

1973

Committee Reports

Wyoming State Bar

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

Recommended Citation

Wyoming State Bar (1973) "Committee Reports," *Land & Water Law Review*. Vol. 8 : Iss. 1 , pp. 371 - 390.
Available at: https://scholarship.law.uwyo.edu/land_water/vol8/iss1/18

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 VIII

1973

NUMBER 1

COMMITTEE REPORTS

TREASURER'S REPORT

FISCAL YEAR AUGUST 1, 1971 to JULY 31, 1972

General Account\$28,761.68

RECEIPTS:

License fees 8-1-71 to 7-31-72 ...\$21,000.00

Miscellaneous Receipts 341.90

Interest on time deposits (Due

Client Security Fund) 275.00

	\$21,616.90	\$21,616.90
--	-------------	-------------

TOTAL RECEIPTS AND BALANCE	\$50,378.58
----------------------------------	-------------

Expenses:

President and Vice President ...\$ 1,442.99

Secretary 3,600.00

Officers & Commissioners 2,223.37

Convention 1971 900.81

Law Review 2,411.50

Scholarship 500.00

ABA Delegate 2,372.20

Client Security Fund 2,292.03

Telephone 463.26

Postage & Office Supplies 1,410.95

Dues 77.50

Miscellaneous 116.50

Transfer of Funds 15,000.00

W.S.B. Checks (Order) 5.22

TOTAL EXPENSES	\$32,816.33
----------------------	-------------

BALANCE PER BOOKS	\$17,562.25
-------------------------	-------------

GENERAL CHECKING ACCOUNT (7-31-72)	\$17,562.25
--	-------------

Clients Security Fund 8-1-71

First National Bank (Powell) #208	\$ 5,000.00
American National Bank (Powell)	
#482 + Interest \$1,203.76 + \$58.36	1,262.12
#1176 + Interest \$1,140.67 + \$60.63	1,201.30
First State Bank (Cody)	
#2178 + Interest \$2,343.72 + \$124.59	2,468.31
Western National Bank (Lovell)	
#994 + Interest \$2,275.00 + —0—	2,275.00

Balance of Fund and Interest\$12,206.73

General Fund:

Balance General Checking Account	\$17,562.25
Western National Bank Pass Book Savings—transferred	
from checking account + interest	\$15,449.06
Clients Security Fund on Time Deposit	\$12,206.73
Wyoming State Bar Criminal Planning Account	974.29

Total General Fund Clients Security Fund and

Wyoming State Bar Criminal Planning Account\$46,192.33

Respectfully submitted,

JOSEPH E. DARRAH
Secretary-Treasurer

REPORT OF THE AUDITING COMMITTEE

The Auditing Committee of the Wyoming State Bar Association has examined the books and records of the Treasurer of the Wyoming State Bar for the period from August 1, 1971 to July 31, 1972.

In the opinion of the Committee, the Treasurer's report for the period ending July 31, 1972, correctly reflects receipts and disbursements for such period and financial condition of the Wyoming State Bar as of the close of such period.

Respectfully submitted,

AUDITING COMMITTEE
Oliver W. Steadman
Robert O. Olson
Richard W. Day

REPORT OF THE COLLEGE OF LAW

I will first bring you up to date on the enrollment situation. We are now completing our second week of classes so the information is

all available. We have seventy-seven freshmen, including seven women. There are ninety-three in the junior class which is a sort of bulge because of the out-size freshman class of a year ago. Finally we have fifty-eight seniors for a total enrollment of 228. As most of you have probably heard we plan to limit the freshman class to about seventy-five during the years immediately ahead. It does not appear that there will be any substantial drop in the number of applicants for next year.

The placement situation for our graduates may be getting a little tighter. There were thirty-nine in our graduating class last spring. Seven are associated with Wyoming law firms. Four are in practice in other states. Three are with the Attorney General or other Wyoming state agencies. Four are with federal agencies and five are in other types of government employment outside the state. Two are clerking for judges. Four are working for private corporations and two have been called into military service. Eight are not yet placed, so far as we know.

There is not much to report as far as the building problem is concerned. Both the University administration and the trustees are well aware of the problem and, I believe, anxious to do something about it. Hopefully, a solution will be authorized by the coming legislative session.

There have been a minimum number of faculty changes during the past year. As you know John Rames retired at the end of the last academic year and is residing in Sun City, Arizona. Glen Shellhaas has rejoined our faculty after several years at the University of North Carolina and Texas Tech University. Pete Maxfield is on leave for the academic year and teaching at the University of New Mexico. Bill Vines, formerly of Jones, Vines and Hunkins, Wheatland, is serving as visiting professor during Maxfield's absence. We hope to add at least one additional faculty member in the near future to meet the demands of the increased enrollment and to keep up with the competition.

