

1974

Committee Reports

Wyoming State Bar

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

Recommended Citation

Wyoming State Bar (1974) "Committee Reports," *Land & Water Law Review*. Vol. 9 : Iss. 1 , pp. 293 - 325.
Available at: https://scholarship.law.uwyo.edu/land_water/vol9/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 IX

1974

NUMBER 1

COMMITTEE REPORTS

TREASURER'S REPORT

FISCAL YEAR AUGUST 1, 1972 to JULY 31, 1973

General Account\$17,562.25

RECEIPTS:

License Fees 8-1-72 to 7-31, 1973\$21,356.25

Amendment #4—Special Account 180.15

Reimbursement—Officers Travel Expense .. 92.66

Interest on Time Deposit (Due Clients'
Security Fund) 275.00

Total Receipts & Deposits 21,904.06

Balance:\$39,466.31

EXPENSES:

President & Vice-President 1,176.92

Secretary 3,600.00

Officers & Commissioners 4,268.40

Convention 1972 1,481.47

Law Review 2,471.00

Scholarship 1,000.00

Committee 115.35

ABA Delegate 77.40

Telephone 468.34

Postage & Office Supplies 1,388.95

Dues 49.95

Miscellaneous 3,596.84

Transfer of Funds—Savings 17,500.00

TOTAL EXPENSES; PLUS TRANSFER OF FUNDS\$37,194.62

BALANCE PER BOOKS 2,271.69

GENERAL CHECKING ACCOUNT (7-31-73) 2,271.69

Clients' Security Fund 8-1-72

First National Bank (Powell)		
#208	5,000.00 + —0—	5,000.00
American National Bank (Powell)		
#482	1,265.10 + 60.34	1,325.44
#1176	1,204.71 + 64.04	1,268.75
First State Bank (Cody)		
#2178	2,475.31 + 131.59	2,606.90
Western National Bank (Lovell)		
#994	2,275.00 + 125.13	2,400.13
<hr/>		
BALANCE OF FUND + INTEREST		\$12,601.22
GENERAL ACCOUNT FUND		
Balance of General Account—		
Checking Account		2,271.69
Western National Bank Pass Book Savings (transferred from checking account + interest)		16,236.11
C.D. #1315 (Transferred from Checking Account)		17,500.00
<hr/>		
TOTAL GENERAL FUND		\$36,007.80
Clients' Security Fund on Time Deposit		12,601.22
<hr/>		
TOTAL GENERAL FUND & CLIENTS' SECURITY FUND		\$48,609.02

Respectfully submitted,
 JOSEPH E. DARRAH
 Secretary-Treasurer

**REPORT OF THE AUDITING COMMITTEE
 WYOMING STATE BAR**

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, 1972 through July 31, 1973.

In the opinion of the Committee, the Treasurer's Report for the period ending July 31, 1973, correctly reflects receipts and disbursements for such period and financial condition of the Wyoming State Bar as of the close of such period.

AUDITING COMMITTEE

Oliver Steadman
 Robert D. Olson
 Richard W. Day

LEGAL AID SERVICES COMMITTEE REPORT**Charge #1****Feasibility of a State-Wide Legal Services Program Under Sponsorship of the Wyoming Bar Association****A. Present Status of Legal Services in Wyoming.**

1. Legal Services for Laramie County located in Cheyenne serves a poverty population of approximately 4500 on a budget of \$48,000. The program employs a director who, in addition to his administrative duties, aids in servicing the caseload. The program employs one staff attorney full time and supervises an additional attorney who is paid with model city funds. Primary funding is by the Office of Economic Opportunity.

2. Legal Aid Services, Inc. of Casper serves a poverty population in Natrona County of approximately 4500 on a budget of \$51,000. The program employs a project director who serves as a part-time attorney and one full-time staff attorney. Primary funding is by the Office of Economic Opportunity.

3. Albany County Legal Aid is located in Laramie and is sponsored by the University of Wyoming College of Law. It is funded from sources other than the Office of Economic Opportunity and is used to provide free legal services to eligible poor by law students under Bar Association Rule 18. The administrator of the program and the supervising attorney are from the staff of the Law School. All cases serviced by this program must first be approved by the local Bar Association. This program has not met with approval of the Albany County Bar and has not handled the caseload indicated by the county poverty population of approximately 2150. It is recommended this program be merged into the state program.

4. Wind River Legal Services is located at Fort Washakie in Fremont County. The program is funded by the Bureau of Indian Affairs and employs two full-time staff attorneys. Its services are available to all qualified residents of Fremont County.

B. In preparing this feasibility report, the committee received information from the welfare department of each county, utilized the six years' experience of the Cheyenne and Casper Legal Services Offices, statistics and data provided by Charles Newton, Governor Hathaway's Special Assistant, from University of Wyoming survey on aging, information developed from Wyoming's community action agencies and other sources, the experience of the Montana State Legal Services Program, statistics and data from the 1970 census and Bureau of Census, Publication PC(1) C52 Wyo., "General Social and Economic Characteristics of Wyoming," guidelines for Legal

Services promulgated by the Office of Economic Opportunity, House Resolution 7824 adopted by the United States House of Representatives June 21, 1973 and now in the U.S. Senate providing for establishment of a National Legal Services Corporation (See Exhibit No. 5).

1. Utilizing the available information, it appears that one lawyer devoting full time and supplemented by a contribution from the private bar of 250 to 300 hours is able to handle a caseload developed from a poverty population of up to 2500 individuals at a cost of approximately \$25,000 per office which includes all administrative expense and operating expense.

2. Study of the above information also disclosed that because of the wide dispersment of population throughout the state, the cost of establishing a legal aid office in each county seat would be prohibitive and that several delivery systems would have to be included in the operation. These would be single county offices, multi-county offices and judicare (private attorney handling caseload on reduced hourly or fixed fee basis).

C. Cost of expanding legal services to counties not served was developed primarily on a circuit rider basis. Goshen County and Platte County were deemed to be typical of the expenses of a multi-county law office and these estimates of expenses were used for other counties to be served. (See Exhibit No. 1).

D. Because the amount of additional funding, if any, is unknown at the present time, the committee examined extension of Legal Services on a phased basis (See Exhibit No. 2). The order of phasing in of the several counties is based upon cost as related to population served.

E. To justify the expense of establishing and maintaining a separate headquarters office, economics would dictate the minimum state program should encompass at least the present programs and Phase I.

Charge #2

How Could the Program be Funded

In order to provide continuity of funding and thus service to the poor, the committee determined the only practical way to fund the program was through federal funding. At the present time no new funding is available. OEO is being phased out and will be replaced by a National Legal Services Corporation in charge of all federally-funded legal aid.

