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Committee Reports

Wyoming State Bar

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COMMITTEE REPORTS

REPORT ON THE CODE OF PROFESSIONAL RESPONSIBILITY

CANON ONE

The Bar recommends Canon One (1) be adopted.

CANON TWO

The Committee recommends the adoption of Canon Two (2) but the Committee makes reference to EC 2-28 wherein an admonishment is made against a lawyer using personal preference when considering whether or not he should accept employment and the committee feels this may be noteworthy in theory but in actual practice it is a bit too severe. The committee has the unanimous objection to DR 2-102 (D) wherein the rule excepts from restriction those firms which would list on its letterhead the members and the jurisdictions in which they are admitted to practice. The Committee feels this would be advocating and helping to sponsor interstate law firms and recommends the deletion of that portion following the words "licensed in different jurisdictions."

The Committee recommends a definition of the following:

- (a) *Firm*—those lawyers associated together in a partnership or in a professional corporation and generally sharing percentage-wise or on some internally agreed basis the gross fees produced by that organization.
- (b) *Associate*—a lawyer who appears on the letterhead with another lawyer in a status of lesser significance than that of a partner or an equal shareholder of a professional corporation and who is employed either on salary or on a fee basis for work done.
- (c) *Officing*—in connection with DR 2-107 (A) and (B) and calls the Bar's attention to EC 2-22, which is an ethical consideration with respect to same. Officing would recognize a situation where more than one lawyer would share a particular place of business and may also

share in the use of secretaries, bookkeeping, and other general facilities but would not have their names on the same letterhead and would not share fees unless associated together for a particular case or item of legal business.

CANON THREE

The Committee recommends a change in the wording of DR 3-101 wherein it reads in paragraph (A), "A lawyer shall not aid a non-lawyer in the unauthorized practice of law." We recommend the striking of "unauthorized" recognizing that a non-lawyer attempting to do so would be unauthorized and calling attention to the fact that a lawyer should attempt to prevent a non-lawyer from engaging in the practice of law.

The Committee recommends the addition of DR 3-104 which would adopt the last paragraph of old Canon number 35 and would read as follows:

A lawyer may accept employment from any organization, such as an association, club or trade organization, to render legal services in any matter in which the organization, as an entity, is interested, but this employment should not include the rendering of legal services to the members of such an organization in respect to their individual affairs.

The Committee would clarify the reasons for its suggested addition of DR 3-104 as stated in the Committee Report. It is the Committee's feeling that the additional wording suggested from old Canon number 35 takes care of that situation wherein house counsel as such might be giving free legal service to members of the organization. It also prohibits an attorney for an organization such as a labor union or other organization not particularly organized to give services to its members to thereby do work for individual members within the framework of his representation for the organization as an entity. The President of the Bar has called attention to DR 2-103 (D) (5), wherein a lawyer is admonished not to give professional services to a corporation which furnished or pays for legal services to members or beneficiaries. The Committee discussed this element and feels that this is a different situation from that with which it is concerned in Canon Three. The Committee feels that a prohibition is properly set forth in DR 2-103 (D) (5) to prohibit such a thing from an organization purposely formed for the purpose of rendering legal services, but that the disciplinary rules as they now stand do not prohibit that type where counsel is retained by an entity as above referred to.

CANON FOUR

The Committee recommends the adoption of Canon Four.

CANON FIVE

The Committee recommends the adoption of Canon Five with an additional exception to be known as DR 5-101 (B) (5) to read as follows:

When a lawyer is a witness for his client, except as to the merely formal matters such as the attestation or custody of an instrument and the like, he should leave the trial of the case to other counsel. Except when essential to the ends of justice, a lawyer should avoid testifying in court in behalf of his client.

This wording is an adoption of old Canon 19 as an exception under the disciplinary rules.

CANON SIX

The Committee recommends an addition to the ethical consideration 6-1 of the following words at the end of the first sentence: "to the best of his ability."

The Committee recommends the elimination of "or other means" in EC 6-6.

The Committee discussed at length DR 6-102 (A) and has some misgivings as to whether or not the wording went so far as to suggest that a lawyer not defend himself when sued for malpractice when considering the words that a lawyer shall not attempt to exonerate himself from or limit his liability to his client for his personal malpractice. The Committee feels that some clarification should be made by footnote or otherwise to except from the limitations the defensive actions.

