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## MINUTES OF THE ANNUAL MEETING OF THE WYOMING STATE BAR\*

*September 3, 4, & 5, 1975*

*Jackson, Wyoming*

The 35th Annual Meeting of the Integrated Bar and the 60th Annual Meeting of the Wyoming State Bar was called to order by President William J. Kirven at 8:45 A.M. in the Conference Room of The Virginian Motel in Jackson, Wyoming.

President Kirven welcomed those attending the convention and thanked all members of the Wyoming State Bar for their cooperation throughout the preceding year. He gave a special welcome to and introduced Frank Brady of the North Dakota State Bar. President Kirven then called upon Daniel M. Burke, Secretary-Treasurer, for the secretary-treasurer's report. Upon timely motions duly made, seconded and unanimously carried, the reading of the minutes of the last annual meeting was avoided and the treasurer's report was approved. President Kirven followed with the President's address.

Richard R. Bostwick of Casper then presented the report of the Judicial Nominating Commission.

President Kirven then introduced the members of the Wyoming Supreme Court: the Honorable Rodney M. Guthrie, Chief Justice; the Honorable A. G. McClintock; the Honorable Richard V. Thomas; the Honorable Robert R. Rose, Jr.; and the Honorable John F. Raper. The members of the court presented a panel discussion.

Mr. Chief Justice Guthrie focused his comments on the court's need of more law clerks. The Chief Justice stated that the entire Wyoming judicial system must be upgraded because Wyoming's needs are rapidly changing; as a result the supreme court often is forced to deal with laws inadequate to meet these needs. He emphasized that court administration should be established and coordinated with the remaining branches of state government to assemble data

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concerning Wyoming's changing needs. He concluded by stating that the court must play a vital role in the assembling process and that the court will not be able to do its part without the necessary additional administrative assistance that would be provided by law clerks.

Mr. Justice McClintock followed Chief Justice Guthrie with a request that attorneys submitting appellate briefs to the supreme court refer to Rule 12 of the Rules of the Supreme Court. Rule 12 outlines the contents of an appellate brief. He stated that if the Bar officers would organize a work shop concerning appellate briefs, the court would be glad to lend assistance. Finally he suggested that attorneys prepare and attach to the appellate brief any important documents from the record. He stated that this practice would greatly facilitate examination of the document before time to write the opinion.

Mr. Justice Raper explained that the format of the written opinions has been changed to increase distribution of the opinions to members of the Bar. Currently each attorney involved in the case, all trial judges, and all clerks of court receive copies. In addition, the law school gets a copy, which Potter Law Club reproduces and distributes to paid subscribers of its Advance Sheet Service. He suggested that Potter Law Club prepare a brief synopsis of the opinion for the Wyoming Bar News to further increase distribution. Secondly, Mr. Justice Raper discussed the proceedings surrounding the passage of a Jury Selection Act. A proposed bill was drafted by a joint bar committee and submitted to the legislature; although passed by the House, the bill did not get out of the Senate Committee. Currently the committee is proposing that the Jury Selection Act become a rule. This rule would simplify jury selection by granting the trial judge more authority over the selection of jury members. Thirdly, Mr. Justice Raper stated that he would like to see a committee organized to draft new uniform jury instructions encompassing recent changes in the law.

Mr. Justice Thomas also discussed preparation of appellate briefs. In regards to the trial record he emphasized that the attorney should examine the record carefully to determine which portions are necessary for the appeal, keeping in mind that while the court rule invites designation of the whole record, it also allows stipulation that only certain portions be transmitted. In addition, Mr. Justice Thomas asked that attorneys pay more attention to the statement of facts; specifically, the brief should set forth all the information from the record which the court needs with respect to the appeal.

Mr. Justice Rose concluded the panel discussion by reemphasizing the importance of conscientious brief preparation, stating that it is detrimental to the client to submit a six-page brief asking the

court to deliver a fair and just decision on that basis. He also cautioned against reference to matters outside the record during oral arguments.

Following the panel discussion by the members of the Wyoming Supreme Court, President Kirven introduced James E. Brill of Houston, Texas. Mr. Brill gave a very informative address concerning law office economics. He presented a number of suggestions designed to cut down expenses and increase efficiency. Among his suggestions were:

Instead of dictating replies to all letters, reply to letters needing only short and simple answers by attaching marginal rapid response labels on which the appropriate message can be noted.

Use envelopes printed by the post office. Get Postal Service Notice 18 and Form 3203 from your local post office. One thousand envelopes cost only \$112.40 including postage and printing. This is considerably less expensive than engraved envelopes.

Mailograms are much cheaper than telegrams and have a favorable psychological effect on people.

