trophies had been presented, President Herschler after making well-received remarks handed the gavel of office of the President of the Wyoming State Bar for the 1969-70 year, to James A. Zaring, Basin, Wyoming. Mr. Zaring, on behalf of the entire membership of the Wyoming State Bar, thanked President Herschler for the services he rendered as President of the organization during the past year. At the conclusion of the session, much later, there being no further business to come before the Bar, the meeting was adjourned by President Zaring from somewhere in and about the town of Jackson, Wyoming.

Respectfully submitted,
Joseph E. Darrah
Secretary-Treasurer