

1972

Address of the President - Annual Meeting of the Wyoming State Bar

Ross D. Copenhaver

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

Recommended Citation

Copenhaver, Ross D. (1972) "Address of the President - Annual Meeting of the Wyoming State Bar," *Land & Water Law Review*: Vol. 7 : Iss. 1 , pp. 309 - 313.

Available at: https://scholarship.law.uwyo.edu/land_water/vol7/iss1/12

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 VII

1972

NUMBER 1

ADDRESS OF THE PRESIDENT

ANNUAL MEETING OF THE WYOMING STATE BAR

Ross D. Copenhaver

Cody, Wyoming

September 9, 1971

It is with mixed feelings of pride in accomplishments of the Bar during the past year and humility to the great tasks remaining, that I submit to you this report.

After nearly ten (10) years of study and work by the Judiciary and Minor Courts Committee, the legislature enacted laws to effect a revision and upgrading of our minor courts system, effective January 1, 1975. On behalf of the Bar, I commend and express our appreciation and gratitude to all the many members during these years of the Judiciary and Minor Courts Committee and particularly to Don Chapin, its chairman. Although the adoption of the Constitutional amendment in 1966 and enactment of the laws in 1971 are major accomplishments, the State Bar, each County Bar, and each member of the Bar must work with and aid the counties to insure that the revisions become effective to promote the administration of justice and continue or restore confidence in the minor courts system and justice under law.

With the support of the Bar—but very little effort on its part—a proposed constitutional amendment prepared and submitted to the legislature by the Wyoming Judicial Conference will, by House Joint Resolution No. 8, be submitted to the electors of the State at the general election in 1972. This amendment provides a method of selection, election, discipline, removal, and voluntary and compulsory retirement of justices and district judges, and provides for a judicial nominating commission and Judicial Supervisory Commission. This also will require, between now and November, 1972,

the full and active support of every member of the Bar as well as the enlistment of lay support. You will later be presented recommendations for such program.

The Code of Professional Responsibility, as approved by the American Bar Association, has now been adopted in a majority of the jurisdictions within the United States with some revisions in individual states. You will recall the discussion of the Code at our meeting last year. During the past year the Code has been reviewed by a committee of six members of the Wyoming State Bar. Their recommendations, with proposed revisions, have been mailed to you and will be submitted for your consideration at this meeting. Our Supreme Court is awaiting the recommendations of the Bar. I urge your approval of the Code.

We have for several years now, maintained a Client Security Fund, in which there is now \$10,774.51. Fortunately no claims against the fund have as yet been submitted. We have not, however, established any procedures for the receipt, investigation, or approval of claims nor any guidelines or limits of payment. The Client Security Fund Committee will at this meeting submit to you recommendations for rules, regulations, and procedures governing the fund. These are greatly needed.

Last year Wyoming was the only state and one of two jurisdictions which had not adopted a Professional Corporation Act. The Corporate Committee of the Bar, with Byron Hirst as chairman, did, this past year, submit to the legislature its proposal for such legislation. As you are aware, the Professional Corporation Law was enacted. Thereafter, rules governing the practice of law as a professional corporation were approved by the Supreme Court. This committee will submit a more complete report to you.

A problem which has distressed me during the past year has been what appears to be the inadequate disciplinary procedures of the Bar. In October I appointed a committee of five members of the Bar because it appeared to me that a thorough study and revision of our disciplinary procedure was required with permanent records, continuity, and more effective procedures. Subsequently, Ed Murane, as a member of the ABA Special Committee on Disciplinary Enforcement, and Walt Urbigkit, as a member of the Special Disciplinary Committee of the American Trial Lawyers Association, and Justice Parker and Judge Guthrie of the Wyoming Judicial Conference agreed to assist. Jim Zaring was chairman, but by reason of his wife's health was unable to continue, and

Wade Brorby succeeded him in June. Although a year ago I had hoped that new rules and procedures would be completed by now, the job is one of considerable magnitude, and, although the committee will report, new procedures are not yet ready for consideration by this meeting. I would hope and do urge that a revision allowing proper investigation, prompt action, and providing adequate enforcement will be submitted by next year.

The work of the Uniform Consumer Credit Code Committee resulted in enactment of a Consumer Credit Law by the last legislature. I am sure the members of this committee were most happy to see their many hours of labor rewarded by the enactment of this code into law.

For two (2) years we have had a committee studying and considering the Uniform Probate Code. I would hope its work will be complete and the Code submitted to this association for its consideration so that, if approved by the Bar, it can be submitted to the legislature in 1973.