Currently a condition for federal funding is that the program requested have the support of the local bar and a pledged contribu-

tion in cash or service, rent, etc. equal to 20% of the total budget. Under the projected budget (Exhibit 2), this would amount to \$40,400, or 2020 hours of lawyers time at \$20 per hour. Opening of any new offices is predicated on the local community and bar association meeting this requirement on a prorated basis. The Committee feels the Casper and Cheyenne programs, as an interim measure, should expand to serve Converse, Platte, Carbon and Goshen counties, and possibly other counties, on a limited basis.

Charge #3

How is the Program to be Organized and Staffed

The Committee feels a non-profit corporation is the best vehicle through which to conduct a state legal services program and feels the state office should be located in Casper.

The President of the Wyoming State Bar Association, pursuant to proper resolution, could appoint a six-man executive committee to organize the corporation and act as its initial board of directors. The corporation would apply for and obtain funding, enact by-laws and hire an executive director (See Exhibits 4 and 5). The director should then be empowered to hire the necessary personnel, open and staff additional offices, and exercise general supervision over the program in accordance with policy, guidelines, rules and regulations established by the board of directors.

CONCLUSION: The committee deems a state-wide legal services program under the sponsorship of the Wyoming State Bar Association to be feasible and the costs reasonable under the program set out by counties in Exhibits 1 and 2 attached.

Recommendations:

1. The Wyoming State Bar Association, at its annual meeting in 1973, authorize the appointment of an executive committee of six, one from each program area set out in Phase I (Exhibit 2) to:

- (a) Explore availability of sufficient funding to commence a state legal service program as set forth in Exhibit 2.
- (b) When funding is available, then to incorporate "Wyoming Legal Services, Inc." as a non-profit corporation with the members of the executive committee as incorporators-directors, including in the Certificate of Incorporation and By-laws such terms as may be required by the funding authority.
- (c) Apply for funding and when a grant is approved, implement a legal services program according to recommended phasing.

Respectfully submitted,

WYOMING STATE LEGAL SERVICES COMMITTEE

C. L. Harden, Chairman

Byron Hirst

Lawrence A. Yonkee

Richard R. Bostwick

Robert H. Johnson

P.S. There is always a concern on the part of the practicing Bar that programs such as this one will get out of hand and encroach on the private practice or enter into areas of representation which are not considered the legitimate function of such a program. These fears have been well founded in a few instances in the past, to the detriment of the entire Office of Economic Opportunity Legal Service Program.

Numerous guarantees are available to insure that the Wyoming program properly discharges its duty to the poor and yet remain within its proper area of service. These include the following:

1. A responsible Board of Directors.
2. A responsible Executive Director.
3. Governor's right to veto refunding annually.
4. Governor's nine-member (six must be lawyers) advisory council provided for in the National Legal Services Corporation Act to police the operation of all programs in the state.
5. Statutory controls contained in House Resolution 7824 (Exhibit 3).
6. Controls imposed by By-Laws (Exhibit 5), *e.g.*, local committees.
7. General control of the state Bar as members of the Legal Services Corporation.

EXHIBIT NO. 1

Expense of typical two-county, one-lawyer office:

Goshen County (poverty population 1540)

Platte County (poverty population 780)

Staff attorney salary	\$12,000
Secretary salary	4,800
Payroll taxes and fringe benefits (10% of payroll)	1,680
Rent	900
Supplies	300
Telephone	700
Travel (120 miles per week)	620
Per diem	500

1974

WYOMING BAR PROCEEDINGS

299

Library, professional liability insurance, postage, court costs, equipment service, miscellaneous	1,000
TOTAL	\$22,500

Expense of Headquarters Office:

Director	\$25,000
Secretary	6,000
Payroll taxes	2,850
Fringe benefits (10% of salary)	
Bookkeeping	3,600
Telephone	1,200
Rent	900
Travel-Director	500
Per Diem	400
Travel-Board	1,500
Per diem-Board (Nine-man Board)	900
Supplies	300
Postage and miscellaneous (equipment repair, etc.)	500
TOTAL	\$43,650

Equipment Inventory (9 field offices and headquarters):

- 16 dictaphones and transcribers
- 16 desks
- 8 executive chairs
- 8 secretary chairs
- 32 office chairs
- 8 file cabinets
- 8 sets of statutes
- 8 bookcases
- 8 typewriters
- Miscellaneous staplers, baskets, etc.

All equipment can be purchased by delay in opening and staffing for a month.

Note: If donations of library, office, telephone, equipment, secretarial service, etc. can be obtained, the budget can be reduced.

Note: If possible, the headquarters office and local Legal Service Office should share office space, telephone and personnel to further reduce overhead.

EXHIBIT NO. 2

Suggested phases for expansion of legal services
and projected expense:

Phase No. I:

Incorporate non-profit "Wyoming Legal Services, Inc."

B-1. Open and staff Headquarters Office	
See Exhibit No. 1	\$ 43,650
2. Continue Laramie and Natrona County programs at \$47,000 each and add Converse County to Natrona County program	94,000
3. Open and staff office— Albany County (poverty population 2153) Carbon County (poverty population 1112)	22,500
4. Open and staff office— Sheridan County (poverty population 1665) Johnson County (poverty population 745)	22,500
5. Open and staff office— Sweetwater County (poverty population 1400) Lincoln County (poverty population 912)	22,500
6. Open and staff office— Goshen County (poverty population 980) Platte County (poverty population 927)	22,500
TOTAL PHASE I	\$227,650

Phase No. II:

Open additional offices as funds become available

1. Open and staff office— Park County (poverty population 1416) Hot Springs County (poverty population 645)	\$ 22,500
2. Open and staff office— Big Horn County (poverty population 980) Washakie County (poverty population 927)	22,500
3. Open and staff offices— Campbell County (poverty population 676) Crock County (poverty population 458) Weston County (poverty population 605)	22,500
4. Add one lawyer to Sweetwater County to service Uinta County	15,000
5. Provide Judicare	
a. Teton (estimate 30 clients x 10 hours each x \$15 an hour)	4,500

1974 WYOMING BAR PROCEEDINGS 301

b. Sublette (estimate 32 clients x 10 hours each x \$15 an hour)	4,800
c. Niobrara (estimate 27 clients x 10 hours each x \$15 an hour)	4,050
TOTAL PHASE II	\$ 95,850
TOTAL PROGRAM	\$323,500

EXHIBIT NO. 3

H.R. 7824, Adopted by the House June 21, 1973

A BILL

To establish a Legal Services Corporation, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
That this Act may be cited as the "Legal Services Corporation Act."

DEFINITIONS**SEC. 2.** As used in this Act, the term—

(1) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

(2) "Governor" means the chief executive officer of a State.

(3) "Legal assistance" means the provision of any legal services under this Act.

(4) "Staff attorney" means an attorney who receives more than one-half of his annual professional income from a recipient organized solely for the provision of legal assistance to eligible clients under this Act.

