

1976

Committee Reports

Lawrence A. Yonkee

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

Recommended Citation

Yonkee, Lawrence A. (1976) "Committee Reports," *Land & Water Law Review*. Vol. 11 : Iss. 1 , pp. 321 - 337.

Available at: https://scholarship.law.uwyo.edu/land_water/vol11/iss1/15

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 XI

1976

NUMBER 1

COMMITTEE REPORTS

TREASURER'S REPORT

Schedule of Receipts and Disbursements

For the Period October 1, 1974 through August 25, 1975

CASH BALANCE—October 1, 1974\$12,165.52
Fees for 1974-75 in the amount of
\$18,872.50 included in this balance)

CASH RECEIPTS:

Fees to Practice—1974-75.....	\$16,433.50	
Less Fee Overpayments & Duplicates...	675.00	
	\$15,758.50	15,758.50
Sub-total		27,924.02

CASH DISBURSEMENTS:

1974 Conventions (ABA, Western Sts.)..	400.00
Secretary Salary	4,400.00
Officers & Commissioners	2,100.53
Committee Expenses:	
Grievance	\$3,885.00
Legal Education	
& Admiss.	750.27
Prepaid Legal Service	3,320.00
Tax Section	8.19
	7,963.46

Receptions and Gifts	282.69
Annual Meeting—1974	588.37
Annual Meeting—1975	131.42
Scholarship	1,000.00
Telephone	633.27
Office Overhead—Incl. Newsletter	1,163.06
Dues & Contributions	70.00
A.B.A. Meetings—Conventions	1,561.24
Land & Water Law Review	3,375.00

23,669.04

CASH BALANCE—August 25, 1975\$ 4,254.98

322

LAND AND WATER LAW REVIEW

Vol. XI

Client's Security Fund

Report as of August 21, 1975

Hilltop National Bank—Casper.....	\$ 5,353.34
C. D. No. 92987	
American National Bank—Powell.....	1,446.25
C. D. No. 482	
Guaranty Federal Savings & Loan—Casper.....	1,357.39
C. D. No. 1300500	
Guaranty Federal Savings & Loan—Casper.....	3,400.00
C. D. No. 1300680	
Guaranty Federal Savings & Loan—Casper.....	5,741.49
C. D. No. 1200500	
Total per Fund	\$17,298.47

CLIENT SECURITY FUND RECONCILIATION

Balance September 11, 1974	\$15,782.12
Add: Interest Credited to Account	1,516.35
Balance March 31, 1975	\$17,298.47

General Funds

Reported as of August 31, 1975

Provident Federal Savings & Loan.....	\$ 5,311.15
C. D. No. 0603268	
First National Bank.....	5,353.34
C. D. No. 04034	
Guaranty Federal Savings & Loan.....	12,023.82
Savings Acct. No. 9571	
Federal National Mortgage Assn.....	25,022.81
No. 2160	
Total General Funds	\$47,711.12

Grievance Committee Funds

Reported as of August 31, 1975

1974-75 Membership Fee Portion	\$3,885.00
Less 1974-75 Committee Expense	1,760.37
Balance of Fund	\$2,124.63

Respectfully submitted,

DANIEL M. BURKE

Secretary-Treasurer

REPORT OF THE NOMINATING COMMISSION

As a member of the Judicial Nominating Commission for Wyoming, I have been called upon again to give a report to the Bar.

Merit selection of judges in Wyoming got off to a good start in 1973 when the Commission first took office and made selections for appointments to the bench. It has functioned often since then. In Wyoming, as you know, we have a total of eighteen judges. These judges are located five on the Supreme Court and thirteen on the district trial bench. Since the Commission made the first selections to submit to the Governor for appointment in the early summer of 1973, it has of the present time functioned with respect to the appointment of eleven of the eighteen judges in Wyoming. These appointments covered four-fifths of the Supreme Court and seven-thirteenths of the District court. Simple arithmetic indicates that the Commission had to come up with thirty-three names from the list of the lawyers of Wyoming who had expressed an interest or whom the Commission requested to express an interest in the judicial office. This is not an easy task, when one realizes that the Commission in sending three names to the Governor, saying to the Chief Executive: "you may appoint any one of these gentlemen to the office of judge, each is qualified, each is acceptable and has indicated a willingness to serve in that capacity if appointed."