The clarification that the Committee thinks should be made by footnote is that the Section DR 6-102 is a limiting factor to prohibit a lawyer from initially attempting to avoid results of his actions in representing his client before the fact. The Committee feels that the lawyer should be permitted to exert a vigorous defense if sued for malpractice the same as any other profession, i.e., architects, engineers, M.D.'s, and that, if there is any question concerning this proposed defense of litigation, it merely be clarified that DR 6-102 does not pertain to elimination of a defense in a litigated matter, nor for presenting his views with respect to any matter before the Bar Commissioners, or the State Board of Law Examiners, or the Supreme Court of Wyoming, or any other disciplinary body set up by the Wyoming State Bar.

CANON SEVEN

The Committee recommends that DR 7-108 (D) be amended to include the wording that a lawyer may discuss the case with the juror

if the juror is willing, and the criterion for discussion depends upon the juror's attitude.

The Committee recommends the elimination of DR 7-110 (B) (2) on the grounds that this might tend to continue argument by letter following the conclusion of the proceeding.

CANON EIGHT

The Committee recommends the deletion from EC 8-3 the last sentence beginning with "clients and lawyers".

CANON NINE

The Committee recommends the adoption of Canon Nine.

The Committee recommends the adoption of the Code, together with the amendments in this report.

Respectfully submitted,

R. R. Bostwick

REPORT OF WYOMING STATE BAR CLIENT SECURITY FUND COMMITTEE

President Copenhaver appointed Charles M. Crowell of Casper, Oliver W. Steadman of Cody, William R. Jones of Wheatland, and Howell C. McDaniel, Jr. of Casper, to serve on this committee and requested that they prepare rules, regulations, guide lines, limits of liability, and investigative procedures with respect to the Client Security Fund.

The resolution adopted on September 1, 1966, at the Annual Meeting of the State Bar held in Riverton, which established the Client Security Fund and the Committee, provides for a membership of three who shall serve for staggered three year terms. The first committee appointed, however, was composed of one member from each of seven judicial districts of the state. A report of the Committee was made at the Annual Meeting of the State Bar held in Cheyenne in September, 1967.

Since ours is an integrated Bar the establishment of the Client Security Fund and Committee must be followed by a legislative enactment or a rule of the Wyoming Supreme Court.

Your Committee recommends:

1. That paragraph 2 of the resolution establishing the Client Security Fund and Committee be amended to provide that said Committee be composed of one member of the State Bar from each of the seven judicial districts of the State.

2. That the resolution establishing said Fund and Committee, as amended, be submitted to the Supreme Court of the State of Wyoming for approval.
3. That the following Rules of Procedure be accepted and adopted by the Board of State Bar Commissioners as and for a rule and guide for the conduct of the business and affairs of the Client Security Fund Committee.

The moneys of the Fund are maintained by the Secretary-Treasurer of the State Bar and to date have been appropriated from the General Fund of the State Bar upon recommendation of the Board of State Bar Commissioners. There is now in said Fund a balance of \$9,280.04, plus interest accrued since July 31, 1970 in the approximate amount of \$600.00. To date there is no record of any investigation or disbursement of money made by the Clients' Security Fund Committee.

PROPOSED RULES OF PROCEDURE FOR THE CLIENT SECURITY FUND COMMITTEE

I. Definitions

For the purpose of these Rules of Procedure, the following definitions shall apply.

- A. The "Committee" shall mean the Client Security Fund Committee.
- B. The "Fund" shall mean the Client Security Fund of the State Bar of Wyoming.
- C. A "lawyer" shall mean one who, at the time of the act complained of, was a member of the State Bar of Wyoming, was domiciled in Wyoming, and was actually engaged in the practice of law in Wyoming; the fact that the act complained of took place outside the State of Wyoming does not necessarily mean the lawyer was not engaged in the practice of law in Wyoming.
- D. "Reimbursable Losses" are only those losses of money or other property of clients of lawyers which meet the following tests:
 1. The defalcation which occasioned the loss occurred on or after September 1, 1966.
 2. The loss was caused by the dishonest conduct of a lawyer acting either as an attorney or as a fiduciary in the matter in which the loss arose.
 3. The loss to be paid to all the clients of any one lawyer shall not exceed Five Thousand (\$5,000.00) dollars nor shall the total amount to be paid to all claimants in any one year exceed Ten Thousand (\$10,000.00) dollars.
 4. The lawyer shall have died, been adjudged insane, been disbarred, been suspended, been adjudicated bankrupt, resigned, become a judgment debtor of the claimant which

judgment shall be predicated upon dishonest conduct of the lawyer, or against whom a claim has been certified to the Committee by the Board of Commissioners as an appropriate case for consideration because a loss was caused by the dishonest conduct of a member of the State Bar of Wyoming.

