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President's Report

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PRESIDENT'S REPORT

R. DWIGHT WALLACE

Reporting to the members of the Wyoming State Bar, at the termination of my term of office, I shall be brief as we have a very crowded program for the short time set for this annual meeting. To each member of the Bar, it seems to me that, aside from your own education, training, experience and capabilities, the work of the Bar Association through its individual members and their unselfish gift of their thought, time and efforts to the organized program of the Wyoming State Bar is one of your greatest assets.

This thought is better expressed, in effect, by a quotation from the address of President J. Wesley McWilliams of the Pennsylvania Bar Association at its annual meeting in June of this year. Incidentally, a copy of this address was made available to me by Judge Harnsberger of our Supreme Court, who expressed substantially the same thought in his Report to this Bar when acting as its President in 1941. I quote, "Today the influence of the lawyer is the influence of the profession, of the organized bar, not of the individual practitioner. Only by joining his bar association and working in it can he effectively perform his public duties and aid in the accomplishment of the ideals and aspirations of the profession."

The Wyoming Bar Association was organized in 1915, and the integrated Wyoming State Bar was created in 1939. Both organizations have made great strides in improving the administration of justice, in serving the public welfare and in steadily raising the standards of our profession.

"The American Lawyer", published by the University of Chicago Press this year, being a summary of the survey of the legal profession sponsored by the American Bar Association and the Carnegie Corporation, is very worthwhile reading for every attorney. In it we find the following definition of a Bar Association:

"A Bar Association, then, is an organization of lawyers to promote and maintain the practice of law as a profession, in the spirit of furthering the administration of justice through law. The declared purposes of a bar association generally are (1) to advance the science of jurisprudence; (2) to promote the administration of justice in the jurisdiction in which the association exists; (3) to uphold the honor of the profession of law; and (4) to establish cordial intercourse among members of the bar of the jurisdiction."

To my mind we are very fortunate to have an integrated Bar in Wyoming. Under such a system it isn't true that all the benefit you get out of a project or organization is what you put into it. With an integrated Bar each member gains personally by reason of the voluntary expenditure of time and effort in the common cause by the other members of the

profession. On the other hand, each and every member of the Bar should take an active part in the work of the organization for it is a truism that for all we give we receive back sevenfold.

As I said before, a great deal has been accomplished by the co-operative endeavors of the Bar since 1915. But we must not be complacent because there is more and more to be done in maintaining and improving the standards of our profession, in seeing that our laws are upheld, in expediting the administration of justice for the rights of the people to which they are entitled under our constitutions and statutes, and in making it certain that our courts are continued at the present high level. To quote a quotation from the address of President McWilliams:

"In the words of Lord Bower: 'For much is left to be accomplished. There is and can be no such thing as finality about the administration of law'."

We have made no great strides in 1954, but we have not been idle. The matter of a Minimum Fee Schedule has been presented to you. The report of this Committee has been excellent and exhaustive, and represents the study and time of the members of the Committee for thousands and thousands of hours of otherwise productive office time.

The Committee Report presented by Chairman Joseph Garst is comprehensive and detailed, and shows a tremendous amount of work by him, the members of his Committee from each Judicial District and sub-committee members from each County. There were some forty members of this Committee, and our appreciation should be given them.

What action this meeting has taken, or may take, with reference to such Committee report I do not know. However, I do know that the thought and labors of the Committee and the results of study and research have not been wasted. If nothing further comes of the report as to any affirmative action, the mimeographed report, itself, will serve as a guide to all of us and give scope to deep and continued study.

It would seem that the question of Public Relations of the Bar is of co-equal importance with the matter of minimum fees, which would tend to insure to the attorney a reasonable return for the expense of his education, training and overhead, and bring to him an increase in clientele.

I whole-heartedly concur with the observations and suggestions made by our immediate Past President Edward E. Murane in his report to us in Casper in 1953. He has been working on this matter for us during the past year, but in this field of our endeavors, it is impossible to accomplish a great deal unless we have the funds with which to wage an effective campaign.

I urgently suggest to every member of this Bar, to the new President and his Board of Commissioners, to the Legislative Committee and to all

of those who assist us in the Legislature, the enactment of a measure of which we approve, that the statute with reference to annual dues of the members of the State Bar be increased 100%. This is in full and complete accord with the resolution which we adopted in Casper last year.

The increased revenue would enable your officers and commissioners to set up and proceed with an aggressive plan to educate the public as to the fact that attorneys are trained to the administration of justice, and yet are "surprisingly unpopular", as stated in the "American Lawyer".