On occasion the Commission has had to recess because of lack of interest in a particular judicial office. The reason for this is unknown specifically and it will be necessary for the Bar and the Commission to work to alleviate such problems in the future.

Last year I reported to the Bar with respect to the organization and function of the Commission, the manner of the selection of the names to be submitted, the nature of the proceedings as being confidential and listed a number of items which are criteria for the Commission in the examination of persons for the judicial office. You will find these in the Annual Report of the State Bar Proceedings in 10 Land and Water Law Review 301, 341-42 (1975), so I will not reiterate them at this time.

There is an item I would like for the Bar to consider. Since the last annual meeting of the Wyoming State Bar, there has been a general election. At that time the merit appointees stood for election on a yes or no ballot for their retention of office. The results of that election are known to all but I would call it to your attention for two reasons. First, I would say that the democratic electoral process is working and that the citizenry does, in fact, have a say in this matter. As we all know, one of the incumbent judges was not retained in office in that general election.

A matter of considerable significance, however, developed in the analysis of the general election vote as compiled by the Secretary of State's office. In examining the vote cast, it appeared to run in all instances where the judges were retained about three to one in favor of retention with the exception of the justice of the Supreme Court where the retention figure was about two to one over the non retention vote. That of itself may be significant but the number of votes cast on the no side raised considerable discussion. Generally it was found that a number of the electors expressed the feeling that they thought an eight year term was too long and cast a no vote in that regard. Recognizing that our Supreme Court term is eight years and our district court term is six years and that such is by constitutional provision, it would seem that the Bar has an obligation in this area. I would suggest, therefore, that at such time as the next general election comes about and our merit judges are called upon to stand for retention, that each County Bar make certain that the electorate in that area is properly informed as to the term of the office and thus avoid a negative vote against a judge who would otherwise be retained in office. Rather than leaving this entirely up to County Bar Associations to act upon, I recommend to the officers that either a committee or that an officer of the State Bar be designated to be certain that this serious matter be properly handled.

I want to commend the lay members of the Judicial Nominating Commission who have great input into these meetings. I want the Bar to know that these people come well prepared, having done their homework, and enter into the discussions in a most enthusiastic and wholesome manner. The input which they bring to the meetings is exceptional. The original lay members on the Commission were Walt Hudson of Cheyenne, John Simons of Torrington, and Harry Thorson of Newcastle. Mr. Walter Hudson's term expired and in his place is Mr. Doyle Child of Afton, Wyoming. The present Bar members are Charles Kepler of Cody, Tom Morgan of Gillette, and R. R. Bostwick of Casper. Governor Ed Herschler was a member of the Commission and he resigned following the primary election in the fall of 1974. Mr. Tom Morgan was elected by the State Bar at the annual meeting in Laramie last year to finish Mr. Herschler's term. Since that time Mr. Morgan has been elected to a full term. The Honorable Rodney Guthrie, Chief Justice, is now the seventh member of the Commission. He presides over the meetings and votes, if necessary, to break a tie.

The proceedings are still confidential notwithstanding that efforts were made to destroy the confidentiality of the proceedings during the last legislative session. I would hope that the proceedings of merit selection will remain confidential. I have appeared in

Nebraska, Colorado and Arizona on behalf of the American Judicature Society as a member of that organization's Executive Committee and as a member of the Wyoming Nominating Commission to explain and to help those states in the formulation of their commissions and in the functioning thereof. In every instance confidentiality is the key to success. I urge the Bar to support the confidentiality of the Commission.

I believe that Wyoming has a worthy, well qualified, efficient and effective judiciary. By comparison with some other places in the United States we are way ahead. I recognize that our salaries and that our retirement provisions are not what they should be. It behooves the Bar to work for improvement in these areas.