Last September at Rawlins the commissioners authorized this Bar to join the Association of the Bars of the Northwestern Plains and Mountains (Jackrabbit Bar)—being an association of the Bars of North Dakota, South Dakota, Montana, Idaho and Wyoming, all being smaller bars with common problems. This bar association met this year at Jackson Lake Lodge. Joe Sullivan and I attended. It was most informative and interesting to listen to and participate in discussions of the problems of other bars which are the same or very similar to those of Wyoming. The dates for next year's meeting have not yet been set, pending a determination of the dates of the meeting of the Wyoming Bar. I would urge attendance by members of this Bar and particularly the officers, commissioners, and committee chairmen.

All of the matters which I have previously mentioned are in some way related to—in fact all that we do will affect—the image of the Bar and its members before the public. Many bars have public relation departments, advisors, or agents. We perhaps could benefit without large expense by the use of news releases properly prepared and distributed, by leaflets for distribution to the public by individual lawyers, a well conducted Law Day program (our Committee this year made an effort to see that there was a program in every community). But the most effective public relations program is reflected by the individual efforts of each individual lawyer in his relations with his clients and the public, and I urge your

continuing effort to maintain and improve the public image of the bar.

Last year Jim Zaring recommended a development of some continuity for the Bar programs. This is most difficult as is the continuity of committee work and assignments without a full time executive secretary. I believe the time has come for the Bar to consider the employment of either a full time secretary or at least a nearly full time secretary. Joe Darrah, our present secretary, has indicated his concurrence. Such employee, with his time devoted solely to Bar activity, can greatly facilitate committee work by distribution of materials, notification and arrangements for meetings, maintenance of records, and perhaps even prodding the committee to action on occasion. While considering such employment, we would be wise to consider some bylaw amendments respecting committees. Some standing committees are no longer active, and these mandatory appointments should be realistically determined by necessary activities. An executive secretary could prepare and distribute news releases, could help organize legal education programs, perhaps to good financial advantage. I understand that the Idaho Bar profits handsomely from its programs, and its executive secretary pays a substantial part of his salary by the management and promotion of legal education seminars. I would hope that the officers and commissioners would seriously consider the employment of such executive secretary.

For a number of years we have been familiar with the terms *pari-medie*, medical assistant, and medical technician. Now we are learning of the training of law office personnel. Courses for such training have been developed and are used in many community and other colleges. The economics of the practice of law requires that we must rely upon non-professional help for more assistance. Lay personnel can be trained and used to perform many functions under the direction and supervision of the lawyer. Included are such items as preparation of estate accountings and state and federal tax returns, transfer of securities to beneficiaries, preparing inventories, notices, and many routine matters in the administration of estates. In civil actions they may, under the direction and supervision of the lawyer, prepare many documents including notices, subpoenas, summons, affidavits, and some complaints, such as divorce and quiet title, and can index documents and exhibits for trial. In real estate matters, under the direction and supervision of the lawyer, lay assistants might prepare simple deeds, foreclosure actions, check records, taxes, and judgments. In corporate matters they can prepare

notices, minutes of meetings, and other matters. Such help can, however, come only from trained personnel. I would hope that our community colleges in Powell, Casper, Sheridan, Torrington, Rock Springs, Riverton, and Cheyenne, or at least one or two of them can be induced to institute such a program.

Another matter relating to the economics of the legal profession and in which the Bar must be prepared to participate, is the development of prepaid legal cost plans and group legal services. There are ABA sponsored plans of prepaid legal costs of an experimental nature. There are private plans also developing, and the Bar must be prepared to counsel and assist in the formation of such private plans to insure that they satisfactorily meet the needs of the public as well as the requirements of our profession. The Bar should be prepared to review, counsel, or otherwise act also upon group legal services—that is one or two lawyers or firms providing legal services to all members of the group.

To all who are willing to devote an hour a week or 20 hours a year to the Bar, and who have an interest in any subject under consideration by the Bar, I would request you indicate your interest and willingness to help to Joe Sullivan or Houston Williams. To those who desire to be or who are asked to serve as commissioners of the Bar, please do not undertake the job unless you are willing to spend some valuable hours in the work of the Bar. The Bar needs the participation of its commissioners. Too often the job is simply passed to the next lawyer in line of seniority without his intention or desire to actively serve, and as a result the job is neglected.

As you know, many of you from personal experience, the advancement, success, and accomplishments of the Bar are the result of the voluntary and dedicated work of the many members who serve upon committees and who represent this Bar upon many government and associated committees. I did not before this year realize that there were so many. To all of you, I express the gratitude of the Bar and my personal appreciation for your services.