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ADDRESS OF THE PRESIDENT ANNUAL MEETING OF THE WYOMING STATE BAR

Charles G. Kepler

Cody, Wyoming

September 16, 1976

Members of the Wyoming State Bar:

Section 2, Article II of the By-Laws of the Wyoming State Bar provides the order of business for each annual meeting shall include an address of the President. I am pleased we have such a requirement as I would like to report to you on the activities of your Bar for the past year.

I have found this past year interesting and rewarding. It has been a genuine pleasure to work closely with the other Officers, the Commissioners and the numerous Committees that have carried out the work of the Bar. In that work I have come to know many of you well and to appreciate the considerable ability and integrity of the Wyoming Bar. My chief complaint is I have not had the time to accomplish all those things I outlined in my mind immediately following our convention last year in Jackson.

Our Bar has grown substantially in the last few years and you may be interested in the following statistics. We have a membership of 831 lawyers, of whom 626 are practicing in State and 205 are practicing out of the state. Of the 626 resident lawyers, 211 or approximately 33 $\frac{1}{3}$ % have been in practice under five years. Of the 205 lawyers living out of state, slightly over 15% have been in the practice for less than five years.

You might also be interested to know the largest Bar in the State is at Cheyenne, which has 152 members, with the next largest Bar

being in Casper, which has 94 members. Casper and Cheyenne account for approximately 40% of the lawyers practicing in the State.

The business of the Bar has been conducted by the Commissioners and through various Committees. There were six meetings of the Commissioners held during the year, which I believe to be a record. This past year the Bar had 28 Committees with 154 members. Obviously, some of the Committees have not been as active as others, but on the whole I am pleased with the work of the Committees, particularly with the work of the individual Chairmen. Some of the Committees will report to you later during this meeting. In the interest of saving time, I am including by attachment to this report, the reports of some of the other committees.

Executive Secretary

By far the most significant accomplishment during this past year has been the hiring of an Executive Secretary. If you listened to the address of your two immediate past presidents, you will remember both recommended steps be taken to hire a full time executive. The work of your Bar has simply become so vast that a part-time person cannot handle the administrative duties and we have been missing many benefits that a full time executive could provide.

The principal obstacle to employing a full time executive has been the lack of funds. Under our former dues structure, we were operating on a budget of less than \$35,000.00 per year, a substantial portion of which was committed to the work of the Grievance Committee. With such a budget it simply was not possible to pay a full time executive. Consequently, the first step was to secure an amendment to the statutes limiting the amount of dues the Bar could charge its membership. At its Legislative Session held in Casper on January 17, 1976, the Bar approved a proposal to amend Section 33-55 of the Wyoming Statutes to provide that the amount of the annual license fee be determined by the Board of Commissioners of the Wyoming State Bar, in accordance with rules prescribed by the Supreme Court. Your Legislative Committee, of which Ross D. Copenhaver was the Chairman, introduced such a Bill in the 43rd Session of the Legislature. The Bill as passed and signed by the Governor provides for the dues to be set by the Board of Commissioners, but not to exceed \$225.00 per year, with the fee charged a member admitted to practice for not more than five years not to exceed one-half of the regular fee.

On April 24, the Officers and Commissioners met in Cheyenne, along with the Chief Justice, and representatives of the Board of Bar Examiners, the Committee on Continuing Legal Education, and the

Grievance Committee. At this meeting the decision was made to hire a full time executive and a job description for the position was approved. A tentative budget was established and the decision was made to increase the dues to \$125.00 for members admitted to practice for five years or more, and \$62.50 for those admitted less than five years. The increase in dues from \$50.00 to \$125.00 is most substantial and was not taken without a great deal of consideration and debate at this meeting. Discussion was had that the increase should be made over a two or three year period, but the decision was finally made to "bite the bullet", as one member suggested and do the job that we knew had to be done at one time. The new dues are not out of line with the dues charged by other Bar associations and certainly will be needed to carry out the various programs that this Bar should be providing its membership.

The increase in the Bar dues becomes effective October 1, 1976, and you should have or will receive shortly a written statement for your dues.

At the April 24 meeting, a Search Committee composed of Joe Cardine, as Chairman, with Tom Morgan, Bob Holstedt, Larry Yonkee, G. G. Greenlee, and George Simonton was appointed to seek qualified applicants for the position of Executive Secretary.

This Search Committee did a superb job by coming up with a large number of interested and qualified applicants. Two meetings of the Search Committee were held in Casper for the purpose of reviewing qualifications and interviewing the most likely applicants. On July 9 the Search Committee met with the Commissioners and a decision was made to hire William A. Taylor of Lusk as our Executive Secretary, at a salary of \$1,450.00 per month.

Al was born in Lusk, received his law degree from the University of Wyoming in 1959, was admitted to the Bar in 1959, and has practiced law in Lusk since that date. He has been a successful practitioner, both as a trial and office lawyer, and is well familiar with the problems of the Wyoming lawyers, particularly those practicing in small communities. I believe we are most fortunate Al accepted the position.