ESTABLISHMENT OF CORPORATION

SEC. 3. (a) There is hereby established in the District of Columbia a private nonmembership nonprofit corporation which shall be known as the "Legal Services Corporation" (hereinafter in this Act referred to as the "corporation"), for the purpose of providing financial support for legal assistance in noncriminal matters to persons financially unable to afford legal assistance (hereinafter in this Act referred to as "eligible clients").

(b) The corporation shall maintain its principal office in the District of Columbia and shall, at all times, maintain therein a

designated agent to accept service of process for the corporation. Notice to or service upon the agent shall be deemed notice to or service upon the corporation.

(c) The corporation, and legal services programs assisted by the corporation, shall be eligible to be treated as an organization described in section 170(c)(2)(B) of the Internal Revenue Code of 1954 or as an organization described in section 501(c)(3) of the Internal Revenue Code of 1954 which is exempt from taxation under section 501(a) of such Code. If such treatments are conferred in accordance with the provisions of such Code, the corporation, and legal services programs assisted by the corporation, shall be subject to all provisions of such Code relevant to the conduct of organizations exempt from taxation.

(d) The corporation created under this Act shall be deemed to have fulfilled the purposes and objectives set forth in this Act, and shall be liquidated on June 30, 1978; unless sooner terminated by Act of Congress.

GOVERNING BODY

SEC 4. (a) The corporation shall have a board of directors (hereinafter in this Act referred to as the "board") consisting of eleven voting members appointed by the President, by and with the advice and consent of the Senate, no more than six of whom shall be of the same political party. A majority shall be members of the bar of the highest court of any State and none shall be a full-time employee of the United States.

(b) The term of office of each member of the board shall be three years or until his successor has been appointed and has qualified, except that of the members first appointed five members designated by the President shall serve for a term of two years. For purposes of this subsection, the term of office of the initial members of the board shall be computed from the date of enactment of this Act. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of that term. The term of each member other than initial members shall be computed from the date of termination of the preceding term. No member shall be reappointed to more than two consecutive terms immediately following his initial term.

(c) The members of the board shall not, by reason of such membership, be deemed officers or employees of the United States.

(d) The President shall select from among the voting members of the board a chairman, who shall serve for a term of one year.

(e) A member of the board may be removed by a vote of seven members for malfeasance in office, or persistent neglect of, or inability to perform, duties and for no other cause.

(f) Within six months following the appointment of all members of the board, the board shall request the Governor of each State to appoint a nine-member advisory council for his State. A majority of the members of the advisory council shall be chosen from among the lawyers admitted to practice in the State and the members of the council shall be subject to annual reappointment. Should the Governor fail to appoint the advisory council within ninety days of receipt of said request from the board, the board shall appoint such a council. The advisory council shall be charged with notifying the corporation of any violation of the provisions of this Act and applicable rules, regulations, and guidelines promulgated pursuant to this Act. The advisory council shall, at the same time, furnish a copy of the notification to any recipient affected thereby, and the corporation shall allow such recipient a reasonable time (but in no case less than thirty days) to reply to any allegation contained in the notification.

(g) All meetings of the board, of any executive committee of the board, and of State advisory councils shall be open to the public, unless the membership of such bodies, by two-thirds vote of those eligible to vote, determines that an executive session should be held on a specific occasion.

(h) The board shall meet at least four times during each calendar year.

OFFICERS AND EMPLOYEES

SEC. 5. (a) The board shall appoint the president of the corporation, who must be a member of the bar of the highest court of a State and shall be a nonvoting, ex officio member of the board, and such other officers as the board determines to be necessary. No officer of the corporation may receive any salary or other compensation for services from any source other than the corporation during his period of employment by the corporation, except as authorized by the board. All officers shall serve at the pleasure of the board.

(b) The president of the corporation, subject to general policies established by the board, may appoint and remove such employees of the corporation as he determines to be necessary to carry out the purposes of the corporation.

(c) No member of the board may participate in any decision, action, or recommendation with respect to any matter which directly benefits such member or any firm or organization with which that member is then currently associated.

POWERS, DUTIES, AND LIMITATIONS

SEC. 6. (a) In addition to the powers conferred upon a non-profit corporation by the District of Columbia Nonprofit Corporation Act (except for section 1005 (o) of title 2 of the District of Columbia Code) the corporation shall have authority—

(1) To make grants to, and to contract with, individuals, partnerships, firms, organizations, corporations, State and local governments, and other appropriate entities (referred to in this Act as “recipients”) for the purpose of providing legal assistance to eligible clients;

(2) To accept in the name of the corporation, and employ or dispose of in furtherance of the purposes of this Act, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise; and

(3) To undertake directly and not by grant or contract, the following activities relating to the delivery of legal assistance—

(A) research,

(B) training and technical assistance, and

(C) to serve as a clearinghouse for information.

(b) (1) The corporation shall have authority to insure the compliance of recipients and their employees with the provisions of this Act and the rules, regulations and guidelines promulgated pursuant to this Act, and to terminate, after a hearing, financial support to a recipient which fails to comply.

(2) If an employee of a recipient violates or causes the recipient to violate the provisions of this Act or the bylaws or guidelines of the corporation, the recipient shall take appropriate disciplinary action.

(3) The corporation shall not interfere with any attorney in carrying out his professional responsibility to his client as established in the Canons of Ethic and Code of Professional Responsibility of the American Bar Association or abrogate the authority of a State to enforce the standards of professional responsibility which apply to the attorney.

(4) No attorney shall receive any compensation, either directly or indirectly, for the provision of legal assistance under this Act, unless such attorney is authorized to practice law in the State where the rendering of such assistance is initiated.

(5) The corporation shall insure that its employees and employees of recipients, which employees receive a majority of their

annual professional income from legal assistance under this Act, shall, while engaged in activities carried on by the corporation or by a recipient, refrain from participation in, and refrain from encouragement of others to participate in any picketing, boycott, or strike, and shall at all times during the period of their employment refrain from participation in, and refrain from encouragement of others to participate in: (A) rioting or civil disturbance; (B) any form of activity which is in violation of an outstanding injunction of any Federal, State, or local court; or (C) any illegal activity. The board, within ninety days of the date of enactment of this Act, shall issue guidelines to provide for the enforcement of this subsection; such guidelines shall include criteria (i) for suspension of legal assistance support under this Act, (ii) for suspension or termination of compensation to an employee of the corporation, and (iii) which shall be used by recipients in any action by them for the suspension or termination of their employees, for violations of this subsection.

(c) The corporation shall not—

(1) participate in litigation on behalf of clients other than the corporation;

(2) undertake to influence the passage or defeat of any legislation by the Congress of the United States or by any State or local legislative bodies, except that personnel of the corporation may testify when formally requested to do so by a legislative body, or a committee or a member thereof.