During the past year the University underwent a critical self-evaluation on a department by department and college by college basis. The principal purpose of this was to identify programs of current low priority in which savings could be made and, on the other hand, programs of high priority requiring additional support. A committee for the College of Law, consisting largely of law faculty but including a law student and an outside faculty member, prepared a thirty-eight page report describing in detail the instructional and supporting programs of the law school, and pointing out the strengths and weaknesses of the school as we saw them. If any of you would like copies we will be happy to provide them for fifty cents a copy to defray the costs of reproducing and mailing.

Finally an announcement. The Natrona County Bar Association and the law school are jointly sponsoring a continuing legal education program on the Uniform Consumer Credit Code to be held in Casper on November third and fourth. Dave Scott and Glen Shellhaas are co-chairmen. Juan DeHerrera of the Attorney Generals office is serving as an unpaid consultant. You will be receiving a formal announcement in the near future.

REPORT OF THE CLIENT SECURITY FUND COMMITTEE

Pursuant to the instructions from President Joseph B. Sullivan and based upon the recommendations set forth in this Committee's report to the Bar of September 9, 1971, a proposed rule of the Supreme Court of the State of Wyoming was prepared together with Rules of Procedure and were submitted to the Supreme Court of the State of Wyoming.

The Court was asked to consider and, hopefully, approve, the rule establishing the Clients' Security Fund and Committee, and further it was requested that the Rules of procedure for the administration of the Fund and Committee also be adopted.

Chief Justice McIntyre of the Supreme Court suggested that the rule be designated as Rule 22 of the Rules for the Organization and Government of the Wyoming State Bar for the Attorneys at Law of the State of Wyoming. The Supreme Court has now entered an Order adopting this new rule as Rule 22, of the Wyoming State Bar Rules and will have it published in the Wyoming Reporter.

The Supreme Court further advised that the rules of procedure for the Clients' Security Fund be maintained with the minutes of the Committee and thereby be available to be followed at such time and from time to time that the Committee is called upon to function.

To date no requests have been submitted to the Committee for the making of any investigation and no dispersements have been made from the Security Fund.

The monies of the Fund are maintained by the Secretary-Treasurer of the State Bar and there is now a balance in the Fund of \$12,206.73 plus interest accrued since July 31, 1971.

Respectfully submitted,

HOWELL C. McDANIEL JR.

REPORT OF THE DISCIPLINARY PROCEDURES COMMITTEE

We have a duty and obligation to protect the public from and to redress unprofessional conduct. If we fail to place our own house in order, we may rest assured that in this day of "consumerism", it will be done for us, and may very well include laymen in the disciplinary process. If we fail to do this, both the public and the members of this profession will suffer. In view of what is happening in other states, I cannot emphasize strongly enough the urgency and the necessity of adopting the Proposed Rules.

The Proposed Rules are essentially those recommended by the ABA, and they have been modified in accordance with the needs and practice of the Wyoming Bar. In order that you can compare the Proposed Rules with the existing law, you are invited to examine Sections: 5-22, 33-51, 33-54, 33-56, 33-57, and 33-60 Wyo. Stat. (1957). In addition, your attention is directed to Rule 22 of the Supreme Court, and Rules 13, 15, and 20 of this Bar Association.

A resolution has been prepared for introduction and adoption at the annual meeting. This resolution includes the following important provisions:

1. That the Supreme Court of Wyoming be advised that the members of this Bar desire the adoption of the Proposed Rules.
2. That the dues of each member of the Wyoming State Bar should be raised \$15.00 per year in order to fund the work of the Grievance Committee, under the Proposed Rules.
3. That it be recommended to the Supreme Court that they give immediate attention to the adoption of the Code of Professional Responsibility as previously recommended by the Wyoming State Bar.

RULE I**Jurisdiction**

Any attorney regularly admitted to practice law in this State or any attorney specially admitted to practice by a court of this State or any individual admitted to practice as an attorney in any other jurisdiction who regularly engages in the practice of law within this State as house counsel to corporations or other entities, counsel for governmental agencies or otherwise is subject to the exclusive disciplinary jurisdiction of this court and The Grievance Committee hereinafter established.

Nothing herein contained shall be construed to deny to any other court such powers as are necessary for that court to maintain control over proceedings conducted before it, such as the power of contempt, nor to prohibit bar associations from censuring, suspending or expelling their members from membership in the association.

RULE II

Grounds for Discipline

The license to practice law in this State is a continuing proclamation by the court that the holder is fit to be entrusted with professional and judicial matters, and to aid in the administration of justice as an attorney and as an officer of the court. It is the duty of every recipient of that privilege to practice law.

Acts or omissions by an attorney, individually or in concert with any other person or persons, which violate the standards or rules of ethics or professional responsibility that have been, and any that may be from time to time hereafter, adopted by this court, shall constitute misconduct and shall be grounds for discipline, whether or not the act or omission occurred in the course of an attorney-client relationship.