Answer all telephone calls with your name. Set aside a time during the day when you do not take calls. Instead of writing out a charge slip for every long distance call, charge your clients on a flat rate basis determined by averaging your phone bills every three months.

Time is 80% of the cost of office filing. Use file folders with built-in prongs and partitions. The initial cost is high, but the folders can be used time and again. Obtain snap apart client information forms, which save having to make new information sheets each time you need additional files for a client.

Use hanging files for pre-printed forms; they save the space that you would otherwise need for filing cabinets.

To facilitate the locating of files, color-code your files, e.g., red for domestic relations, green for real estate, blue for probate and wills, yellow for litigation, pink for business matters, and orange for corporations and partnerships. Once the system is set up, all you have to remember is the color code; it eliminates looking through every folder in every pile.

Lack of time limits the ability to review every new article published concerning changes in the law; hire someone for \$2.00 an hour to read and record the articles or cases and listen to the tapes in your car.

For those who think these are great suggestions but feel they do not have time to put them into operation, the following chart illustrates the value of time:

If one wastes 15 minutes each day, it costs him:

If You Earn	Every Minute Is Worth	Every Hour Is Worth	Each Year It Costs You
\$ 8,000	7.2¢	\$ 4.29	\$250.00
10,000	8.9	5.36	312.00
12,000	10.7	6.42	375.00
14,000	12.5	7.51	437.00
16,000	14.4	8.58	500.00
20,000	17.8	10.72	625.00
25,000	22.4	13.41	781.25
30,000	26.8	16.09	937.50

Mr. Brill had many more time saving suggestions. They are all outlined in a pamphlet entitled, "The Thrifty Fifty," copies of which can be obtained from James E. Brill, P. O. Box 22870, Houston, Texas 77027.

After Mr. Brill's address, President Kirven called for the report on election procedures for President-Elect, Vice-President and Secretary-Treasurer.

David A. Scott thereafter gave the report for the Committee on Continuing Legal Education and Recertification of Lawyers. James A. Zaring gave the Grievance Committee report.

There being no further business to come before the meeting, the same was duly adjourned at 1:00 P.M.

President Kirven called the Friday morning meeting to order at 8:45 A.M. A major part of the morning was devoted to committee reports and nominations for President-Elect, Vice-President and Secretary-Treasurer.

E. George Rudolph, Dean, University of Wyoming College of Law, gave the law school report. Ross Copenhaver of Powell followed with the report of the Committee on Prepaid Legal Services. The Necrology Committee report was given by Hugh B. McFadden of Laramie. Lawrence A. Yonkee delivered the Legislation and Law Reform Committee report.

Paul Godfrey followed with a report from the Liaison Committee with the Wyoming Medical Association on Medical Malpractice. Currently the Wyoming Medical Association has drafted a proposed bill that contains the following proposals:

- (1) That insurance companies be required to report all claims and pay-outs.
- (2) That the medical malpractice statute of limitation be reduced to two years with no tolling provision for minors.
- (3) That recoveries in the case of a minor be paid not in cash, but in annuities (meaning that the attorney must wait for his fee).

- (4) That all insurance companies be required to join an underwriting pool and be required to underwrite doctors even if the particular company does not normally underwrite medical malpractice policies.
- (5) That a disabled physicians' act be adopted.
- (6) That contingent fees for medical malpractice litigation be reduced to fifteen percent.
- (7) That the concept of informed consent be completely revised.
- (8) That the peer review committee be made totally immune from liability.
- (9) That the *res ipsa loquitur* rule no longer be applied to the medical profession.
- (10) That a patient's compensation fund be established.
- (11) That prior to filing a complaint sixty days notice be given to the defendant.
- (12) That the rule of implied warranty be eliminated.
- (13) That the collateral source rule be eliminated.
- (14) That punitive damages be eliminated.
- (15) That an assigned risk law be adopted.
- (16) That Wyoming's constitutional provision on wrongful death, Article I, Section 8, be amended.
- (17) That a model counterclaim abuse of process law be adopted eliminating separate actions.

Mr. Godfrey stated that the committee attempted negotiation with the medical association, but was informed that the position of the medical profession was and is non-negotiable. He emphasized that the doctors intend to drive this bill through the legislature this winter, and, that while some lawyers do abuse the doctors in some areas, the doctors should not be allowed to alter the common law simply because their malpractice insurance rates are increasing.

Following Mr. Godfrey's report, President Kirven introduced J. Harris Morgan of Greenville, Texas, Mr. Morgan gave a practical and informative address entitled "Six Basic Systems to Double Your Productivity That Can Be Installed In Your Office Monday Morning."