Merit judicial selection and merit elective systems have been adopted in various forms by thirty states, the District of Columbia, the Territory of Guam and the Commonwealth of Puerto Rico. There are twelve jurisdictions in which judges of all major courts, appellate and trial, are selected under a merit system. Nine more jurisdictions have adopted merit plans for an important part but less than the whole of their judiciaries. Twelve more jurisdictions have merit selection plans by executive action rather than by constitutional amendment or statutory enactment, and one state uses only the merit retention part of the plan for retaining judges in office at all levels of its court system. Thus, you can see that merit selection has wide acceptance in the United States and hopefully through the efforts of the American Judicature Society and other organizations, it can continue to spread throughout the land. A final note: it is hoped by many that we will ultimately gain merit selection, retention, retirement and removal in the federal court system. A committee has been formed in the American Judicature Society to work on this proposition.

Respectfully submitted,

R. R. BOSTWICK

REPORT OF THE COMMITTEE ON CONTINUING LEGAL EDUCATION AND RECERTIFICATION OF LAWYERS

I have been requested by President Kirven to give you a report concerning the Mandatory Continuing Legal Education and Recertification of Lawyers.

In June of 1975, at President Kirven's request, I attended a seminar on this topic in Denver, Colorado. The speakers at the seminar informed us that there has been an increasing demand by the judiciary and by the public for some type of mandatory continuing legal education because of increasing complaints concerning the

quality of services rendered by members of the bars of the various states. Chief Justice Burger has reported to have made the statement that over forty percent of the lawyers appearing before the federal bar are incompetent to practice before said courts. Of course, the Watergate fiasco more than tarnished the image of the bar profession in our country and there has been an increasing demand that each state adopt a mandatory legal education program, either under the auspices of the supreme courts of said state or in the form of legislative action.

There are two basic methods which have been used by some of the states to implement such a program. The most common method is to create a committee, which in turn approves legal education programs and assigns credit hours to each program, requiring at least forty-five hours attendance over a period of three years. Programs of this nature have been adopted by the states of Minnesota, Iowa, California, and others. Colorado has an advisory committee which is in the process of making recommendations to the Colorado Supreme Court concerning a similar program.

A few states, such as New Mexico, have adopted a program allowing each attorney to make a decision as to whether or not he wants to be certified as a specialist. California has taken a somewhat different approach in that it requires attorneys who desire to be listed as specialists to pass examinations in the fields selected by the attorneys.

Wyoming, while not in an unique position, has a problem that is only present in sparsely populated states and that is we cannot put such a program into effect until our bar has the authority, through the Supreme Court, to raise dues sufficient to hire an executive secretary. Such a secretary's primary duty would be to implement and supervise a mandatory legal education program. We estimate the cost of hiring an executive secretary, providing office space and staffing the office, to be in the neighborhood of \$50,000 per year, which would require an increase of the dues to approximately \$100.00 per year for each of the six hundred plus attorneys practicing in the state of Wyoming.

At the present time, our state legislature has exclusive control over the dues to be charged to each of the attorneys practicing in Wyoming and, in the past, the legislature has been very reluctant to raise the dues, for reasons unknown, at least to myself.

Assuming that there is a genuine need for mandatory continuing legal education, such a program cannot be implemented until the Bar can raise the dues of each lawyer to an amount sufficient to support and pay for an executive secretary. I suggest that the Bar introduce

a bill in the next session of the legislature requesting the legislature to give the Wyoming Supreme Court authority to set the dues to be paid by each of us. Once this is done and, if the Supreme Court agrees to raise the dues to an amount sufficient to support the program, we can then proceed through a committee, operating under the supervision of the Supreme Court, to implement such a program. In the meantime, we can continue the programs sponsored by the Continuing Legal Education Committee, which have been put on at the rate of two programs per year.