RULE III

Types of Discipline

Misconduct shall be grounds for :

- (1) Disbarment; or
- (2) Suspension for a period not exceeding five years; or
- (3) Public censure by the court; or
- (4) Private reprimand by the Grievance Committee; or
- (5) Informal admonition by the Grievance Committee.

RULE IV

The Grievance Committee

(a) The court shall appoint, upon the recommendation of the State Bar of Wyoming, a committee to be known as "The Grievance Committee" (hereinafter referred to as "The Committee") which shall consist of five members of the bar of this State; one of whom shall be designated by the court as Chairman and another as Vice-Chairman to act in the absence or disability of the Chairman:

(b) When The Committee is first selected, two (2) of its members shall be appointed for a term of one year, and thereafter all regular terms shall be three years. No member shall serve for more than six consecutive years; he may be reappointed after a lapse of one year. The Committee shall act only with a concurrence of a majority of its members provided, however, that three members shall constitute a quorum.

(c) The Committee shall have the power and duty:

- (1) to consider, investigate and cause to be investigated the conduct of any attorney within the jurisdiction of this court and may initiate any such investigation on its own motion or may undertake the same upon the written complaint by any person.

- (2) to appoint members of this Bar to conduct the preliminary investigation. Such members need not be the district bar commissioner and should be reputable and experienced members of the bar. The persons conducting the preliminary investigation shall promptly investigate the matter and shall make report of all pertinent facts to the Committee.
- (3) to review the written report.
- (4) to dismiss the complaint or to cause further investigation to be performed.
- (5) to institute and direct formal disciplinary proceedings as provided by law.
- (6) to conclude the matter by private reprimand or informal admonition.
- (7) to recommend to this court public reprimand.
- (8) to place offending attorneys upon a probationary status for a period not to exceed two years, upon conditions to be established by the Committee.
- (9) to exercise all powers and duties as established by law.
- (10) to hold an informal hearing for any attorney requesting the same.
- (11) to adopt rules of procedure not inconsistent with the Rules promulgated by this court.
- (12) to maintain records of all matters processed and the disposition thereof.
- (13) to assure compliance of an order of suspension or disbarment.

RULE V

Procedure

- A. All investigation shall be initiated solely by the Committee. All bar officers or attorneys receiving complaints shall cause the same to be forwarded to the Committee.
- B. Upon receiving written complaint the Committee shall cause such investigation to be made as they shall deem appropriate.
- C. Upon completion of the investigation the Committee shall:
 - (1) If it determines the complaint is not meritorious, notify the complainant and such other persons as the Committee may deem appropriate.
 - (2) If it determines the complaint to be meritorious, it shall cause written notice of its findings and if its proposed action to be sent to the attorney involved.
 - (3) The attorney involved shall then have twenty days in which to either accede to the findings and proposed action or to request an informal conference with the Committee.

Silence shall be deemed to be agreement with the findings and proposed action of the Committee.

(4) Upon receiving no response, or upon agreement or at the conclusion of the informal conference, the Committee shall then have the power to dismiss, privately reprimand or admonish, recommend to this court a public reprimand or admonishment, or institute formal disciplinary proceedings for suspension or disbarment in accordance with law.

D. The complainant shall be advised of final action within ten days after the same has been completed.

E. All prosecution will be conducted by the office of the Attorney General.

RULE VI

Immunity

Complaints submitted to the Committee shall be absolutely privileged and no lawsuit predicated thereon may be instituted. Members of the Committee and those persons investigating shall be immune from suit for any conduct in the course of their official duties.

RULE VII

Refusal of Complainant to Proceed, Compromise, etc.

Neither unwillingness nor neglect of the complainant to sign a complaint or to prosecute a charge, nor settlement, compromise or restitution, shall, in itself, justify abatement of an investigation into the conduct of any attorney.

RULE VIII

Matters Involving Related Pending Civil or Criminal Litigation

All complaints involving material allegations which are substantially similar to the material allegations of pending criminal or civil litigation shall be deferred until the conclusion of such litigation shall provide that the respondent-attorney makes all reasonable efforts to obtain the prompt trial and disposition of such pending litigation. In the event the respondent-attorney fails to take reasonable steps to assure prompt disposition of the litigation, the investigation and subsequent disciplinary proceedings shall be promptly conducted.

The acquittal of the respondent-attorney on criminal charges or a verdict or judgment in his favor in a civil litigation involving substantially similar material allegations shall not in and of itself justify abatement of a disciplinary investigation predicated upon the same material allegations.

RULE IX

Substituted Service

In the event a respondent-attorney cannot be located and personally served with notices required under these rules, such notices may

be served upon the respondent-attorney by addressing them to the address furnished by the respondent-attorney as shown in the records of the Wyoming State Bar.