It was decided no change was needed in our Bar Rules, By-Laws, or Disciplinary Code because of the hiring of an Executive Secretary and to await time and experience with such a position before making any revisions. Accordingly, your Bar will continue to have a secretary-treasurer whose function will remain the same but who will serve without compensation.

The function of the Executive Secretary will include the combination of the business and administrative supervision of the Bar, the Board of Examiners, and the Grievance Committee. His duties will not include the preparation and grading of Bar examinations, and he will not participate in the determination of the Grievance Committee on matters of discipline. One very large portion of his duties will be to assist in and implement the Continuing Legal Education Program of the Bar, which hopefully will include taking such programs to various parts of the State in addition to Casper and Laramie where such programs have been produced in the past.

Another very large area for the Executive Secretary will be to organize, coordinate and implement a legislative program—lobbying, if you prefer that term.

Legislative Program

One of the chief complaints from the members of the Bar this year has been the lack of a legislative or lobbying program. In part the criticism has been valid. .

Any legislative program requires two things. First, there must be an agreement by the Bar as a whole concerning a stand on a particular bill or a particular issue. Each of us has a view concerning the various issues presented to our Legislature but it does not follow that our individual views represent the attitude of the Bar as a whole. The problem is to ascertain each issue the Bar as a whole believes it should support or oppose. We have met this problem in the past and our solution has been to hold a legislative session of the Bar immediately before each session of the Legislature, and at that meeting to determine what position the Bar would take on various issues. This is sometimes enough but creates problems when individual lawyers or groups of lawyers insist that the Bar should be lobbying on issues that have not previously been approved. I am convinced we should continue the practice of having legislative meetings and to approve at those meetings the position the Bar will take on various issues to be presented to the Wyoming Legislature. I think we should insist the Bar limit its activities to these positions so approved. In the event emergency matters arise, then I think the Commissioners should meet and determine what position the Bar should take. I do not believe the Bar should or can be represented by individual lawyers or groups of lawyers simply because they believe the interest of the Bar dictates a position on a given matter.

Of course the second requisite of any successful legislative or lobbying program is the "gathering of the troops" when the issues

are presented. I believe this is something our new Executive Secretary can handle with dispatch and I am looking forward to his activities on behalf of the Bar at the next session of the Legislature. There will be a number of issues presented to the next session of the Legislature that are of substantial importance to the Wyoming State Bar. I include in this list the proposal introduced in the last session to eliminate contingent fees charged by lawyers. The Bar must be prepared to meet this issue head on if it is introduced. I believe the Chairman of your Legislative and Law Reform Committee will have a substantial job next year, but that job can be lightened if the individual members of the Bar will submit proposals and bills to him in advance for consideration at the legislative meeting to be held in January. If you want the Bar to take a position a particular item, then prepare your bill now and have it ready for submission at the next meeting.

Grievance Committee

You will hear tomorrow morning from Jim Zaring concerning the Grievance Committee work. My personal conviction is that this Committee is doing an outstanding job, but two improvements need to be made. First, the lapse of time between first complaint and final determination must be shortened. I believe the new Executive Secretary will do much to shorten this period of time through the expediting of paper work. Second, I think we need to disseminate to the public in general the final action taken by the Grievance Committee on various complaints. I recognize for the most part such information is public information in the records of the Supreme Court, but that does not mean the information is getting to the public in general. I believe we must take steps to see the information is released in news release forms. Otherwise, we will continue to hear the complaints that the Bar is doing nothing about its disciplinary matters, when in fact it is accomplishing a great deal.

Bench, Law School, and Bar Relations

We have been fortunate in Wyoming to maintain a good relationship among the Bench, Law School and Bar. This is not true in all states and we should be aware that this good relationship can deteriorate to the disadvantage of all three groups. I have felt perfectly free to designate members of the Bench to various working committees of the Bar, and I can report to you that both the Supreme Court and the District Judges have been most cooperative in every regard. We have a high quality Bench and you will find most of them present

at this convention. Those who were not able to be present have written apologizing and explaining their reasons for being absent. This is something you will not find in other states.

We have had outstanding cooperation from the Faculty and the Dean of the Law School and I do hope the Bar has in turn made some contribution to the Law School and its activities. Appended to this report is the report of Judge Maier, Chairman of the Bar's Legal Education and Admission Committee, outlining the activities of that Committee and its recommendations. I urge the new President to continue that Committee. Judge Maier has been Chairman for the past two years, and has done a yeoman's job in maintaining a good relationship between the Bar, the Law School and the Law Students.

Time simply does not permit me to include in this report recognition of the outstanding job this past year of many of the other 28 Committees. I have appended to this report a list of those Committees, and various committee reports, with the hope they will be included in the next issue of the Land & Water Law Review. I would urge you to read the material when it is so published.

I express my deep appreciation to each Officer and Commissioner with whom I have served this past year for their loyal support and assistance. I appreciate the efforts of the Committee Chairmen and members, most of whom I appointed without prior conference. I asked them each to do a job, and they produced, without complaint or reservation. You simply could not find a better organization of which to be President than the Wyoming State Bar.