(d) (1) The corporation shall have no power to issue any shares of stock, or to declare or pay any dividends.

(2) No part of the income or assets of the corporation shall inure to the benefit of any director, officer, or employee, except as reasonable compensation for services.

(3) Neither the corporation nor any recipient shall contribute or make available corporate funds or program personnel or equipment to any political party, political association, or candidate for elective office.

(4) Neither the corporation nor any recipient shall contribute or make available corporate funds or program personnel or equipment for use in advocating or opposing any ballot measures, initiatives, referendums, or similar measures.

(e) If an action is commenced by the corporation or by a recipient and a final judgment is rendered in favor of the defendant and against the corporation's or recipient's plaintiff, the court may upon proper motion by the defendant award reasonable costs and legal fees

incurred by the defendant in defense of the action, and such costs shall be directly paid by the corporation.

GRANTS AND CONTRACTS

SEC. 7. (a) With respect to grants or contracts to provide legal assistance to eligible clients, the corporation shall—

(1) Insure the maintenance of the highest quality of service and professional standards, adherence to the preservation of attorney-client relationships, and the protection of the integrity of the adversary process from any impairment in furnishing legal assistance to eligible clients;

(2) Establish, in consultation with the Director of the Office of Management and Budget, maximum income levels (taking into account family size and urban and rural differences) for those eligible for legal assistance under this Act (referred to in this Act as “eligible clients”); establish guidelines to insure that eligibility of clients will be determined by recipients on the basis of factors which include:

(A) the assets and income level of the client,

(B) the fixed debts, medical expenses and other factors which affect the client's ability to pay,

(C) the size of the client's family,

(D) the cost of living in the locality, and

(E) such other factors as relate to financial inability to afford legal assistance;

and establish priorities to insure that those least able to afford legal assistance are given preference in the furnishing of such assistance, except that no individual, capable of gainful employment, shall be eligible for the receipt of legal assistance if his lack of income results from his refusal or unwillingness, without good cause, to seek or accept employment;

(3) Insure that grants are made and contracts are entered into so as to provide adequate legal assistance to persons in both urban and rural areas;

(4) Insure that attorneys, employed full time in legal assistance activities supported in whole or in part by the corporation, represent only eligible clients and refrain from any outside practice of law;

(5) Insure that no funds made available to recipients by the corporation shall be used at any time, directly or indirectly, to undertake to influence any executive order or similar promulgation of any Federal, State or local agency, or to undertake to influence the pas-

sage or defeat of legislation by the Congress of the United States, or by any State or local legislative bodies, except that the personnel of any recipient may (A) testify or make a statement when formally requested to do so by a governmental agency, or by a legislative body or a committee or member thereof, or (B) in the course of providing legal assistance to an eligible client (pursuant to guidelines promulgated by the corporation) make representations necessary to such assistance with respect to any executive order or similar promulgation and testify or make other necessary representations to a local governmental entity;

(6) Insure that all attorneys, while engaged in legal assistance activities supported in whole or in part by the corporation, refrain from—

(A) any political activity; or

(B) any activity to provide voters or prospective voters with transportation to the polls or provide similar assistance in connection with an election (other than legal representation in civil or administrative proceedings); or

(C) any voter registration activity (other than legal representation);

and insure that attorneys receiving more than one-half of their annual professional income from legal assistance activities supported in whole or in part by the corporation refrain at any time during the period for which such compensation is received from the activities described in clauses (B) and (C) and from taking an active part in partisan or non-partisan political campaigns;

(7) Establish guidelines for consideration of possible appeals, to be implemented by each recipient to insure the efficient utilization of resources; except that such guidelines shall in no way interfere with the attorney's responsibilities;

(8) Insure that recipients solicit the recommendations of the organized bar in the community being served before filling staff attorney positions in any project funded pursuant to this Act and give preference in filling such positions to qualified persons who reside in the community to be served;

(9) Insure that all attorneys, while engaged in legal assistance activities supported in whole or in part by the corporation, refrain from the persistent incitement of litigation or any other activity prohibited by the Canons of Ethics and Code of Professional Responsibility of the American Bar Association, and insure that such attorneys refrain from personal representation for a private fee for a period of

two years any cases which are first presented to them while engaged in such legal assistance activities.

(b) No funds made available by the corporation under this Act, either by grant or contract, may be used—

(1) To provide legal assistance with respect to any fee-generating case (except in accordance with guidelines promulgated by the corporation), to provide legal assistance with respect to any criminal proceeding or to provide legal assistance in civil actions to persons who have been convicted of a criminal charge where the civil action arises out of alleged acts or failures to act connected with the criminal conviction and is brought against an officer of the court or against a law enforcement official;

(2) For any of the political activities described in section (7) (a) (6);

(3) To award grants to or enter into contracts with any private law firm which expends 50 per centum or more of its resources and time litigating issues either in the broad interests of a majority of the public or in the collective interests of the poor, or both;

(4) To support or conduct training programs for the advocacy of, as distinguished from the dissemination of information about, particular public policies or which encourage political activities, labor or anti-labor activities, boycotts, picketing, strikes, and demonstrations, except that this provision shall not be construed to prohibit the training of attorneys necessary to prepare them to provide adequate legal assistance to eligible clients;

(5) To organize, to assist to organize, or to encourage to organize, or plan for, the creation or formation of, or the structuring of, any organization, association, coalition, alliance, federation, confederation, or any similar entity, except for the provision of appropriate legal assistance in accordance with guidelines promulgated by the corporation;

(6) To provide legal assistance under this Act to any person under 18 years of age without the written request of one of such person's parents or guardians or any court of competent jurisdiction, except in child abuse cases, custody proceedings, PINS proceedings or similar proceedings;

(7) To provide legal assistance with respect to any proceeding or litigation relating to the desegregation of any school or school system;

(8) To provide legal assistance with respect to any proceeding or litigation which seeks to procure a non-therapeutic abortion or to

compel any individual or institution to perform an abortion, or assist in the performance of an abortion, or provide facilities for the performance of an abortion, contrary to the religious beliefs or moral convictions of such individual or institution;

(9) To provide legal assistance under this Act with respect to any matter arising out of a violation of The Selective Service Act or of desertion from the Armed Forces of the United States;

(10) To provide legal assistance with respect to any proceeding or litigation relating to the desegregation of any institution of higher education.

(c) In making grants or entering into contracts for legal assistance, the corporation shall insure that any recipient organized solely for the purpose of providing legal assistance to eligible clients is governed by a body at least two-thirds of which consists of lawyers who are members of the bar of a State in which the legal assistance is to be provided (except pursuant to regulations issued by the corporation which allow a waiver of this requirement for recipients which because of the nature of the population they serve are unable to comply with such requirement); such lawyers shall not, while serving on such body, receive compensation from a recipient or from the corporation for any other service.