RULE X

Required Records

A. Every attorney subject to these Rules shall maintain complete records of the handling, maintenance and disposition of all funds, securities and other properties of a client at any time in his possession, from the time of receipt to the time of final distribution, and shall preserve such records for a period of five years after final distribution of such funds, securities and other properties or any portion thereof.

RULE XI

Attorneys Convicted of Serious Crimes

A. Upon the filing with this court of a certificate demonstrating that an attorney has been convicted of a serious crime as hereinafter defined, this court shall enter an order immediately suspending the attorney, whether the conviction resulted from a plea of guilty or nolo contendere or from a verdict after trial or otherwise, and regardless of the pendency of an appeal, pending final disposition of a disciplinary proceeding to be commenced upon such conviction.

B. The term "serious crime" shall include any felony and any lesser crime a necessary element of which, as determined by the statutory or common law definition of such crime, involves moral turpitude, interference with the administration of justice, false swearing, misrepresentation, fraud, willful failure to file income tax returns, deceit, bribery, extortion, misappropriation, theft, or an attempt or conspiracy or solicitation of another to commit a "serious crime."

C. A certificate of a conviction of an attorney for any crime shall be conclusive evidence of the commission of that crime in any disciplinary proceeding instituted against him based upon the conviction.

D. Upon the receipt of a certificate of conviction of an attorney for a serious crime, the court shall, in addition to suspending him in accordance with the provisions of Section A above, also refer the matter to the Committee for formal disciplinary proceeding, in which the sole issue to be determined shall be the extent of the final discipline to be imposed, provided that a disciplinary proceedings so instituted will not be brought to hearing until all appeals from the conviction are concluded.

E. Upon receipt of a certificate of a conviction of an attorney for a crime not constituting a serious crime, the court shall refer the matter to the Committee for whatever action it may deem warranted, provided however, that this court may in its discretion make no reference with respect to convictions for minor offenses.

F. An attorney suspended under the provisions of Section A above will be reinstated immediately upon the filing of a certificate

demonstrating that the underlying conviction for a serious crime has been reversed but the reinstatement will not terminate any proceeding then pending against the attorney, the disposition of which shall be determined by the Committee on the basis of the available evidence.

G. The clerk of any court of record within the State in which an attorney is convicted shall within ten days of said conviction transmit a certificate thereof to this court.

H. Upon being advised that an attorney has been convicted of a crime within this State, the Committee shall determine whether the clerk of the court where the conviction occurred has forwarded a certificate to this court in accordance with the provisions of Section G above. If the certificate has not been forwarded by the clerk or if the conviction occurred in another jurisdiction, it shall be the responsibility of the Committee to obtain a certificate of conviction and to transmit it to this court.

RULE XII

Proceedings Where an Attorney is Declared to be Incompetent or is Alleged to be Incapacitated.

A. Where an attorney has been judicially declared incompetent, the court, upon proper proof of the fact, shall enter an order suspending such attorney from the practice of law effective immediately and for an indefinite period until further order to the court. A copy of such order shall be served upon such attorney, his guardian, and/or the director of the mental hospital in such manner as the court may direct.

B. Whenever the Committee shall petition the court to determine whether an attorney is incapacitated from continuing the practice of law by reason of mental infirmity or illness or because of addiction to drugs or intoxicants, the court may take or direct such action as it deems necessary or proper to determine whether the attorney is so incapacitated from continuing to practice law, it shall enter an order suspending him on the ground of such disability for an indefinite period and until the further order of the court and any pending disciplinary proceeding against the attorney shall be held in abeyance.

The court may provide for such notice to the respondent-attorney of proceedings in the matter as it deems proper and advisable and may appoint an attorney to represent the respondent if he is without adequate representation.

C. If, during the course of a disciplinary proceeding, the respondent contends that he is suffering from a disability by reason of mental or physical infirmity or illness, or because of addiction to drugs or intoxicants, which makes it impossible for the respondent to adequately defend himself, the court thereupon shall enter an order immediately suspending the respondent from continuing to practice law until a determination is made of the respondent's capacity to continue to practice law in a proceeding instituted in accordance with the provisions of Section B of the Rule.

If, in the course of a proceeding under this Rule or in a disciplinary proceeding, the court shall determine that the respondent is incapacitated from practicing law, it shall take such action as it deems proper and advisable including a direction for the resumption of the disciplinary proceedings against the respondent.

D. Any attorney suspended under the provisions of this Rule shall be entitled to apply for reinstatement once a year or at such shorter intervals as the court may direct in the order of suspension or any modification thereof. Such application shall be granted by the court upon a showing by clear and convincing evidence that the attorney's disability has been removed and he is fit to resume the practice of law. Upon such application, the court may take or direct such action as it deems necessary or proper to a determination of whether the attorney's disability has been removed including a direction for an examination of the attorney by such qualified medical experts as the court shall designate. In its discretion, the court may direct that the expense of such an examination shall be paid by the attorney.