Even though these additional funds arising from increased annual dues would not actually be available until we all pay our annual dues in 1955, still that does not mean that we could not proceed immediately on an intensive campaign of public relations by dipping into our present funds with the assurance that they would soon be replenished. With these additional funds a program of educating and informing the public as to the high standards of our profession, what we are attempting to do for them to protect them and their rights, and what we will and can do for them if they will consult with us in matters which concern them in connection with their personal and business problems, can be instituted.

We have had several complaints this year as to purported unethical practices. Only one of these is pending and can be, I believe, easily handled. One case was referred to a Commissioner, but it is my information that it has been concluded. It would appear that in Wyoming these differences of opinion and complaints can usually be corrected without recourse to disciplinary measures or disbarment proceedings.

One matter of import, however, arose in Hot Springs County where the local high school district requested bids from the attorneys in that locality for representing said district in connection with a proposed election for the creation of a building fund under the statute and representing the district as its legal counsel. Mr. Cavalli, the Commissioner in that Judicial District, telephoned, as well as corresponded with me on the question. Consultation was held with Mr. John U. Loomis who acts as the Chairman of our committee on Unlawful Practice and Unethical Conduct. The local attorneys came to the same decision as was reached by Mr. Loomis and other consultants. It was definitely thought that even though there was no direct prohibition in the Canons of Ethics forbidding submission of a bid to perform legal services, when such bid has been requested, nevertheless, for a lawyer to submit such a bid would be contrary to the spirit and intent of our Canons. It does seem obvious that in submitting a bid in a matter of this kind we would debase our profession and place ourselves on the same basis as businessmen or contractors.

One complaint was received as to procedure in our police and justice courts. This did not seem to be a matter for any action by the Bar, but it is a matter in which we are vitally interested. The administration of justice

and the processes in these lower courts are the major contacts of the people with our judicial system and the administration of justice. Undoubtedly, this problem of our lower courts must be given due consideration in the future. We should have proper courtrooms for police and justice courts, proper procedure and proper guarantee that the rights of all persons will be respected and given full hearing.

In Colorado they have established a practice of having meetings or forums where they have present justices of the peace, municipal judges, peace officers, including members of the sheriff's office, state highway patrolmen, and all others interested in law enforcement. It might be that we could give thought to the appointment of a committee to investigate the actions and procedure in our lower courts and give thought to their construction, appearance and the proceedings therein.

Next, we come to a serious problem. During the past years we have been more than fortunate in the choice of Judges of the Supreme Court and of the District Courts by both election and appointment. As Wyoming grows in population and business, we may not be quite so fortunate in the decision of the voter as to the men who are to be seated on the bench in the administration of our judicial system. Possibly we should give a great deal of thought and study to the revision of the existing system of election and appointment of all judges of courts of record so as to have, at least, the approval of the Bar. Possibly we should adopt a plan akin to the "Missouri Plan" or some system of appointment or election which has been tested in many other states.

Another matter for definite consideration along this line is the adoption of a constitutional amendment which would allow us to eliminate our present system of Justice of the Peace Courts and set up a modern and efficient County Court arrangement with jurisdiction up to \$1,000.00 in civil actions and with full concurrent jurisdiction to handle probate matters, divorce actions, adoption proceedings and all like matters. Such County Courts should have, also, all of the jurisdiction now held by our justice courts. Such a judicial arrangement would certainly speed up the administration of justice and be of benefit to the public and to practicing attorneys.

As we speak of courts and judges, I want to remind you that we have a most important proposed constitutional amendment, to amend Article 5, Section 17 of the Constitution of the State of Wyoming. Quoting from the publication of the notice for the vote on this question, it states:

"This proposed amendment to the Constitution of the State of Wyoming allows the Legislature to fix during their terms, the salaries of Justices and Judges of the Supreme Court and the District Courts, so that each justice and each judge performing similar duties will receive like salaries."

If I am not mistaken this proposition has already been approved by

the Wyoming State Bar, and although I may be in error, I believe that we sponsored the amendment in connection with our work in backing the raise in the salary of our Judges. In any event, I think the Bar should actively support the passage of this constitutional amendment by individual effort. We have deemed it to be important that this constitutional amendment pass, and we must exert our efforts to see that it receives a favorable vote. Many very essential and necessary amendments to our Constitution are not enacted for the reason that many people discard the ballots on these amendments, and their failure to vote is in effect a negative vote. I urge each and every one of you to expend some time and effort in explaining this to the voters and urging them to vote for Constitutional Amendment No. 2.