(d) The corporation shall monitor and evaluate programs supported in whole or in part under this Act to insure that the provisions of this Act and the bylaws of the corporation and applicable rules, regulations, and guidelines promulgated pursuant to this Act are carried out.

(e) Grants and contracts under this Act shall be made or entered into by the president in the name of the corporation, but the board shall review and approve any grant to or contract with a State or local government prior to such action by the president, and may by rule establish other classes of grants or contracts to be reviewed and approved by it prior to such action by the president.

(f) At least thirty days prior to the corporation's approval of any grant application or prior to entering into a contract, the corporation shall notify the Governor and the State bar association of the State in which the recipient will offer legal assistance. Notification shall include a reasonable description of the grant application or proposed contract and request their comments and recommendations.

(g) The corporation shall conduct a study of alternative methods of delivery of legal assistance to eligible clients including judicare, vouchers, prepaid legal insurance, and contracts with law firms and shall make recommendations to the President and the Congress on

or before June 30, 1974, concerning improvements, changes, or alternative methods for delivery of such systems.

RECORDS AND REPORTS

SEC. 8. (a) The corporation shall have authority to require such reports as it deems necessary from recipients.

(b) The corporation shall have authority to prescribe the keeping of records with respect to funds provided by grant or contract and shall have access to such records at all reasonable times for the purpose of insuring compliance with the grant or contract.

(c) The corporation shall publish an annual report which shall be filed by the corporation with the President and the Congress.

(d) Copies of all reports pertinent to the evaluation, inspection, or monitoring of recipients shall be maintained in the principal office of the corporation for a period of at least five years subsequent to such evaluation, inspection, or monitoring. Such reports shall be available for public inspection during regular business hours and copies shall be furnished, upon request, to interested parties upon payment of such reasonable fees as the corporation may establish.

(e) The corporation shall be subject to the provisions of the Freedom of Information Act.

(f) The corporation shall afford notice and reasonable opportunity for comment to interested parties prior to issuing rules, regulations, and guidelines, and it shall publish in the Federal Register on a timely basis all its bylaws, rules, regulations, and guidelines.

AUDITS

SEC. 9. (a) The accounts of the corporation shall be audited annually. Such audits shall be conducted in accordance with generally accepted auditing standards by independent certified public accountants who are certified by a regulatory authority of the jurisdiction in which the audit is undertaken.

(b) The audits shall be conducted at the place or places where the accounts of the corporation are normally kept. All books, accounts, financial records, reports, files, and other papers, things, or property belonging to or in use by the corporation and necessary to facilitate the audits shall be made available to the person or persons conducting the audits; and full facilities for verifying transactions with the balances and securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons. The report of the annual audit shall be filed with the General Accounting Office and shall be available for public inspection during business hours at the principal office of the corporation.

(c) In addition to the annual audit, the financial transactions of the corporation for any fiscal year during which Federal funds are available to finance any portion of its operations may be audited by the General Accounting Office in accordance with such rules and regulations as may be prescribed by the Comptroller General of the United States. Any such audit shall be conducted at the place or places where accounts of the corporation are normally kept. The representatives of the General Accounting Office shall have access to all books, accounts, records, files, and all other things, papers, or property belonging to or in use by the corporation pertaining to its financial transactions and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers, and property of the corporation shall remain in the possession and custody of the corporation. A report of such audit shall be made by the Comptroller General to the Congress and to the President, together with such recommendations with respect thereto as he shall deem advisable.

(d) The corporation shall audit each recipient annually or require each recipient to provide for an annual audit. The report of each such audit shall be maintained for a period of at least five years at the principal office of the corporation. The Comptroller General of the United States shall receive copies of such reports and may, in addition, inspect the books, accounts, records, files, and all other papers, things, or property belonging to or in use by the recipients, which relate to the disposition or use of funds received from the corporation. The audit reports shall be available for public inspection, during regular business hours, at the principal office of the corporation. Notwithstanding this subsection, neither the corporation nor the Comptroller General shall have access to individual case records subject to the attorney-client privilege.

FINANCING

SEC. 10. (a) There are authorized to be appropriated such sums as may be necessary to carry out the activities of the corporation. The first such appropriation may be made available to the board at any time after six or more members have been appointed and qualified. Funds appropriated pursuant to this section shall remain available until expended.

(b) Non-Federal funds received by the corporation, and funds received by any recipient from a source other than the corporation, shall be accounted for and reported as receipts and disbursements separate and distinct from Federal funds, but shall not be expended

by recipients for any purpose prohibited by this Act (except that this provision shall not be construed in such a manner as to make it impossible to contract or make other arrangements with private attorneys or private law firms, or with legal aid societies which have separate public defender programs, for rendering legal assistance to eligible clients under this Act.

RIGHT TO REPEAL, ALTER OR AMEND

SEC. 11. The right to repeal, alter, or amend this Act at any time is expressly reserved.

TRANSITION PROVISION

SEC. 12. (a) Effective July 1, 1973, or the date of enactment of this Act, whichever is later, the Secretary of Health, Education, and Welfare shall take such action as he deems necessary, including the provision (by grant or otherwise) of financial assistance to recipients and the corporation and the furnishing of services and facilities to the corporation—

(1) to assist the corporation in preparing to undertake, and in the initial undertaking of, its responsibilities under this Act, and

(2) to assist recipients in the provision of legal assistance until the date provided for in subsection (c).

(b) Effective July 1, 1973, or the date of enactment of this Act, whichever is later—

(1) all rights of the Office of Economic Opportunity to property in the possession of legal services programs assisted pursuant to section 222(a)(3), 230, 232, or any other provision of the Economic Opportunity Act of 1964, shall be transferred to the Secretary of Health, Education, and Welfare until the date provided for in subsection (c) and shall thereafter be the property of the corporation, and

(2) all assets, liabilities, property, and records determined by the Director of the Office of Management and Budget to be held or used primarily in connection with any function of the Director of the Office of Economic Opportunity under such section 222(a)(3) shall be transferred to the Secretary of Health, Education, and Welfare until the date provided for in subsection (c) and shall thereafter be the property of the corporation.

(c) Effective ninety days after the date of the first meeting of the board of directors of the corporation, such meeting to occur following the appointment and qualification of at least six members of

VI

The names and addresses of the initial directors are (here list names and addresses of the six members of the State Bar Association Executive Committee).

VII

This Corporation shall have no capital stock.

VIII

This Corporation shall be non-profit, and shall have all of the powers enumerated in Section 17-122.3, Wyoming Statutes, 1957, as amended, and shall have such further and additional powers as may be necessary and convenient in order to comply with the requirements of any federal statutes, rules and regulations applicable to funding of legal services programs.

Dated this _____ day of _____, 19_____.

EXHIBIT 5

BY-LAWS

OF

WYOMING LEGAL SERVICES, INC.