Where an attorney has been suspended by an order in accordance with the provisions of Section A of this Rule and, thereafter, in proceedings duly taken, he has been judicially declared to be competent, the court may dispense with further evidence that his disability has been removed and may direct his reinstatement upon such terms as are deemed proper and advisable.

E. In a proceeding seeking an order of suspension under this Rule, the burden of proof shall rest with the Committee. In a proceeding seeking an order terminating a suspension under this Rule, the burden of proof shall rest with the suspended attorney.

F. The filing of an application for reinstatement by an attorney suspended for disability shall be deemed to constitute a waiver of any doctor-patient privilege with respect to any treatment of the attorney during the period of his disability. The attorney shall be required to disclose the name of every psychiatrist, psychologist, physician and hospital by whom or in which the attorney has been examined or treated since his suspension and he shall furnish to the court written consent to each to divulge such information and records as requested by court-appointed medical experts.

RULE XIII

Resignations by Attorneys Under Disciplinary Investigation

A. An attorney who is the subject of an investigation into allegations of misconduct on his part may submit his resignation by delivering to the Committee an affidavit stating that he desires to resign and that:

(1) his resignation is freely and voluntarily rendered; he is not being subjected to coercion or duress; he is fully aware of the implications of submitting his resignation;

(2) he is aware that there is presently pending an investigation into allegation that he has been guilty of misconduct the nature of which he shall specifically set forth;

(3) he acknowledges that the material facts upon which the complaint is predicated are true; and

(4) he submits his resignation because he knows that if charges were predicated upon the misconduct under investigation he could not possibly defend himself against them.

B. Upon receipt of the required Affidavit, the Committee shall file it with the court and the court shall enter an order disbaring the attorney on consent.

C. The order disbaring the attorney on consent shall be a matter of public record. However, the affidavit required under the provisions of Section A above shall not be publicly disclosed or made available for use in any other proceeding except upon order of the court.

RULE XIV

Reciprocal Discipline

A. Upon receipt of a certificate that an attorney admitted to practice in this State has been disciplined in another jurisdiction, the court shall enter an order imposing the identical discipline or, in its discretion, suspending the attorney pending the imposition of final discipline.

B. In the event the discipline imposed in the other jurisdiction has been stayed there, the entry of an order pursuant to the provisions of Section A above shall be deferred until such stay expires.

C. The Committee or the respondent-attorney may move the court within thirty days after the entry of an order imposing reciprocal discipline pursuant to the provisions of Section A above for an order modifying the reciprocal discipline upon the ground that upon the fact of the *record* upon which the discipline is predicated it clearly appears (1) that the procedure was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; or (2) there was such an infirmity of proof establishing the misconduct as to give rise to the clear conviction that this court could not consistently with its duty accept as final the conclusion on that subject; or (3) that the imposition of the same discipline by this court would result in grave injustice; or (4) that the misconduct established has been held by this court to warrant substantially different discipline.

D. In the event, the court suspends the attorney disciplined in the provisions of Section A above, the court shall issue an order requiring the attorney to show cause why the identical discipline should not be imposed in this jurisdiction. The attorney's response to the order to show cause shall be limited to the above enumerated criteria as reflected in the *record* of the proceeding resulting in the imposition of discipline in the foreign jurisdiction.

E. In all other respects, a final adjudication in another jurisdiction that an attorney has been guilty of misconduct shall establish conclusively the misconduct for purposes of a disciplinary proceedings in the State.

RULE XV**Disbarred or Suspended Attorneys**

A. A disbarred or suspended attorney shall promptly notify by registered or certified mail, return receipt requested, all clients being represented in pending matters, other than litigated or administrative matters or proceedings pending in any court or agency, of his disbarment or suspension and his consequent inability to act as an attorney after the effective date of his disbarment or suspension and shall advise said clients to seek legal advice elsewhere.

B. A disbarred or suspended attorney shall promptly notify, by registered or certified mail, return receipt requested, each of his clients who is involved in litigated matters or administrative proceedings, and the attorney or attorneys for each adverse party in such matters or proceeding, of his disbarment or suspension and consequent inability to act as an attorney after the effective date of his disbarment or suspension. The notice to be given to the client shall advise the prompt substitution of another attorney or attorneys in his place.

In the event the client does not obtain substitute counsel before the effective date to the disbarment or suspension, it shall be the responsibility of the disbarred or suspended attorney to move pro se in the court or agency in which the proceeding is pending, for leave to withdraw.

The notice to be given to the attorney or attorneys for an adverse party shall state the place of residence of the client of the disbarred or suspended attorney.