I, therefore, suggest that a committee be appointed by the incoming president to make recommendations to the Bar concerning a mandatory legal education program and that Dean Rudolph and Walter Urbigkit both be appointed to this committee. As most of you know, Walter has been a member of our State Legislature for a good number of years and has expressed a keen interest in this subject.

I realize that my report has been rather brief but I think that each of you should now be familiar with the problem. If there are any questions, I'll be glad to try to answer them. Thank you for allowing me to speak before you.

Respectfully submitted,

DAVID A. SCOTT

GRIEVANCE COMMITTEE REPORT

The following is a statistical report of the actions of the Grievance Committee since September, 1974.

Since that date, in relation to complaints that were before us at that time, we had a formal hearing for disbarment for one attorney. This was held in December, 1974, and as a result of the formal hearing, the attorney was privately reprimanded and placed under probation under certain conditions. The conditions have not been met by the respondent and, therefore, this matter has been referred to the Wyoming Supreme Court for disbarment.

In one other complaint before us at that time, we did issue a Notice, Findings and Proposed Action, and the attorney requested an informal conference. Since the informal conference, this matter has again been referred to the Attorney General's office and a formal hearing on this matter has been instituted.

At the time of the last meeting, we had eighteen other complaints before us upon which we had taken no definite action. Of those eighteen complaints, we can now report the following:

- 1—forwarded to the Attorney General for formal hearing.
- 2—private reprimands issued by the Grievance Committee.

13—closed because of no merit to the complaint.

2—Notice, Findings and Proposed Action issued and the respondents requested and were granted informal conferences.

As a result of the informal conferences, additional information has been requested for further action.

Since September, 1974, we have now had thirty new complaints and the action on them is as follows:

1—private reprimand to the attorney.

1—referred to Supreme Court for Public Reprimand.

3—Committee could not take jurisdiction until the matter was settled in court.

15—closed because the Committee found no merit to the complaint.

1—referred back to district court for investigation.

9—under investigation (these have all been received within the past two months).

As a closing statement, I suggest that all members of the Bar thoroughly acquaint themselves with the Disciplinary Code and also with the Code of Professional Responsibility and Canons of Judicial Ethics as adopted by our Supreme Court.

Respectfully submitted,

ROBERT E. HOLSTEDT

Secretary

REPORT OF THE DEAN OF THE COLLEGE OF LAW

The big news this year is, of course, the final authorization of the new law building by the legislature. As most of you probably know the course of the bill through the legislature was somewhat perilous at a number of points. We are much in debt to the lawyer members of the legislature who worked long and hard to obtain its eventual passage. The building is now under construction and will be available for occupancy in the summer of 1977.

We would also like to express our appreciation to the Committee on Legal Education and Admission to the Bar. During the year the committee met twice with the faculty and students at the law school and further progress was made on a number of the projects that were discussed by Judge Maier at the meeting last year. We will report on these in detail in coming issues of the Law School News.

I will, however, mention one of them, briefly, at this point. One of the committee's projects is to develop additional summer intern positions for students between their second and third years. There was apparently some increase in these opportunities this summer.

While the information is somewhat difficult to obtain it appears that at least thirteen students worked for private firms, six with the Wyoming Attorney General, Six with Wyoming judges and a number in positions with prosecutor's offices, city attorneys, and the United States Attorney. In addition, several worked in the law school's clinical programs and as research assistants for professors. I am sure the students will discuss the summer intern program in more detail in their presentation this afternoon.

The committee also gave valuable support to the law school on our problem with respect to faculty salaries, and as a result this has been satisfactorily resolved. We hope that the committee members are able to maintain their interest and enthusiasm. Certainly much credit must be given to the Chairman, Judge Maier.

ADMISSIONS

We had 552 applications for the entering class this fall. This is nearly the same as the figure for a year ago. We did experience a slight drop in resident applicants. Of 111 residents we admitted 80, and 59 of these have enrolled. Our current freshman class numbers 78. For whatever it means, we experienced a substantial jump in Law School Admission Test scores for the entering class. The median score this year is 614 compared to a median of 583 for last year's class. The median undergraduate grade point average for this years class is 3.1 on a 4 point scale.