ARTICLE I

Membership

Section 1. The members of this Corporation shall consist of all persons duly licensed to practice law in the State of Wyoming.

ARTICLE II

Board of Directors

Section 1. The corporate powers shall be vested in and exercised by a Board of Incorporator-Directors as specified in the Certificate of Incorporation for the first corporate year and thereafter by a Board of nine Directors constituted as follows:

- (a) Six directors shall be attorneys licensed to practice law in the State of Wyoming. They shall be appointed annually by the President of the Wyoming Bar Association and shall be selected from the areas actually receiving legal services from the corporation. A Director shall not serve for more than three consecutive years at one time.
- (b) At the end of the first corporate year, the Secretary shall select three lay directors by lot from a list of all persons having theretofore received services from the Corporation and who have theretofore indicated a willingness to serve if selected. Said Directors shall serve for a period of three years and their successors shall be selected in like manner.

- (c) Vacancies created on the Board of Directors by death, incapacity or resignation of an attorney-director shall be filled by the Board at its next regular meeting by an election and a vacancy created by death, incapacity or resignation of a lay director shall be filled at the next regular meeting of the Board by lot. Such directors shall serve for the balance of the term of the person whom they replace.

ARTICLE III

Meetings of the Board of Directors

Section 1. The Board of Directors shall meet quarterly and at such dates, time and place as may be fixed by the Board.

Section 2. The Board and any of its duly constituted committees shall hold such other meetings as may be called by the Board, the President or any duly constituted committee chairman, to meet at such times and places as may be fixed by those calling the meeting.

Section 3. Any business of whatever nature may be considered and acted upon at any regular meeting but only that business specified in the calling of a special meeting shall be considered at such meeting.

Section 4. No written notice shall be required of regular meetings but written notice shall be mailed to each director not less than ten days before any special meeting and such notice shall be given by the President or any other officer acting under his instructions.

Section 5. At any meeting a quorum shall consist of not less than a majority of the directors and a vote of the majority of the directors present at such meeting shall control.

Section 6. Members of the Board of Directors shall not receive any fees for their services as such but shall be entitled to mileage and per diem payments in connection with attendance at Board meetings or at meetings of duly appointed committees thereof.

ARTICLE IV

Officers

Section 1. The officers of the Corporation shall consist of a President, a Vice-President, a Secretary and a Treasurer. The Office of Secretary and Treasurer may be held by the same person.

Section 2. President. The President shall be ex-officio chairman of the Board of Directors and shall preside at all meetings. He shall have general supervision and control of the affairs of the company, subject to the control of the Board of Directors, and shall see that all orders, resolutions and policies of the Board of Directors are carried into effect. He shall execute and sign all contracts and other docu-

ments on behalf of the Corporation and shall perform such other duties as shall be directed by the Board in accordance with these By-laws.

Section 3. Vice-President. In the absence or disability of the President, the Vice-President shall be vested with all of the powers and perform all of the duties of the President and shall perform such other duties as may be assigned from time to time by the Board.

Section 4. Secretary. The Secretary shall be ex-officio secretary of the Board of Directors; shall give or cause to be given all required notices of directors meetings; shall record all proceedings of directors meetings in the minute book of the Corporation; shall perform such other duties as may be assigned to him by the President or the Board. He shall have custody of the corporate seal and shall affix the same to all corporate documents requiring a seal and shall attest the same.

Section 5. Treasurer. The Treasurer shall have custody of all money, valuable papers and documents of the Corporation; shall place the same for safekeeping in such depositories as the Board of Directors may designate; shall disburse the funds of the Corporation as required; shall keep, or cause to be kept, a book or books of account of all financial transactions of the Corporation, and wherein shall be recorded all assets, liabilities, losses and gains of the Corporation, and shall, when required by the President or Board of Directors, render a statement of the financial condition of the Corporation.

Section 6. Executive Legal Services Directors. The Board shall hire an Executive Director, who shall be an attorney duly licensed to practice law in the State of Wyoming who shall exercise general management and supervision over the general operation of the Corporation's state-wide Legal Services Program, who shall be charged with the hiring and firing of all personnel and the general supervision of all field offices; the Board shall fix his compensation; shall set forth his duties and may delegate such authority to him as the Board may deem necessary or convenient in carrying out the functions of the Corporation.

ARTICLE V

Service Area and Clientele

Section 1. Service Area. The Board shall, from time to time, determine the area to be serviced by this Corporation.

Section 2. Clientele Eligibility. The Board shall, from time to time, set standards for determination of the eligibility of the persons, organizations and groups which may be served by this Corporation.

Section 3. Services. The Board shall, from time to time, determine the terms, conditions and types of legal services to be performed by the Corporation.

ARTICLE VI

Corporate Seal

Section 1. The Corporation shall have a seal upon which shall be inscribed its name and the word "Seal".

ARTICLE VII

Amendment of By-laws

Section 1. The By-laws of the Corporation may be altered, amended or repealed by vote of a majority of the Board of Directors at any regular meeting.

Dated this _____ day of _____, 19_____.

As an additional control at the local level and for purposes of input by the poverty community, the following Article might also be added to the By-laws:

ARTICLE

Local Committee

Section 1. The County Bar Association in each county wherein the Corporation provides legal services shall cause to be organized a local committee which shall be composed of two-thirds lawyers who are members of the County Bar Association and one-third lay members selected by lot from a list of recipients of the Corporation's services which shall be provided by the local staff attorney, which list shall be made up only from those persons who have theretofore indicated an interest in serving on such committee.

The committee shall meet at least once each quarter, shall keep minutes of all of its proceedings and shall act in general in an advisory capacity to the staff attorney in order that the program be as responsive as possible to the needs of the community.

The committee shall report any complaints which may arise concerning the operation of the program to the Executive Director who shall take up the complaint with the Corporation Board of Directors at its next regular meeting. If the complaint involves a practice believed by the local committee to be in violation of federal statutes, rules, regulations or guidelines, then such complaint shall be directed to the Governor's Advisory Council for such action as it deems appropriate.

**REPORT OF THE PERMANENT RULES COMMITTEE AND THE
WYOMING RULES OF CRIMINAL PROCEDURE
ADVISORY COMMITTEE**

Members of the two committees met at Thermopolis, Wyoming, on June 29, 1973, with the Judicial Council of Wyoming, to discuss the problems arising out of the present form of Wyoming Rules of Civil Procedure, Rule 40.1(b), Change of Judge, and Judge for Bias or Prejudice. After the discussion the Judicial Council adjourned and a joint meeting of the two committees was called to order. Present for the Permanent Rules Committee were Messrs. W. J. Wehri, R. R. Bostwick, E. P. Moriarity, F. J. Trelease, and Judges R. M. Forrister and Paul T. Liamos. Present for the Wyoming Rules of Criminal Procedure Advisory Committee were Judge J. R. Armstrong, Chairman, and Messrs. G. L. Spence, G. M. Gallivan, and Richard V. Thomas. Judge Forrister left the meeting after giving the committee his views but did not take part in the action of the committee.