C. The disbarred or suspended attorney, after entry of the disbarment or suspension order, shall not accept any new retainer or engage as attorney for another in any new case or legal matter of any nature. However, during the period from the entry date of the order and its effective date he may wind up and complete, on behalf of any client, all matters which were pending on the entry date.

D. Within ten days after the effective date of the disbarment or suspension order, the disbarred or suspended attorney shall file with the court an affidavit showing: (1) that he has fully complied with the provisions of the order and with this Rule; and (2) that he has served a copy of such affidavit upon the Committee. Such affidavit shall also set forth the residence or other address of the disbarred or suspended attorney where communications may thereafter be directed to him.

E. A disbarred or suspended attorney shall keep and maintain records of the various steps taken by him under this Rule so that, upon any subsequent proceeding instituted by or against him, proof of compliance with these Rules and with the disbarment or suspension order will be available.

RULE XVI**Appointment of Counsel to Protect Clients Interests When Attorney Suspended for Disability, Disappears or Dies**

A. Whenever an attorney is suspended or dies, and no partner, executor or other responsible party capable of conducting the attor-

ney's affairs is known to exist, the appropriate local court, upon proper proof of the fact, may appoint an attorney or attorneys to inventory the files of the suspended, disappearing or deceased attorney and to take such action as seems indicated to protect the interests of clients of the suspended, disappearing or deceased attorney as well as the interests of that attorney.

B. Any attorney so appointed shall not be permitted to disclose any information contained in any files so inventoried without the consent of the client to whom such file relates except as necessary to carry out the order of the court which appointed the attorney to make such inventory.

RULE XVII

Reinstatement

A. A person who has been disbarred after hearings or by consent may not apply for reinstatement until the expiration of at least five years from the effective date of this disbarment.

B. An attorney who has been suspended for a specific period may not move for reinstatement until the expiration of the period specified in the order of suspension.

C. A person who has been suspended indefinitely due to disability under the provisions of Rule XII may move for reinstatement upon clear and convincing evidence that the disability has been terminated and that he is once again fit to resume the practice of law provided, however, that in the event a motion for reinstatement is denied, no further motion for reinstatement may be made until the expiration of at least one year following the denial unless another period for renewing the motion for reinstatement is specified in the order of suspension or in the order denying a prior motion for reinstatement.

D. Motions for reinstatement by disbarred attorneys or attorneys suspended for misconduct rather than disability shall be served upon the Committee at least two months prior to the return date thereof. Upon receipt of the motion for reinstatement, the Committee shall cause the matter to be investigated. The Committee shall promptly schedule a hearing at which the respondent-attorney shall have the burden of demonstrating by clear and convincing evidence that he has the moral qualifications, competency and learning in law required for admission to practice law in this State and that his resumption of the practice of law will be neither detrimental to the integrity and standing of the bar of the administration of justice nor subversive to the public interest. At the conclusion of the hearing, the Committee shall promptly file a report containing its findings and recommendations and transmit the same, together with the record, to this court. This court shall enter a final order deciding the motion within sixty days.

E. The Court in its discretion may direct that the necessary expenses incurred in the investigation and processing of a motion for reinstatement be paid by the respondent-attorney.

RULE XVIII**Expenses**

The expenses of the members of the Committee, investigators, and other expenses incurred in the implementation or administration of these Rules shall be paid by the Committee out of the funds allocated to them by the Wyoming State Bar.

RULE XIX**Confidentiality**

All proceedings involving allegations of misconduct by an attorney shall be kept confidential until and unless a recommendation for the imposition of discipline is filed with the court by the Committee or the respondent-attorney requests that the matter be public or the investigation is predicated upon a conviction of the respondent-attorney for a crime.

RULE XX**Periodic Registration of Attorneys**

A. Every attorney admitted to practice in this State or who regularly engages in the practice of law within this State as house counsel to corporations or other entities, counsel for governmental agencies, or otherwise, shall, on or before September 1 of every year, or within three months of the effective date of these rules or within three months of his becoming subject to these rules by admission or otherwise, file with the agency designated by this court, or if not admitted in this court, the date of admission and court to which he is admitted, his current residence and office addresses and such other information as the court may from time to time direct. In addition to such registration statement, every attorney shall file a supplemental statement with such agency of any change in the information previously submitted within thirty days of such change.

B. Within twenty days of the receipt of a registration statement or supplement thereto filed by an attorney in accordance with the provisions of Section A above, the agency designated by this court shall acknowledge receipt thereof by a stamped, self-addressed certificate on a form to be prescribed by the court submitted by the attorney with the registration statement or supplement thereto, in order to enable the attorney on request to demonstrate compliance with the requirement of Section A above. The certificate issued shall distinguish between attorneys admitted to practice in this state and attorneys not admitted in this state who regularly engage in the practice of law in this state.

C. Any attorney who fails to file the registration statement or supplement thereto in accordance with the requirements of Section A above shall be summarily suspended and barred from practicing law in this state until he shall have complied therewith.