Two years ago in Torrington we had a report on the benefits of a judicial conference, or some like plan, whereby all of the judges of Courts of Record would meet and, with the attorneys of their jurisdiction, discuss the administration of justice and problems presented thereby. Such a conference would be of great benefit, both to our judges and to the officers of their respective courts, the practicing attorneys. The federal judiciary has found, I am told, that these conferences, held for many years, are extremely important to the bench and the bar.

I suggest that this matter be studied by a Committee of the Bar which could report to our next meeting in detail and affirmatively. Incidentally, meetings could be at the same time as the meeting of the Wyoming State Bar which would give all of us an opportunity to become better acquainted.

The Supreme Court was more than obliging as to the amendment of Rule 7 so that we could have a President-elect each year as resolved at our meeting in Casper last year. As a matter of fact, their action came within two or three days after application. The co-operation of the Supreme Court as to this amendment of the rules is greatly appreciated. From experience I can vouch that the selection of a President-elect will be of great assistance to the President and facilitate the administration of the Wyoming State Bar in years to come.

Again, however, your President must report that the Supreme Court has not been co-operative as to the adoption of the proposed Rules of Civil Procedure. After unanimous requests of the Bar at our meetings for many years past, the Court has failed to act in compliance with and in response to the repeated requests of the Bar. The Court has not only failed and refused to adopt the proposed rules, but it has done nothing in this regard, although it could and should have adopted all of the proposed rules to which it had no objection. The Court has offered no theory to the Bar upon which both might proceed to improve the administration of justice and carry out the request of the Bar, so that we might better serve the law and our clients whom we have sworn to properly advise and protect.

I must admit, however, that the Supreme Court did pass a rule as to Pre-Trial Conferences. Their reasons for taking this minute forward step, I do not know.

Everything, I believe, has been said and done as to the adoption of the proposed Rules of Civil Procedure for years, and they are still not adopted. Naturally, having been on the committee that presented the proposed rules to the Court, I favor them. To the new President of the Bar, I can only say, "What to do! What to do!", and wish him more success than the others of us have had in the past.

The ensuing year is our Legislative year, and, on behalf of the new Legislative Committee, I urge all of you to present, in the form of drafted bills, any ideas you might have which should be presented. It takes all of the available time of the committee members to pass on proposed legislation, properly prepared, and they do not have time to draft it. In spite of what I have just said, we should all be at the legislative meeting in Cheyenne, following prior presentation to the committee of our ideas in concrete and prepared form, and be there with our arguments to uphold our convictions.

Twice, now, we have had an induction ceremony for the new members of our Bar. Oliver Steadman has been the person who initiated this part of our meetings. It is of extreme importance. This is by reason of the fact that our profession can only continue its place in society and continue to grow and be stronger by reason of our new members who can "carry-on" with all of our ideals and objectives.

My suggestion would be that the younger members of the Bar, say up to 36, be afforded an opportunity to have an inclusive organization of their own through a committee or possibly a section of the Wyoming State Bar. In any event, these newly inducted members of our profession should have some medium whereby they could discuss their problems as their group and present them to the whole organization of which they are an integral part.

It is regrettable that it has been impossible for me to meet with every county and district bar association in the State during the past year. These local bar associations are the lifeblood of our profession. From their meetings we get our ideas, plans, projects and programs that will enable us to effectively carry on to the achievement of the goals to which we all aspire.

I attended the meetings of the Bar Associations of Colorado, Nebraska and Utah, and find that they are all studying, working and striving for the betterment of our profession in the practice of law and for the betterment of all of the people whom they can assist.

The ceremony to dedicate the new building to house the College of Law

at the University of Wyoming was a notable event during this year. With such fine facilities, but necessarily on a smaller scale comparable to the American Lawyers Center of the American Bar Association in Chicago, we can be certain that in the years to come the new members of our profession will have an adequate workshop in which to prepare themselves for their service to the Bar. Having a part in the dedication ceremonies representing the Wyoming State Bar was an honor.

It was indeed a task for the Bar of Sweetwater County and their wives to make all of the arrangements for this fine meeting; they have done everything possible to make your attendance enjoyable. I give them my personal thanks.

The co-operation of the members of the Wyoming State Bar during the past year has been inspiring and indicates definitely that we shall go ahead next year, not only for the benefit of ourselves, but for the benefit of the people whom we serve and in the service of the jealous mistress, The Law.

Acting as your president the past year has been a great honor which I shall treasure all of my life. I only hope that I have carried out the duties of my office.