The Permanent Rules Committee elected Professor Frank J. Trelease as chairman, and with the consent of Chairman Armstrong, he served as chairman and secretary of the joint meeting.

After much discussion, during which several alternative versions were considered, the joint committee found itself in agreement on several propositions. (1) The present practice under Civil Rule 40.1 (b) and Criminal Rule 23(d) has resulted essentially in recognition of a "right" to disqualify a judge in a manner analogous to the peremptory challenge of a juror, and in this light the form of alleging a belief in the bias or prejudice of a judge is undesirable. (2) The practice of having the local presiding judge rule on preliminary matters, even though an attorney intends to later swear him off, is convenient and desirable to both counsel and judge. Even though this sometimes requires two judges to gain some familiarity with the case, less judicial time is wasted than would be the case if a non-resident judge had to be called in for preliminary matters. The committee believes that the situation epitomized by *Johnston v. District Court*, 495 P.2d 255, where a judge was sworn off after making an unfavorable preliminary ruling, is rare, and that requiring the disqualification to occur before the presiding judge makes any substantive ruling would magnify these inconveniences. (3) The principal objection of both lawyers and judges to the current practice is to the swearing off of the judge shortly before the trial, causing major inconvenience and often expense to the court, other parties, and witnesses. (4) Some mechanism for eliminating a truly prejudiced judge should be preserved, even though exercised just prior to trial. (5) If prejudice is shown by a judge during trial, the proper remedy is a motion for a mistrial.

The joint committee believes that all of these considerations can be accommodated. Accordingly, the Permanent Rules Committee recommends the following amendments to the Rules of Civil Procedure:

Rule 40.1 Transfer of Trial and Change of Judge

* * *

(b) *Change of Judge.*

(1) *Peremptory Disqualification.* Any party may secure a change of district judge by filing a notice peremptorily disqualifying the presiding judge. The notice must be filed at least thirty days before the date set for trial, or, if the date of trial is set within thirty days after the order of setting, within five days after receipt of the order. No more than one such notice shall be filed on behalf of a party, but the notice may disqualify one other district judge. The presiding judge shall immediately call in another district judge, not disqualified, to try the action.

(2) *Disqualification for Cause.* After the time for filing a notice of peremptory disqualification of the presiding judge has expired, any party may move for a change of district judge on the grounds that the presiding judge (A) has been engaged as counsel in the action prior to his election or appointment as judge, (B) is interested in the action, (C) is related by consanguinity to a party, (D) is a material witness in the action, or (E) is biased or prejudiced against the party or his counsel. The motion shall be supported by an affidavit or affidavits of any person or persons, stating sufficient facts to show the existence of such grounds, together with an affidavit of the party's attorney showing that the facts stated were unknown to him and to the party and could not have been discovered by the exercise of reasonable diligence prior to expiration of the time for filing a notice of peremptory disqualification. Prior to a hearing on the motion any party may file counter affidavits. The presiding judge shall rule on the motion and if he grants the same, shall immediately call in another judge to try the action. A ruling on a motion for a change of district judge shall not be an appealable order, but the ruling shall be entered on the docket and made a part of the record, and may be assigned as error in an appeal of the case.

[Subsections (2) and (3) of present rule 40.1(b) shall be renumbered (3) and (4) respectively.]

The Rules of Criminal Procedure Advisory Committee recommends the following amendment to the Rules of Criminal Procedure:

Rule 23. Transfer from the County for Trial; Change of Judge.

* * *

(d) *Peremptory Disqualification.* The State or the defendant may secure a change of district judge by filing a notice peremptorily disqualifying the presiding judge. The notice must be filed at least thirty days before the date set for trial, or, if the date of trial is set within thirty days, after the order of setting, within five after receipt of the order. No more than one such notice shall be filed by the State or by the defendant, but the notice may disqualify one other district judge. The presiding judge shall immediately call in another district judge to try the action.

(e) *Disqualification for Cause.* After the time for filing a notice of peremptory disqualification of the presiding judge has expired, the State or the defendant may move for a change of district judge on the grounds that the presiding judge is biased or prejudiced against the State, the prosecuting attorney, the defendant or his attorney. The motion shall be supported by an affidavit or affidavits of any person or persons stating sufficient facts to show the existence of such grounds, together with an affidavit of the prosecuting or defense attorney showing the facts stated were unknown to him and could not have been discovered by the exercise of reasonable diligence prior to expiration of the time for filing a notice of peremptory disqualification. Prior to a hearing on the motion any party may file counter affidavits. The presiding judge shall rule on the motion, and if he grants the same shall immediately call in another district judge to try the action. A ruling on a motion for a change of district judge shall not be an appealable order, but the ruling shall be entered on the docket and made a part of the record, and may be assigned as error in an appeal of the case.

The Permanent Rules Committee then considered other items on the agenda stated in the notice of the meeting.

(1) Since Congress has delayed adoption of the Federal Rules of Evidence, it was decided that it would be premature to consider the desirability of recommending adoption of Wyoming Rules of Evidence.

(2) The Committee decided that it was not necessary or desirable to recommend at this time that the Committee be given authority to consider possible amendments to the Rules of the Supreme Court.

(3) The Committee considered the suggestion of Mr. A. Joseph Williams of Cheyenne that Rule 4(e) (6) be amended to allow service by publication or personal service outside the state on residents of the state who have left the state for reasons other than those stated in the present rule. The Committee decided to make no recommendation for change.

(4) The Committee was informed that at the Legislative Meeting of the Wyoming State Bar in January, 1973, the Bar took the position that bills providing that an order for a new trial was an appealable order should not be passed, and that the matter should be referred to the Permanent Rules Committee. The Chairman stated that he had received no notice of such action and that since the subject was an important one and not included in the notice of the meeting, no action should be taken. It was agreed that he should contact Mr. Houston Williams, President of the Wyoming State Bar, and request that the matter be brought before the full Bar at the September meeting, and that the matter be considered by the Committee at a meeting to be held Saturday morning after the annual meeting of the Wyoming State Bar.

Respectfully submitted,

PERMANENT RULES COMMITTEE

Frank J. Trelease

Chairman

YOUNG LAWYERS COMMITTEE REPORT

The Young Lawyers Committee was organized after last year's convention and represents the first such committee of this type to be organized in Wyoming. The Committee is not yet a permanent committee, but we will ask for that status at the business meeting later on today.

The major portion of our effort this year has been organization. We have now received the necessary forms to become affiliated with the Young Lawyers Section of the American Bar Association. As of now, Wyoming is one of three states which does not have an affiliated organization.