D. An attorney who has retired or is not engaged in practice shall advise the agency designated by this court in writing that he desires to assume inactive status and to discontinue the practice of

law. Upon the filing of such notice, the attorney shall no longer be eligible to practice law but shall continue to file registration statements for five years thereafter in order that he can be located in the event complaints are made about his conduct while he was engaged in practice.

RULE XXI

Effective Date

These Rules shall become effective on and any disciplinary investigation pending on that date shall be transmitted to the Committee.

Respectfully submitted,

DISCIPLINARY PROCEDURES COMMITTEE

Wade Brorby
A. G. McClintock
Jerry W. Housel
Robert W. Sievers
John A. MacPherson

REPORT OF JUDICIAL SELECTION AND TENURE COMMITTEE

The Judicial Selection and Tenure Committee consists of members of Wyoming State Bar and members of Wyoming Judiciary. Those members representing the Judiciary section are the Honorable Glenn Parker, Justice of the Wyoming Supreme Court; the Honorable Allen A. Pearson, District Judge, First Judicial District and the Honorable John P. Ilsley, District Judge, Fourth Judicial District. Those members representing the Wyoming Bar are Thomas E. Lubnau, Chairman, Gillette, Wyoming; Donald Chapin, Casper, Wyoming; and Howell McDaniel, Casper, Wyoming. In addition, the Committee is also represented by an advisor from the American Judicature Society, who is Richard Bostwick of Casper, Wyoming.

The Committee met on October 16, 1971 at Laramie Wyoming; November 16, 1971, at Casper, Wyoming; December 4, 1971, at Casper, Wyoming; January 22, 1972, at Casper, Wyoming; February 12, 1972, at Casper, Wyoming, which meeting was a joint meeting with the Commissioners of the Wyoming State Bar; April 1, 1972, at Casper, Wyoming; and April 10, 1972, at Casper, Wyoming.

As a result of the work of the Committee, the Second Citizens' Conference on Wyoming Courts was held at the Ramada Inn in Casper, Wyoming on April 20 through 22, 1972. This Conference was held through the joint sponsorship of the American Judicature Society, the Wyoming Judicial Conference and the Wyoming State Bar. Guest speakers included the Honorable William H. Erickson, Justice, Supreme Court of Colorado; the Honorable Glenn Parker, Justice, Supreme Court of Wyoming; the Honorable Leslie L. Anderson, Judge,

Fourth Judicial District of Minnesota; the Honorable Winslow Christian, Justice, California Court of Appeals; the Honorable Philip H. Hoff, former Governor of Vermont; the Honorable LaFel E. Oman, Associate Justice, Supreme Court of New Mexico; the Honorable Robert F. Utter, Associate Justice, Supreme Court of Washington; John A. Krsul, Young Lawyers Section, American Bar Association, Detroit, Michigan; and R. Stanley Lowe, Associate Director, American Judicature Society, Chicago, Illinois.

As a result of the Second Citizens Conference on Wyoming Courts, the conferees selected a steering committee made up of lay personnel from the State of Wyoming, which thereafter formed a non-profit corporation known as the Wyoming Citizens for Court Improvement. The officers of this corporation consist of Grace Jenkins, Casper, Wyoming, President; Col. Bud Sailors, Moran, Vice-President; Wavis Twiferd, Cheyenne, Wyoming, Secretary; Russell Fennell, Cheyenne, Wyoming, Treasurer; Virginia Lathrop, Casper, Wyoming, Chairman of the Program and Membership Committee. This organization has been advocating the passage of Amendment No. 4 to be placed on the Wyoming ballot in the general election to be held in November of 1972. In addition this organization plans a continuing program for the study of the Judiciary within the State of Wyoming.

In addition the members of the Judicial Selection and Tenure Committee have made arrangements for additional advertising and publicity urging the passage of said Amendment.

The Committee's total budget consists of \$8,000.00, \$2,000.00 of which are funds of Wyoming Bar and \$6,000.00 of which was the result of the grant from the Governor's Planning Committee on Criminal Administration. In addition, the Committee has received pledges from the Wyoming Judicial Conference and individual members of Wyoming State Bar for a total of \$10,000.00. To date \$4,594.17 of this budget has been paid. It is expected that the amount budgeted will be expended by the Committee prior to the November election.

Respectfully submitted,

THOMAS E. LUBNAU
Chairman

REPORT OF NECROLOGY COMMITTEE

During the past year, our profession has been saddened by the deaths of six respected members of the Wyoming State Bar.

William A. Cole, Payson W. Spaulding, Marshall S. Reynolds, Fred H. Blume, Clifford N. Bloomfield, and Clarence A. Swainson will long be remembered by members of the Wyoming State Bar either as close friends, respected acquaintances or worthy opponents.