PLACEMENT

For the last two years law graduates, nationally, have experienced increasing difficulties in finding suitable employment. The problem has been especially acute in the metropolitan areas and is the obvious result of the great increase in the number of law school graduates. So far the problem has apparently not been so severe for our graduates, although the job market is clearly becoming tighter. The situation, at least for reporting purposes, has also been complicated by the multi-state bar examination which has substantially delayed the availability of bar exam results. A number of our graduates are not actively seeking employment until they learn the bar results.

Our graduating class last spring numbered 58. On the basis of our present information it appears that fifteen of these are going with Wyoming law firms, three with firms in other states, three with the Wyoming Attorney General, and three with the federal government. A number of others are employed in law related posi-

tions of various types. While our information is probably incomplete it would appear that approximately twenty of the 58 have not yet found permanent positions.

FACULTY AND CURRICULUM

The law school is now apparently in a more or less stabilized position after an extended period of expansion and change. This year, for the first time in several years, we have no additions to the faculty nor any changes in the permanent faculty. One member is on leave for the year and we have a well qualified visiting professor replacing him. During the past year we have made some minor or technical changes in the curriculum, primarily to increase the offerings in research and writing and to expand, so far as possible, the training in lawyering skills such as oral advocacy, brief writing and drafting. In the process we discovered that there are definite limits as to how much of this we can do with our present faculty.

With the graduation of the outsize class a year ago our enrollment has also stabilized at about 215 with 75 entering freshmen. At the moment we have 218 with 78 freshmen. Contrary to some of the rumors that have apparently been circulating, we have no plans at this time to increase the enrollment when we move into the new building. Under present circumstances the law school seems to be about the right size so far as the student body is concerned. We do feel that the instructional program could be substantially improved by an additional faculty member. We also badly need more secretarial and clerical help and substantial increases in the library acquisition budget. All of these items, of course, depend on future budgets, and it is clear that all of our problems won't be solved over-night nor by the occupancy of the new building.

Finally, it must be recognized that, while the law school is relatively stabilized at the moment, the winds of change are clearly blowing, both in the profession generally and with respect to legal education in particular. Yesterday Dave Scott reported on the movement toward mandatory continuing legal education as a requirement for relicensing and also on the proposals for the certification of specialists. It seems likely that the law schools and law faculty members will eventually play significant roles in these programs although the eventual structures of the programs are not discernible at this time. On the other hand, the law schools have recently been subject to a good deal of criticism from high places concerning the inadequacy of training in trial advocacy and other lawyering skills. Ironically, this criticism is being voiced after the institution of a large number of so-called "clinical programs" by law schools all over the country. The time is probably now ripe for a frank and objective

evaluation of the merits and shortcomings of these programs. While fundamental changes are undoubtedly coming, it seems likely, on the basis of past experience, that they will be evolutionary and incremental rather than revolutionary. But the rate of change is going to accelerate.

Respectfully submitted,

E. GEORGE RUDOLPH

Dean

REPORT OF THE PREPAID LEGAL SERVICES COMMITTEE

Last year at the annual meeting of the Wyoming Bar, your committee reported that it was executing a contract with Group Fifty Corporation of Colorado, a corporation which specializes in legal service systems, to consult with the committee and develop the prepaid legal services program in Wyoming. The contract anticipated that the consultant would develop and implement pilot projects in Wyoming in cooperation with local bars and the State Bar. We were, it appears, overly optimistic. No plans are yet in operation.

Contracts were made in October, 1974, with the Wyoming State Employees Association, Plumbers Local 192—Cheyenne, and the Wyoming Education Association. In December, the WEA indicated a desire to proceed and a prepaid plan was prepared, presented to WEA and reviewed by your committee. Apparently the WEA desired to initiate the plan in two or three communities on a local basis as pilot programs. It appeared possible that some funding help could come from the National Education Association. The NEA is, however, helping to sponsor two other projects in other states, and to become interested in Wyoming, a new and novel approach is required. NEA help was not critical at the beginning of the negotiations, however, the WEA now apparently considers such help essential. The Wyoming plan is therefore at a standstill unless and until a novel approach is developed to induce NEA funding help.