To become affiliated, we must petition for application, and then prepare and submit our constitution and by-laws. The petition for membership has been submitted and accepted, and I am presently preparing our by-laws. These by-laws need the approval of the Wyoming State Bar as our sponsoring organization. For the last year, our function has been one of an advisory capacity. In future years, I would hope that the Young Lawyers will be enhanced by becoming a permanent committee.

The organization of Young Lawyers was the idea of Houston Williams, and is an effort to get the young members of the Wyoming State Bar more involved. Houston, along with many of the younger members, felt that there was hesitancy on the part of younger members to become involved and discuss the topics brought up at the Bar's

various meetings. If we accomplish our goal, I would hope that we can, in fact, have more input into the topics and issues discussed and passed by the Wyoming State Bar Association.

The members of our Committee include: myself, Ed Moriarity, Robert P. Schuster, Tim Bommer, Rob Connor, Dan Burke, Joe Darrah, and Mike Golden.

As I stated earlier, we hope you will be hearing much more from our Committee in future years and that our Committee's advice and recommendations will be constructive ones.

James W. Owens

CLIENTS' SECURITY FUND

First National Bank (Powell)		
#208 + interest	\$5,000.00 + —0—	\$ 5,000.00
American National Bank (Powell)		
#482 + interest	\$1,265.10 + 60.34	1,325.44
#1176 + interest	\$1,204.71 + 64.04	1,268.75
First State Bank (Cody)		
#2178 + interest	\$2,475.31 + 131.59	2,606.90
Western National Bank (Lovell)		
#994 + interest	\$2,275.00 + 125.13	2,400.13
Balance of fund + interest		12,601.22
Amount due from General Fund		550.00
TOTAL BALANCE		\$13,151.22

CLIENT SECURITY FUND COMMITTEE

Howell C. McDaniel, Jr., Chairman

REPORT OF THE NECROLOGY COMMITTEE

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

Catherine E. Phelan Latona, Marvin L. Bishop, Jr., Carl L. Sackett, Jack D. Emery, Edward T. Lazear, and Thomas Miller McKinney will long be remembered by members of the Wyoming State Bar either as close friends, respected acquaintances, or worthy opponents.

CATHERINE E. PHELAN LATONA

Born in Cheyenne, April 26, 1914

[Best Known to her many friends as 'Betty']

Graduated from George Washington University

Washington, D.C., Law School

May 30, 1951

Admitted To Wyoming Bar

July 31, 1951

Married Judge Jacob A. Latona (District Judge for

Eric County, New York) January 4, 1955

He died September 10, 1970

Date of Death: October 17, 1972

Survivor: Catherine Mooney—Aunt

MARVIN L. BISHOP, JR.

Marvin L. Bishop, Jr., of Casper, one of Wyoming's longest practicing lawyers, died this past year while swimming in the surf at Waikiki Beach, Hawaii, at the age of 75.

Mr. Bishop was born on June 6, 1897, in Casper, and was graduated from Natrona County High School in 1915 and received a law degree from the University of Virginia in 1920. At the time of his death he was associated with his son, Marvin L. Bishop, III, in the practice of law in Casper.

Mr. Bishop was elected to the Wyoming House of Representatives in 1922 and re-elected for several terms as a Republican. He was elected Speaker of the House for the 1929 Session, the youngest man in Wyoming to hold the position.

He was Natrona County Selective Service chairman during World War II and was active in many civic, fraternal and business organizations. In 1971, he was honored by the Wyoming State Bar with a plaque marking 50 years of continuous practice of law.

CARL L. SACKETT

Carl L. Sackett was born February 27, 1876, in Driftwood, Nebraska, and three years later his family moved to the Big Horn area in Sheridan County. He was schooled in Big Horn and, according to family records, was the first graduate of the Wyoming Collegiate Institute, a school that his father helped to found in Big Horn about 1885. After 1897, Mr. Sackett entered Ohio State University where he worked his way through school and returned in 1902 to begin the practice of law in the office of Judge W. S. Metz in Sheridan. He was City Attorney for the town of Sheridan in 1905 and also in 1910-11. In 1919-20, Carl Sackett was elected to the Wyoming House of Representatives from Sheridan County and served as Democratic floor leader. His long and distinguished career in the legal field included service as United States District Attorney for Wyoming from 1933 through 1949.

Mr. Sackett died on December 4, 1972, at the age of 96.

JACK D. EMERY

Jack was born at Casper, Wyoming on July 21, 1922 and died at Casper on December 22, 1972, after suffering head injuries in a fall at his home. He attended Casper schools until his senior year at Natrona County High School when his family moved to Findlay, Ohio, where he graduated. He received his L.L.D. Degree in 1948 from the University of Colorado, where he also received a J.D. Degree from the College of Law. He was a member of Phi Delta Theta fraternity.

He was a practicing attorney in Casper from 1949 until his demise; and he was a member of the Natrona County, Wyoming State, and American Bar Associations. He served as Casper City Attorney from 1965 until 1971.

In addition to his wife, Yvonne, Jack is survived by two sons, Harris and Stephenson; and two daughters, Suzanne and Katherine.

During his practice in Casper, Jack was also very active as a worker and participant in various civic and community projects.

All who knew Jack and had the opportunity to work with him felt a deep loss in his death, regarded him as a devoted friend and an enjoyable person with whom to work, and one who will be missed.

EDWARD T. LAZEAR

Edward T. Lazear was born July 12, 1891, in Chicago. He and the former Grace Fairman were married there on September 13, 1913.

Mr. Lazear was the senior partner in the law firm of Loomis, Lazear, Wilson, and Pickett and had lived in Cheyenne for 53 years. At the time of his death he was Cheyenne's oldest practicing attorney in length of service. He served as Wyoming Supreme Court Reporter from 1943 through 1959.

Mr. Lazear died May 5, 1973, while visiting his daughter, Mary L. Hewlett, at Amherst, Massachusetts. At the time of his death he was 81.

THOMAS MILLER McKINNEY

Thomas Miller McKinney was born in Lawrenceburg, Indiana, November 3, 1885. He graduated from Northwestern University with a Bachelor of Laws degree in 1913. Mr. McKinney moved to Wyoming in 1918 and homesteaded near Deaver, Wyoming. On April 21, 1924, he gave up farming and was admitted to the Wyoming State Bar and commenced practicing law in Basin, Wyoming.

He was County Attorney of Big Horn County for three terms and was appointed Director of State Liquor Commission by Governor

Nels Smith in 1939, and served one four-year term. After his service as Director of State Liquor Commission, he returned to Basin, Wyoming, where he engaged in the practice of law. In 1963, he received the degree of Juris Doctor from the Northwestern University for fifty years practice.

Mr. McKinney died in Basin, Wyoming, on August 3, 1973. He is survived by his daughter, Priscilla Ann Dunnum, one son Billy Van McKinney, both of California, and four grandchildren.