5. The following shall be excluded from "reimbursable losses": losses of wives and other close relatives, partners, associates, and employees of lawyers causing the losses.
6. "Dishonest Conduct" shall mean wrongful acts committed by a lawyer against a person in the manner of defalcation or embezzlement of money, or the wrongful taking or conversion of money, property or other things of value.

II. Application for Reimbursement

- A. The Committee shall prepare a form of application for reimbursement in its discretion; the Board may waive a requirement that a claim be filed on such form.
- B. The form shall require, as minimum information,
 1. the name and the address of the lawyer;
 2. the amount of the alleged loss claimed;
 3. the date or period of time during which the alleged loss was incurred;
 4. name and address of the claimant;
 5. the general statement of facts relative to the claim;
 6. verification by the claimant.
- C. The form or application shall contain the following statement in bold type:

In establishing the Client Security Fund, the State Bar of Wyoming did not create, nor acknowledge any legal responsibility for the acts of individual lawyers in the practice of law. All reimbursements of losses of the Client Security Fund shall be a matter of grace in the sole discretion of the Committee administering the Fund and not as a matter of right. No client or member of the public shall have any right in the Client Security Fund as a third party beneficiary or otherwise.

- D. Applications shall be addressed to the office of the Secretary of the State Bar of Wyoming and shall forthwith be transmitted by such office to the Chairman of the Committee, with a copy being simultaneously transmitted to each member of the Board.

III. Processing Applications

- A. The Chairman of the Committee shall cause each such application to be sent to a member of the Committee or other member of the State Bar of Wyoming for investigation and report;

a copy shall be sent by registered mail to the lawyer who it is claimed committed the dishonest act. Wherever possible, the member to whom such claim is referred shall practice in the county wherein the alleged defalcating attorney practiced. From time to time, the Chairman may request of the applicant further information with respect to the alleged claim. Such member shall be reimbursed for reasonable out-of-pocket expenses incurred by him or her, as the case may be, in making such investigation.

- B. When, in the opinion of the member to whom application had been referred, the claim is clearly not for a reimbursable loss, no further investigation need be conducted, but a report with respect to such claim shall be made by the member to whom the claim was referred, as hereafter specified.
- C. A member to whom a report is referred for investigation shall conduct such investigation as to him seems necessary and desirable in order to determine whether the same is for a reimbursable loss and in order to guide the Committee in determining the extent, if any, to which the claim shall be reimbursed from the Fund. The Board of Commissioners of the State Bar shall allow such member to have access, during such investigation, to the Board of Commissioners' files and records, if any, pertaining to the alleged loss. Any information obtained by the member from said Board of Commissioners' files shall be used solely by or for the Client Security Fund Committee, but otherwise shall constitute confidential information.
- D. Reports with respect to claims shall be submitted by the members to whom they have been referred for investigation to the Chairman of the Committee by July first each year. The Chairman shall summarize each report in such detail as to him shall seem necessary and shall send to each member of the Committee a copy of such summary wherever possible by August first in each year.
- E. No claim submitted after May 15th in any year shall, and no claim with respect to which an inadequate opportunity for investigation has been afforded need be considered by the Committee for reimbursement in the year in which such claim is presented.
- F. At a meeting of the Committee called by the Chairman it will hear the claimant and the alleged defalcating attorney or other evidence on behalf of the claimant in these instances where the reporting member in his report suggests or any other member of the Committee, after studying the summaries of claims to be processed, requests that testimony be presented. Absent such recommendation or request, claims shall be processed on the basis of information contained therein and in the report of the member who investigated such claims. In all cases the alleged defalcating attorney or his personal representative will be given an opportunity to be heard by the Committee if he so requests.
- G. The Committee, in its sole discretion, shall determine the amount of loss, if any, for which any client shall be reim-

bursed from the Fund. In making such determination, the Committee shall consider, *inter alia*, the following:

1. The negligence, if any, of the client which contributed to the loss.
2. The comparative hardship the client has suffered by the loss.
3. The total amount of reimbursable losses of the clients of any one lawyer or association of lawyers.
4. The total amount or reimbursement losses in previous years for which total reimbursement has not been made and the totals assets of the Fund.
5. The Committee may, in its sole discretion, allow further reimbursement in any year of a reimbursable loss allowed by it in prior years with respect to a loss which has not been fully reimbursed; provided such further reimbursement would not be inconsistent or in conflict with any previous determination with respect for such loss.
6. No reimbursement shall be made to any client unless said reimbursement is approved by a majority vote of the Committee at a duly held meeting at which a quorum is present.