As Mr. Morgan said, time costs money; the more time you save, the more money you save. A great deal of time is lost trying to remember; instead of relying on your memory, write it down. For example, instead of giving your secretary oral instructions, write them down; when you give oral instructions, you have to say it right and your secretary has to hear and remember it right. The written system is more efficient and in the long run more productive.

The following six basic systems are all spin-offs of the written system:

(1) File Folders

Organize the contents of files. This is easily done by dividing each file folder into four sections by inserting prongs into the top and bottom of each side of the folder. Use one set of prongs for facts in law, *e.g.*, evidence, interviews, etc. Use another set for time and money records, another for pleadings, motions and all material that must be filed with the court. Use the last set for correspondence.

This system eliminates the chaotic interior of most files and allows rapid location of information.

(2) Sequencing of Files

Sometimes there will be several active files for a particular client with only that client's name on the outside of the file for identification. The second system uses numbering and indexing to eliminate the need to go through many files to find one particular file. As each file is opened, it is given a file number. On a docket sheet the client's name, number, type of case and significant facts are listed; this information will enable one to remember the case. Two copies of the docket sheet are made—one is placed in a notebook that is available to all members of the firm and one goes into the lawyer's private notebook.

From these docket sheets, four index cards are made up—two cards to be filed under the client's name and two to be filed under the appropriate subject matter. When the case is completed, the docket sheets are pulled and placed in the client's file. The index cards stay in the permanent reference file.

(3) Keeping Your Calendar Up to Date

This procedure is easily put into operation with two calendars—one for the lawyer and one for the secretary—and the client's file folder. When an action is taken on client's case, the action is indicated on the outside of the file along with the date and the date further action must be taken. The file is placed in the lawyer's out-box; the secretary takes the file, checks the date when further action is required, and notes the date on both her calendar and the attorney's calendar by putting the file number on the appropriate date. When this date arrives the secretary need only place all the files listed on that date in the lawyer's in-box.

This system can be coordinated with a perpetual calendar system. At the same time the secretary notes the day for further action on the calendars, she types index cards containing the client's name and file number. These cards can be prepared in advance so that the secretary need only fill in the client's name, file number and what must be done. Each card says either 45 days before something must be

done, or 30 days, or 15 days and so on. It is up to the lawyer to know the final date when action must be taken—note this on the file. The secretary can then give notice of required action by checking behind the day's date each morning, and pulling out the cards and placing them on the lawyer's desk. The rest is up to him.

(4) Time Cards or Ways to Keep Track of Time

Obtain carbon-pack time slips. When a file is opened, both a time slip and a docket sheet are prepared. One copy should be filed in the client's box, one in the billing box and one in the month box. Placing one copy behind the month allows the lawyer to keep track of his billable time. At the end of the month each client's slips are added together, and two copies of the bill are prepared. The original goes to the client, and the carbon with the time slips attached is filed in the client's file. This also allows the firm to keep track of who has and who has not paid their bill.

Time slips should be kept in the attorney's car, by every telephone and in his desk.

(5) Form Freezer

This system is designed to reduce drafting time.

Copies are material. The year, the file number and the subject matter of the work is indicated on a file card. Several copies of the index card are made and filed in a subject matter index under subdivision similar to those developed by the West Digest System. When five pounds of material are accumulated, it is permanently bound.

(6) Mag Card System

Much of the dictated matter of a law office is repeated time and again, for example, 97 out of 100 letters begin "you will find enclosed." It saves a great deal of dictation time if frequently used material is placed on the mag card system. To institute this system, simply get a big box and for a three-month period place everything produced in the office in that box; then sort the matter in the box to determine what documents are repeated often enough to warrant recording them on mag cards.

Following Mr. Morgan's address President Kirven introduced Larry Lehman, Kathy Fedore and Cecil Cundy, students at the University College of Law who were all legal interns during the previous summer. They outlined their experiences, detailing the areas in which they felt they were able to offer the most assistance to law firms. They indicated that most prospective law interns are looking for experience rather than money and are willing to work for reasonable wages. Larry Lehman, Chancellor of Potter Law Club, noted that any one having questions about the internship program should contact Potter Law Club.



President Kirven then called for Resolutions from the floor. The following resolutions were unanimously passed.