The WEA proposal included a prepaid legal services group agreement, together with an agreement to be approved by each participating attorney, and of course would be underwritten by the participating attorneys in the event the financing was not sufficient. Such underwriting would be accomplished by an agreement to provide legal services without compensation until the end of the contract year.

No concrete program has as yet been made to, or approved by, the State Employees Association or any union local, although many other unions have been contacted and approval has been obtained

from AFL-CIO to contact all locals within Wyoming. Recent contacts have indicated several groups are interested, but with no concrete developments.

Any plan involves a number of substantial problems, including administration, the services to be covered, the cost to the covered person, the fees to be paid for each service, or hourly, by the plan, and the involvement of participating attorneys.

Although in 1974 we incorporated Wyoming Prepaid Legal Services to use as a vehicle to develop, conduct, administer, promote or take such other action as we might deem necessary, the possible anti-trust violations seem to dictate that a plan should be administered and developed by the group of persons who is covered by the plan. We hope that the Bar can advise, assist and encourage each proposal.

We are of course encouraging every proposal to provide for an open panel of lawyers, whereby each beneficiary can select his or her own attorney.

It now appears that any trial program will probably require some funding. The Wyoming Medical Service (Blue Cross) has indicated its desire to administer prepaid service plans at something less than cost, but has not indicated a willingness to help fund a trial program. Other states have received funding from the bar association, voluntary contributions from members of the bar, and by assessment upon each participating attorney as the participating agreement is signed. You therefore may be contacted if it appears that such funding will result in an established plan within Wyoming.

We have recently been in contact with a private insurance company which will offer prepaid legal coverage in Wyoming. The proposal contemplates at present a full time employed attorney to handle telephone calls, answer simple questions and refer the insured to participating attorneys for documentary and contested needs. The plan looks attractive and may be a means of initiating a program in Wyoming. It is available to any interested group. We would be happy to refer you to the insurance company for further information in the event you know of a group which is interested. The insured plan may even offer the model approach which would interest the education association. The committee however does desire to look more closely at a new revision of the policy which is designed for individual coverage.

Prepaid legal services has, as viewed by your committee, two prime objectives:

First, to make those citizens not engaged in business and not eligible for legal aid, aware of available legal counsel, encourage the

use of counsel, hopefully before serious problems arise, and to make such persons aware of the fact that the services of a lawyer are not prohibitively expensive; and

Second, to generate revenue from those persons who would not otherwise seek the services of a lawyer when needed.

We believe that prepaid legal plans are inevitable and will soon be demanded. We hope that each of these is a good one and that with the advice and assistance of the Bar, they will serve the best interests of both the public and the Bar. If and when you are contacted by any employee association, union, fraternal group or any group of any other kind, concerning prepaid plans, please encourage the plan and urge them to seek the assistance of the bar—both your county bar and the State Bar.

At times it has appeared that we were making no progress. Upon review of this past year's activities, however, we hope that we now have the groundwork substantially done and that all we need is the group. Whenever anyone desires to establish a plan we will be ready to assist.

During this meeting we have been advised that the National Education Association will provide technical assistance and some funding to a plan in Wyoming for the Wyoming Education Association. Hopefully this will be in operation within the next few months.

Respectfully submitted,

ROSS D. COPENHAVER
G. J. CARDINE
GEORGE CLARKE
RICHARD MACY
ROBERT PICKETT

REPORT OF THE NECROLOGY COMMITTEE

During the past year our profession has been saddened by the death of eight respected members of the Wyoming State Bar:

C. L. Bates, William H. Chamberlain, Judge T. C. Daniels, John Edwards, Justice Harry Harnsberger, Hazel B. Kerper, Frank O'Mahoney, and R. McMicken.

These fellow members will all be remembered as close friends or respected acquaintances.