IV. Subrogation for Reimbursement Made

- A. In the event reimbursement is made to a client the Fund shall be subrogated in said amount and may bring such action as is deemed advisable by the Committee against the lawyer, his assets or his estate, either in the name of the client or in the name of the State Bar of Wyoming.
- B. The client shall be required to execute a subrogation agreement in said regard.
- C. Upon commencement of an action by the State Bar of Wyoming pursuant to its subrogation rights, it shall advise the reimbursed client at his last known address. The client may then join in such action to press a claim for his loss in excess of the amount of the above reimbursement.

V. Meeting of the Committee

- A. The Committee shall meet each year at the time and place of the Annual Meeting of the State Bar, and from time to time upon call of the Chairman, provided that the Chairman shall call a meeting at any reasonable time at the request of at least three members of the Committee.
- B. The Chairman shall give the members not less than 15 days written notice of the time and place of the annual meeting and shall give not less than 5 days written notice of each special meeting. Notice of any meeting may be waived by a member either before or after the meeting.
- C. A quorum at any meeting of the Board shall be four members. No action shall be taken by the Board in the absence of a

quorum; but at any such meeting any matter may be considered by the members present without the taking of any action with respect thereto.

- D. Written minutes of each meeting shall be prepared and permanently maintained.
- E. The Chairman of the Board shall be elected by a majority of the Board of each annual meeting; his term shall extend until the next annual meeting of the Board and until his successor is elected and qualified. Should a vacancy occur in the office of Chairman, such vacancy shall be filled by like vote of the members of the Board meeting next following the occurrence of the vacancy.

VI. General Purposes

- A. In any given case, the Committee may waive technical adherence to these Rules of Procedure in order to achieve the objectives of the State Bar of Wyoming as contained in its enabling resolution establishing the Fund adopted September 1, 1966.

VII. General Provisions

- A. With the exception of reports of the Committee to the Board of Commissioners of the State Bar, or to the State Bar, no publicity shall be given to the Rules of Procedure, to applications for reimbursement, payments made by the committee, or to any action of the Committee without the expressed prior approval of the Board of Commissioners of the State Bar of Wyoming.
- B. These rules may be changed at any time by a majority vote of the Committee at a duly held meeting at which a quorum is present, and subject to the approval of the Board of Commissioners of the State Bar of Wyoming.

REPORT OF THE COMMITTEE ON DISCIPLINARY RULES

Last fall, President Copenhaver appointed this committee and assigned to it the task of thoroughly studying our disciplinary procedures and recommending to this group such revisions as may be decided upon.

The membership of this Committee was as follows: James A. Zaring, Chairman, Jerry W. Housel, A. G. McClintock, Robert C. Sievers, Wade Brorby. Mr. Zaring, after performing the initial spadework, resigned from the Committee in June of this year, and I was appointed acting chairman by President Copenhaver.

I took the liberty of expanding this Committee in order that we could be assured of the wisdom of our judiciary and the expertise of other individuals. Thus those also serving were: Justice Parker and

Judge Guthrie, who comprise the Disciplinary Committee of the Wyoming Judicial Conference; Edward E. Murane, who is a member of the ABA Special Committee on Disciplinary Enforcement; Fred Loomis from the Wyoming State Board of Bar Examiners; and Watler C. Urbigkit, Jr., who is chairman of the Disciplinary Committee of American Trial Lawyers.

This Committee has been unable to complete the task assigned to it, and feels that any specific recommendations at this point would be premature.

Your Committee does wish to make some general findings and recommendations. These are as follows:

1. Some changes in our system of disciplinary enforcement are both desirable and necessary.
2. This Bar Association has the responsibility to keep its house in order, and it is imperative that we do so.
3. We therefore offer the following suggestions:
 - (a) Our new President should appoint a committee to continue the work instituted by this group.
 - (b) That said committee should include representatives selected for this purpose by our Judiciary.