WILLIAM A. COLE

William A. Cole was born in 1918. After attending the United States Naval Academy at Annapolis, he served as a Navy lieutenant during World War II. After the war, he graduated from the University of Wyoming where he received a law degree in 1953. Mr. Cole was admitted to the Wyoming Bar in 1953 and practiced law in Casper for thirteen years before moving to Big Rapids, Michigan where he taught law and accounting at Ferris State College until his death at age 54 on June 9, 1972, in Big Rapids. He was survived by his wife, Betty, and three sons and three daughters.

PAYSON W. SPAULDING

Payson W. Spaulding was born August 9, 1876, in Bingham, Maine. He attended Ken College of Law and the University of Colorado Law School from which he received his law degree in 1901. Mr. Spaulding was admitted to the Wyoming Bar and began the practice of law in Evanston, Wyoming in 1901. For seventy years, Mr. Spaulding served the people of Uinta, Lincoln, Sublette and Teton counties in Wyoming as well as the People in Rich County, Utah, from his Evanston office. Mr. Spaulding was Chief Counsel for the State of Wyoming on the Lincoln Highway Commission and took an active part in charting the course of that highway across Wyoming. For forty-five years, he served on the Wyoming Law Examining Board, and was local attorney for the Union Pacific Railroad Company for sixty-six years. Mr. Spaulding died in Evanston on January 4, 1972, at age 95 and was survived by his wife, Nelle.

MARSHALL S. REYNOLDS

Marshall S. Reynolds was born in Pennsylvania in 1881. He graduated from Masefield State College in Pennsylvania and received his law degree from the University of Pennsylvania in 1905. While a graduate student at the University of Pennsylvania, Mr. Reynolds was an all-American football player and had a short-lived career as a pro-football player with the Canton, Ohio Bulldogs for three games. Mr. Reynolds moved to Cokeville in 1906 with his family and served as Uinta County Attorney before World War I when he was an artilleryman in France. After the war, Mr. Reynolds moved to Cheyenne where he practiced law for fifty years. From 1921 until 1932, he was the U.S. Collector of Internal Revenue for Wyoming and was a United States Commissioner from 1941 until 1970. A sixty-four year member of the Masonic Lodge, Mr. Reynolds was elected sovereign Grand Chancellor of the Supreme Council, Ancient and Accepted Scottish Rite of Free Masonry in 1969. Mr. Reynolds died at age 90 in Cheyenne on December 14, 1971. He was survived by his wife, Ceva.

FRED H. BLUME

Fred H. Blume was born in Hanover, Germany in 1875. He came to the United States at the age of 12. He entered Iowa University and was graduated with a bachelor's degree in philosophy. After serving his apprenticeship with a lawyer, he passed the Iowa Bar in 1898. He served two terms as county attorney. He moved to Sheridan, Wyoming at the turn of the century where he began to practice law. He served in the Wyoming House of Representatives in 1906 and in the Senate for two terms in 1908. He was appointed by Governor Robert D. Carey in 1921 to the Wyoming Supreme Court to fill a vacancy by the death of Justice Charles C. Blydenburgh and was successively re-elected to five-eight year terms thereafter. Judge Blume was noted also for his work as a legal scholar which earned him wide renown, particularly for his translation of the Justinian Code from Latin to English. The 1962 Annual Survey of American Law dedicated its edition to Judge Blume. Judge Blume's wife, Blanche, died in 1963. They were married in 1920 in Sheridan. He died at his home on September 26, 1971, at the age of 96. He is survived by a nephew Fred Blume of Cheyenne and three children, Bjarne, Kristen and Ricky.

CLIFFORD N. BLOOMFIELD

Clifford N. Bloomfield, a lifetime resident of Cheyenne, Wyoming was born in Laramie, Wyoming, on December 23, 1923. He was a past chairman of the Laramie County Republican Party, a member of the Wyoming Bar Association and V.F.W. Post 4343. Bloomfield died at his home at the age of 48. He is survived by his wife, a son and a daughter.

CLARENCE A. SWAINSON

Clarence A. Swainson was born on February 22, 1882, in Cheyenne, Wyoming. He received his law degree from the University of Michigan in 1916. He was a member of the American Bar Association and had been on the Wyoming Commission on Uniform Laws for twelve years. He had practiced law here since 1917. He retired as federal referee in bankruptcy for Wyoming on January 15, 1971, just four and one-half months short of having served fifty years in that post. He died at Memorial Hospital in Cheyenne at the age of 80. He was survived by his wife, Merle Hanna, and three children.

NOW THEREFORE BE IT RESOLVED that the Wyoming State Bar, at its regular annual meeting held in Cheyenne, Wyoming on September 7, 8, and 9, 1972, does hereby pay its respect to the members above named, in recognition of their many services and contribution 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

John B. Speight

Thomas A. Burley