FRANK O'MAHONEY

Frank O'Mahoney was born April 8, 1910, in Summit, New Jersey. He attended Georgetown University Law School and was admitted to the Wyoming State Bar in 1938.

After serving in the United States Army during World War II he practiced law in Worland, Wyoming, for sixteen years. In 1961 he moved to Cheyenne, Wyoming, to become attorney for the Veterans Administration, and there retired in 1972. Mr. O'Mahoney died May 20, 1975.

JUDGE T. C. DANIELS

Judge T. C. Daniels was stricken with a heart attack in his court chambers and died there on April 25, 1975. He was born in Douglas, Wyoming, on February 21, 1903, and was graduated from the University of Colorado in 1926. He had practiced law in Converse County for thirty years and on March 1, 1957, was appointed to the bench of the Seventh Judicial District by former Governor Milward L. Simpson.

Judge Daniels had served as Converse County Attorney from 1935 to 1946 and also served five terms in the legislature as a Republican member of the House of Representatives. He served as majority floor leader and speaker of the house.

Judge Daniels married the former Georgia Nordgren in 1937. Mrs. Daniels survives him as do two children, a daughter, Pat P. Pegakis of Lakewood, Colorado, and a son, John, of Casper, Wyoming.

WILLIAM H. CHAMBERLAIN

William H. Chamberlain was born May 5, 1904, in Anamosa, Iowa. He graduated from the University of Iowa with a degree of J.D. in 1928. He practiced law briefly in Chicago, then moved to Cleveland, Ohio, where he practiced law and became secretary and head of the legal division of Thompson Products, now known as TRW. In 1953 he moved his family to Wyoming to become operator of Saturn Oil & Gas Company. He was active in ranching and politics as well as the legal profession. Mr. Chamberlain died May 18, 1974, in Cheyenne, Wyoming.

HAZEL B. KERPER

Dr. Hazel B. Kerper was born July 31, 1906, in Laramie, Wyoming. At the time of her death she was a professor of Criminal Justice in the Institute of Contemporary Corrections and the Criminology Department of Sam Houston State University in Houston, Texas. She was also a former member of the faculty at Florida State University. Dr. Kerper authored "Introduction to the Criminal Justice System" and was the co-author of "Legal Rights of the Convicted." Her co-author was her daughter, Janeen Kerper. Dr. Kerper held J.D., LL.B., M.S., and B.A. degrees from various schools and was a member of the American Bar Association and several state bar associations.

Dr. Kerper died February 7, 1975, in Houston at the age of 68. Survivors include her husband, Wesley George Kerper of Huntsville, Texas, four daughters and ten grandchildren.

JUSTICE HARRY S. HARNSBERGER

Harry S. Harnsberger was born December 25, 1889, in Decatur, Illinois. He graduated from Georgetown University with a degree of J.D. in 1914. He was admitted to the Wyoming State Bar in 1914. He was District Court Commissioner at Lander, Wyoming, from 1928 to 1930; County and Prosecuting Attorney for Fremont County, Wyoming, from 1930 to 1942; Member of the House of Delegates, American Bar Association 1941-1942; Attorney General for Wyoming from 1950 to 1953, and a Justice in the Wyoming Supreme Court from 1953 to 1969. Justice Harnsberger was Chief Justice of the Wyoming Supreme Court from 1966 to 1969. He was a member of the Fremont County Bar Association serving as its president during 1947-48; President of the Wyoming State Bar 1941-42; and a member of the American Judicature Society and International Association of Jurists. Justice Harnsberger died on July 1, 1975. He is survived by his widow, Evelyn; one son, Harry S. Harnsberger, Jr.; one daughter, Mrs. James Chapin of Glenwood Springs, Colorado; and nine grandchildren.