Respectfully submitted,

Wade Brorby

REPORT OF THE COLLEGE OF LAW

President Copenhaver and members of the Wyoming State Bar, the University of Wyoming Law School, like most law schools in the country, is in the midst of an enrollment crisis. This can best be illustrated by a few statistics for the past three years. For the fall of 1969 we had just over 200 applications for the freshman class. For 1970 we had over 300 applications and for this fall we had almost 600. In all three years a majority of the applications came from non-residents, but resident applications have increased in about the same proportions. Thus for the fall of 1969 we had 63 resident applications. For 1970 we had 80 resident applications, and for this fall we had 118. To complete the picture for these three years, the freshman class in 1969 numbered 57. Last fall we had 71. At the completion of registration yesterday we had 114, and it is possible that a few more of those previously admitted may register late.

Obviously this trend cannot be permitted to continue. The law school, as presently constituted, simply cannot handle freshman classes of 100 on a continuing basis. For one thing we do not have a classroom large enough to accommodate a class of that size. This year

freshman classes will be taught in the Geology Building, which is on the opposite corner of the campus. Study space in the library is completely inadequate for a student body of the size that we have this fall. And the faculty is too small to provide the sort of individualized and small group instruction that has characterized the school in the past. How, then, do we propose to meet the crisis? Of necessity, this requires both short term and long term answers.

For next year, and probably for the next several years, we propose to limit the entering class to seventy-five. This will require that we screen both resident and non-resident applicants on the basis of qualitative standards. We have, in fact, been doing this in the case of non-residents for the past several years. For this purpose we use a scale which takes into account both the Law School Admission Test score and undergraduate grade averages in predicting success in law school. The big change for next year will be that some Wyoming residents with college degrees will not be admitted to the law school. On this we request your understanding and forbearance when a friend or neighbor is not accepted.

It is difficult at this point to make long range plans because we do not know whether applications for admission will continue to increase, or will remain at the present relatively high level, or, on the other hand, will decrease. Most factors indicate that, at the very least, there will be no decrease and that it is more likely that the number of applications will continue to increase, although at a considerably slower rate. To some extent the increased enrollment pressure is simply the result of the post-war baby boom reaching law school age. The total number of persons in this age group will continue to rise until about 1983 or 1984. But a number of other factors have undoubtedly contributed to the great increase in the last few years. The scientific and technical areas are no longer as attractive as they were, and apparently a larger proportion of the most able and highly motivated college graduates are turning to the law schools. To some extent this represents a sort of collective judgment that the legal profession is where the action is. The law schools are also beneficiaries of the woman's lib movement. The number of women applicants has quadrupled nationwide in the past five years. To illustrate at the local level we have ten women in this year's freshman class.

If the number of applications continues at the present level or increases then it will probably be desirable for the law school to expand to more nearly meet the demand. This will require both substantially more space and a considerably larger faculty. Several years ago we outgrew our building and we are now working with the University administration in planning an addition. For this purpose we are assuming an eventual total enrollment of 300 to 350 students and a faculty of approximately twenty. While these numbers seem large,

they are in keeping with past growth. When we moved into the building in 1953, we had a student body of around sixty-five and a faculty of six. Last year we had a total of 150 students and a faculty of 12.

All of this growth raises an obvious question concerning employment opportunities for the vastly increased number of new lawyers in future years. The problem, of course, is more national than local. Again no very definite answers are possible. Over the past few years the size of our graduating class has been increasing steadily, but placement opportunities now are at least as good as they have ever been. Last spring we graduated thirty-three. Of these, six are going into private practice in Wyoming and three are entering practice in other states. Five have been employed by various agencies of the federal government. Three are clerking for federal judges in Wyoming. Two have gone with the Wyoming Attorney General and one with the Public Service Commission. One found employment with the legal department of an oil company. Five have entered the military. The remaining five or six are apparently still looking, but judging from the inquiries we received about them, they are finding a number of openings. To my knowledge there are still several spots in private practice, both in Wyoming and in neighboring states, that have not yet been filled. In short the profession is not overcrowded now. On the other hand it is likely that as our graduating classes become larger a greater percentage of our graduates will have to leave the state to find desirable career opportunities.