#### RESOLUTION NO. I

WHEREAS the members of the Wyoming State Bar have had the privilege of attending their 60th meeting in the beautiful community of Jackson, Wyoming on September 3, 4, 5, and 6, 1975:

WHEREAS the citizenry, motels and hotels, together with the United States Weather Bureau have all cooperated to make this a most enjoyable and successful session; and

WHEREAS certain organizations are deserved of special recognition for their hospitality and generosity;

NOW, THEREFORE, BE IT RESOLVED the Wyoming State Bar in session duly assembled on the 5th day of September, 1975, does hereby express to the Virginian Motel, the Jackson State Bank, Title Guaranty Company, Bancroft Whitney, Callaghan and Company, Matthew Bender and Company, the Michie Company, Shepard's Citations, Inc., West Publishing Company, the Teton County Bar Association, City of Jackson, Chamber of Commerce of the City of Jackson and the Jackson Hole Golf and Tennis Club, the appreciation and thanks and gratitude of all its members and wives who have attended this annual meeting.

BE IT FURTHER RESOLVED that the Secretary of the Wyoming State Bar send copies of this Resolution to the parties named therein.

#### RESOLUTION NO. II

WHEREAS, the Wyoming State Bar has been fortunate in having the following men participate and contribute to various proceedings and meetings, to-wit: Rodney Guthrie, A. G. McClintock, John Raper, Richard Thomas, Robert Rose, Justices of the Wyoming Supreme Court; James E. Brill, Esquire, Houston, Texas; Harris Morgan, Esquire, Greenville, Texas; Bert Early, Executive Director, American Bar Association; Honorable Ed Herschler, Governor of the State of Wyoming; and

WHEREAS, the Wyoming State Bar has greatly appreciated the fine work of these gentlemen who have contributed immensely to the success of this 60th Annual Meeting;

NOW, THEREFORE, BE IT RESOLVED, that the Wyoming State Bar extends its thanks and appreciation to the distinguished gentlemen above named for their contribution to and participation in this meeting and that the Secretary-Treasurer of the Wyoming State Bar send copies of this Resolution to the parties named.

RESOLUTION NO. III

WHEREAS, William J. Kirven has ably served the Bar of the State of Wyoming as its President this year; and

WHEREAS, this distinguished gentleman is retiring as President of the Wyoming State Bar The Bar regards it fitting and proper to recognize and commend his service and dedication to the cause of the Bar;

NOW, THEREFORE, BE IT RESOLVED, that the Wyoming State Bar acknowledge with gratitude the service rendered by William J. Kirven and the Secretary-Treasurer of the Wyoming State Bar shall send a copy of this resolution to William J. Kirven, Esquire.

RESOLUTION NO. IV

... WHEREAS, the Fourth Judicial District presently has the most population per Judge of any Judicial District in the State of Wyoming; being one Judge to serve approximately 40,000 people when the average of the entire state is approximately one judge for each of 26,000 persons; and

WHEREAS, the Department of Economic Planning and Development for the State of Wyoming has issued a forecast predicting that Campbell County, Wyoming, will have forty thousand residents by the year 1980; which will be an increase of 28,000 residents; and

WHEREAS, it is imperative that the Fourth Judicial District receive a second District Court Judge, who shall devote his primary time and attention to handling the need for Judicial services existing in Campbell County, Wyoming, and thus also make available the services of a Court Reporter which Campbell County also lacks.

NOW THEREFORE, BE IT RESOLVED that the Wyoming Bar Association, hereby endorses legislation requiring the appointment of an additional Judge for the Fourth Judicial District of Wyoming, said Judge to reside in Campbell County, Wyoming.

There was also offered from the floor a resolution that the Bar take a definite policy stand concerning the proposed bill of the Wyoming Medical Association. This resolution was unanimously passed.

President Kirven then announced the results of the election: Charles Kepler, of Cody, President-Elect; Joe Cardine of Casper, Vice-President-Elect; George Simonton of Cody, Secretary-Treasurer.

There being no further business, President Kirven duly adjourned the meeting at 1:30 P.M. There followed a combined luncheon for lawyers and spouses at The Virginian Motel. Mr. Bert Early, Executive Director, American Bar Association, was the guest speaker.

At 7:00 P.M. on September 5, the Jackson State Bank hosted a cocktail party and social hour at The Virginian Motel. The annual banquet followed at The Virginian Motel, highlighted by an address by the Honorable Ed Herschler, Governor of Wyoming. Fifty Year Plaque awards were given to Laura Brand of Cheyenne, Wyoming; Wm. Henry Harrison of Sheridan, Wyoming; Fred W. Layman of Casper, Wyoming; and Ed Murane of Casper, Wyoming. The plaque presentation ceremonies were followed by the official transfer of the Australian boomerang from President Kirven to President Kepler and the traditional transfer of the gavel to Charles Kepler as the incoming President.

Respectfully submitted,

DANIEL M. BURKE  
Secretary-Treasurer