C. L. (BOB) BATES

C. L. (Bob) Bates was born in Rawlins, Wyoming, on May 10, 1908, the son of Charles and Edith Bates. He attended Rawlins schools and graduated from the University of Wyoming College of Law. He married the former Julia Kaufman in 1932. Mr. Bates was appointed City Police Judge for Rawlins in 1957 and later served four city administrations as City Attorney. He was appointed Deputy County Attorney for Carbon County in 1975. Mr. Bates was President of the Carbon County Bar Association at the time of his death. His other activities included: the Rotary Club, of which he served as President; Past Exalted Ruler of B.P.O.E. #609; immediate Past Potentate of Korein Shrine Temple; Director of the First National Bank; member of the Seminole Boat Club; and member of St. Thomas' Episcopal Church. Mr. Bates died May 26, 1975.

ANDREW R. McMICKEN

Andrew R. McMicken was born June 6, 1891, in Rawlins, Wyoming. He attended Rawlins schools and the University of Wyoming, and was graduated from Harvard Law School. He served in the U.S. Navy during World War I. Mr. McMicken served as a County Attorney and a State Legislator. He was a member of Rawlins Lodge #5, AF & AM; Wyoming Consistory #1; Korein Shrine Temple; and B.P.O.E. #609. Having practiced law in Rawlins for more than fifty years, Mr. McMicken was the senior member of the Carbon County Bar Association. He died January 13, 1975.

JOHN EDWARDS

John Edwards was born September 5, 1891, in Salt Lake City, Utah. He moved to Wyoming at an early age and was employed by the Union Pacific Railroad in Hays and Carter before moving to Rawlins in 1913. He was the local railroad ticket agent and telegraph operator for many years. Following his retirement, he became a Certified Public Accountant, passed the bar examination in 1939, and opened a law office. Mr. Edwards was twice a candidate for Justice of the Peace. He was a member of the Church of Jesus Christ of Latter Day Saints; Rock Springs Lodge #12, AF & AM; Wyoming Consistory #1; Korein Shrine Temple; UP Old Timers; Elks Lodge; and Odd Fellows. He married Helen Irene Norwood in 1959 in Laramie. Mr. Edwards died June 27, 1974.

Respectfully submitted,

HUGH B. McFADDEN

Chairman

**REPORT OF THE LEGISLATION AND
LAW REFORM COMMITTEE**

On December 7, 1974, the committee conducted the legislative meeting of the Bar at the City-County Building in Casper. Members of the State Bar and the judiciary were in attendance. The meeting approved the following legislative proposals:

1. A proposal that the Supreme Court fix the fee to be paid by applicants for admission to the Bar.
2. A proposal providing that license fees for members of the Bar be set by the Board of Commissioners subject to approval by the Supreme Court.
3. A Marketable Title Act, an act providing for validation of certain instruments and a Tax Title Limitations Act.
4. A procedure whereby federal courts may certify questions of state law to the Wyoming Supreme Court for determination.
5. A proposal regarding the rights of fathers of illegitimate children and limitations thereon.
6. A proposal that judicial ballots read "shall Judge _____ be retained in office for another term?"
7. Amendments to the Tort Feasors Contribution Act to eliminate ambiguities.

The meeting adopted a resolution supporting legislative action to provide funds for construction of a new building to house the College of Law.

The meeting recommended an increase in judicial salaries in the amount of \$5,000 for district and supreme court judges.

A motion was adopted which required that members of the Bar be polled regarding the qualifications of judges and results of the poll be published prior to election.

A motion was adopted requesting the President of the Bar to appoint a committee of three members, one of whom to be a member of the Judicial Nominating Commission, for the purpose of studying the certification of incumbent judges for election. Further, to consider the matter of commission members practicing before the courts of this state.

At the meeting copies of the Uniform Probate Code were distributed; however, the Bar did not consider the Code.

Members of the committee reviewed several proposals affecting the Bar during the legislative session.

Members of the committee for the current year have been Lawrence A. Yonkee, Chairman, Robert H. Johnson, David B. Kennedy, Carl L. Lathrop, Richard A. Tobin, Ross W. Copenhaver, and Gary Greenhalgh.

Respectfully submitted,

LAWRENCE A. YONKEE