The primary mission of the law school is, of course, to provide quality legal education for the qualified citizens of the state desiring such education. It would be neither practical nor desirable to attempt to limit enrollment on the basis of the state's needs for lawyers. Neither the law school nor the University is responsible for the great increase in the number of applications that we are receiving. But we do have to deal with the situation in as responsible a manner as possible. We trust that we will have your help and support in this.

REPORT ON THE UNIFORM PROBATE CODE

Professor Lawrence H. Averill, Jr., a member of our Committee, is in process of preparing a commentary on the Uniform Probate Code, which will be published in the Land and Water Law Review timely enough for the Committee, aided by Professor Averill's insights, to review the Code and report to next year's convention its recommendations with respect thereto on an informed basis, and the Bar as a whole will be able more knowledgeably to consider the report and the implications of the Code.

As you are aware, the Code is a rather formidable document, and does not lend itself to easy analysis. I would not anticipate, judging

from the comments and enquiries received concerning it, that the Bar will readily embrace a statutory scheme which will make substantially obsolete all present acquaintance with probate procedures without a fairly broad understanding of the Code's structure and aims. Mr. Averill's comments will be of major assistance in this regard, and the Committee's active group consideration should in my view be withheld until the Committee and the Bar as a whole has had the chance to consider his comments or its adoption by the next Legislature appears remote. There is a rather widespread view that the present statutory structure could with some facility be simplified, the powers of executors, administrators and guardians broadened, and that the time involved shortened without the wholesale restructuring that the Code involves. However the Committee may be reconstituted by the new officers of the Bar, I suggest that the consideration be given to expanding the options and alternatives open to it for its recommendations to the Bar.

Respectfully submitted,

William E. Barton, Chairman

REPORT OF THE NECROLOGY COMMITTEE

During the past year our profession has been saddened by the deaths of ten respected members of the Wyoming State Bar. David N. Burns, Jack Christmas, Carl Cook, William V. Dolezal, William F. Fair, J. J. Hickey, Will J. Metz, John J. Spriggs, Warren J. Taylor, and Sam M. Thompson will long be remembered by members of the Wyoming State Bar either as close friends, respected acquaintances, or worthy opponents.

DAVID N. BURNS

David N. Burns was born October 22, 1930, in Milford, Utah. He attended Columbia University and the University of Utah from which he received his law degree. He practiced law in Hangtown, California, where he was Assistant District Attorney and was admitted to the Wyoming Bar in 1955. He moved to Jackson in 1961 where he was in private practice until 1970. Mr. Burns died at age 41 in Salt Lake City, Utah, June 26, 1971, and was survived by a son and a daughter.

J. A. CHRISTMAS

Jack Christmas was born in Grand Haven, Michigan, January 27, 1886. He attended Carney Military Academy and the University of Nebraska from which he received his law degree. Mr. Christmas was admitted to the Wyoming Bar in 1912 and moved to Kemmerer that year. He was engaged in the active practice of law in Kemmerer until two years before his death at age 85 on June 30, 1971, in Evan-

ston. He was survived by his wife, Josephine, and a son and a daughter.

CARL COOK

Carl Cook was born September 25, 1879, in Swan Creek, Utah. He was admitted to the Wyoming Bar in the early 1900's and practiced law in Afton for more than 50 years. He also served briefly as Clerk of Court in Kemmerer. Mr. Cook died at age 91 in Salt Lake City on December 24, 1970. He was survived by his wife, Ella, a son, four daughters, thirty grandchildren, 83 great-grandchildren, and five great, great-grandchildren.

WILLIAM V. DOLEZAL

William V. Dolezal was born May 1, 1887, in Vining, Iowa, and graduated from Leander Clark's College in Iowa. He was admitted to the Wyoming State Bar in January of 1920 after studying law under the supervision of E. C. Raymond of Newcastle for four years. Mr. Dolezal spent most of his legal career as a court reporter, first in Gillette and then in Big Horn County until his retirement. He died in Basin September 25, 1970, and was survived by his wife, Alberta, and two daughters.

WILLIAM F. FAIR

William F. Fair was born March 24, 1932, in Sheridan, Wyoming. He served in the United States Navy, attended the University of Kansas and received his law degree from the University of Colorado. He later received a Master of Law degree from New York University. He was admitted to practice in Wyoming in March of 1959. Mr. Fair was associated with the firm of Akold, Sheppard, Dick and Rivira in Denver at the time of his death. Mr. Fair died at age 39 in Estes Park, Colorado on June 24, 1971. He was survived by his wife, Rosemary, and one son.

J. J. HICKEY

John Joseph Hickey was born in Rawlins, Wyoming, August 22, 1911. He attended Rawlins public schools and the University of Wyoming where he received his law degree in 1934 and was admitted to the Wyoming Bar in October of that year. He opened his law practice in Rawlins the same year and four years later was elected County Attorney. He enlisted in the Army in World War II and was again elected to the post of County Attorney upon his return from the service. In 1949 he was appointed U.S. Attorney for the District of Wyoming and moved to Cheyenne. In 1952 he resigned as U.S. Attorney to engage in the private practice of law in Cheyenne until his election to the office of Governor in 1958. He resigned as Governor

and was appointed to the United States Senate by his successor in 1961 to fill the vacancy caused by the death of Senator-Elect Keith Thomson. He returned to the private practice of law in Cheyenne after losing the U. S. Senate election in 1962. In 1966 he was appointed to the Tenth Circuit Court of Appeals where he served until his death at age 59 on September 22, 1970, in Cheyenne. Judge Hickey was survived by his wife, Winifred, and two sons.

WILL J. METZ

Will J. Metz was born October 2, 1893, in Sheridan Wyoming. After attending Sheridan schools he graduated from Pomona College and entered Harvard Law School. His law studies were interrupted by enlisting in the U.S. Army in World War I, but after the war he returned to Harvard and graduated. Mr. Metz was admitted to the Wyoming Bar in January of 1920 and practiced law in the firm of Metz, Sackett and Metz in Sheridan for many years. He was a member of the Yellowstone Compact Commission, and served as Administrator for the Works Progress Association. Mr. Metz died at age 77 in Sheridan and was survived by his wife, Irma, and a son and a daughter.

JOHN J. SPRIGGS

John J. Spriggs was born September 14, 1877, in Louisville, Illinois and graduated from high school there. In 1899 he enlisted in the Army to serve in the Spanish-American War and upon his return read law in a law office before attending the University of Illinois, where he graduated with a Literary Degree. Three years later he received his law degree from the University of Missouri School of Law. He was a member of the Missouri Bar and was admitted to the Wyoming Bar in October of 1907. Mr. Spriggs practiced law in Lander into his 90's and was an unsuccessful candidate for the supreme court several times. He died on January 6, 1971, at age 93 in St. Pettersburg, Florida, where he was spending the winter. He was survived by his wife, Frances, and two daughters and three sons.

WARREN J. TAYLOR

Warren J. (Zack) Taylor was born March 10, 1896, in Kansas City, Missouri where he attended public schools. After serving in the U.S. Army in World War I, he moved to Thermopolis to study law in the office of Clifford W. Axtell. He was admitted to practice in Wyoming in August of 1927 and was thereafter associated briefly with Milward L. Simpson in the practice of law. Mr. Taylor left the active practice to serve as Secretary to the Board of Equalization for three years, then joined the F.B.I. for five years before going into the insurance real estate business in Cheyenne. He died in Cheyenne November 12, 1970, and was survived by his wife, Patricia.

SAM M. THOMPSON

Sam M. Thompson was born in Kentucky in 1882 and came to Cheyenne in 1886, where he attended public schools. He attended the University of Nebraska School of Law and was admitted to the Wyoming Bar in October of 1907. He entered the private practice of law in Cheyenne that year and was elected County Attorney in 1912, serving in that office until 1919. In 1928 he was elected District Judge of Laramie, Platte, and Goshen counties and held that office until his retirement 36 years later. Judge Thompson died at age 88, October 8, 1970, in Sevierville, Tennessee where he was visiting. He is survived by his wife, Mabel, and two sons.

NOW, THEREFORE, BE IT RESOLVED that the Wyoming State Bar, at its regular annual meeting held in Cody, Wyoming on September 8, 9, and 10, 1971, does hereby pay its respect to the members above named, in recognition of their many services and contributions to the legal profession and the people of the State of Wyoming, and that their memory be perpetuated by spreading this resolution upon the minutes of the meeting of the Wyoming State Bar.

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

Respectfully submitted,

THE NECROLOGY COMMITTEE

Richard W. Day, Chairman

Paul T. Liamos

William S. Bon