

1977

## Committee Reports

Wyoming State Bar

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### Recommended Citation

Wyoming State Bar (1977) "Committee Reports," *Land & Water Law Review*. Vol. 12 : Iss. 1 , pp. 363 - 384.  
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University of Wyoming  
College of Law

# LAND AND WATER LAW REVIEW

VOLUME XII

1977

NUMBER 1

## COMMITTEE REPORTS

### TREASURER'S REPORT

#### Schedule of Receipts and Disbursements

For the Period October 1, 1975 through August 31, 1976

Cash Balance: ..... \$ 4,254.98

Cash Receipts:

Fees to Practice—1975-1976 ..... \$27,475.00

Less Fee Overpayments and Duplicates .. 50.00

27,425.00

Sub Total ..... \$31,679.88

Cash Disbursements:

Past President and Convention Expenses \$ 908.57

Secretary Salary ..... 4,500.00

Officers and Commissioners ..... 6,714.10

Committee Expenses:

Liaison Committee .....\$ 109.84

Legal Ed. & Ad. to Bar ... 310.50

Grievance Committee .... 3,803.03

\$ 4,228.37

Scholarship (Law School) ..... 1,000.00

Telephone (Officers) ..... 628.31

Office Overhead:

Postage, supplies, xerox \$ 766.49

Newsletter ..... 112.49

\$ 879.25

Law Review ..... 4,631.00

\$23,489.60

Total Disbursement ..... \$23,489.60

Net Receipts after Disbursement (Cash Balance) ..... \$ 8,190.38

**General Funds**  
Reported as of August 31, 1976

Provident Federal Savings & Loan .....	\$ 5,706.91
C.D. # 0603268	
First National Bank .....	5,653.91
C.D. # 04034	
Wyoming National Bank .....	20,070.83
Account	
First State Bank .....	10,624.92
Account	
Federal National Mortgage Assn. ....	25,022.81
# 2160	
<b>Total General Funds</b> .....	<b>\$67,079.38</b>

**Grievance Committee Funds**  
Reported as of August 31, 1976

Balance August 31, 1975 .....	\$ 2,124.63
Interest to date .....	91.37
<b>Balance of Fund</b> .....	<b>\$ 2,216.00</b>
1975-76 Fee portion to be paid .....	\$12,735.00
1975-76 Committee expenses .....	3,938.52

**Clients' Security Fund**  
Reported as of August 31, 1976

Hilltop National Bank—Casper .....	\$ 5,653.91
C.D. # 92987	
American National Bank—Powell .....	1,534.99
C.D. # 482	
Guaranty Federal Savings & Loan—Casper .....	1,448.55
C.D. # 1300500	
Guaranty Federal Savings & Loan—Casper .....	3,595.14
C.D. # 1300680	
Guaranty Federal Savings & Loan—Casper .....	6,078.31
C.D. # 1200500	
<b>Total</b> .....	<b>\$18,310.90</b>

**Client Security Fund Reconciliation**

Balance 3-31-75 .....	\$17,298.47
Add: Interest Credited to Account .....	1,012.43
<b>Balance 8-25-76</b> .....	<b>\$18,310.90</b>

Respectfully submitted,  
**GEORGE SIMONTON**  
Secretary-Treasurer

**REPORT OF THE COMMITTEE ON  
JUDICIAL SELECTION AND TENURE**

On November 2, 1976, an amendment to Article 5, Section 4(h) of the Wyoming Constitution will appear on the non-partisan ballot for the purpose of deleting the so called "Thompson Clause" from the 1972 amendment which set forth the present procedure for judicial selection and tenure. If you will recall the 1972 amendment to the constitution adopted a modified version of the Missouri Plan, an explanation of which may best be found in an article written by R. Stanley Lowe in 59 *Judicature* 328. The "Thompson Clause" was added by legislative amendment to the enabling bill stipulating that all incumbent justices and judges must be reviewed and approved by the judicial nominating commission prior to filing for re-election.

This clause was not noticed until just prior to the Second Citizen's Conference on Wyoming Courts held in Casper, Wyoming, on April 20 through 22, 1976. Due to the late date and commitments made for the conference, your committee felt it best to proceed with the conference and attempt to rectify the situation at a later date, thus the reason for the issue being submitted to the voters this next election.

Although there is a split amongst members of the bar and laity as to the need for the elimination of this clause, the two primary reasons for review by the nominating committee are as follows: (1) there are no present guidelines for the nominating committee to follow with respect to reviewing the qualifications of an incumbent, and (2) review of an incumbent's qualifications should be kept within the province of the Judicial Supervisory Committee.

It is the fear of the Selection and Tenure Committee that the voters will not be thoroughly informed of the forthcoming amendment and, therefore, will leave the ballot blank, thus creating a no-vote and defeat of the amendment. In an effort to overcome its possible defeat, your committee met on April 23, 1976, in Laramie, Wyoming, to plan a Third Citizens Conference on Wyoming Courts to be held in Laramie on September 10th, the day prior to the Wyoming-South Dakota game. Since the Wyoming Bar Association felt it could not underwrite the expense of such a conference, application was made for L.L.E.A. funds and plans for the conference proceeded accordingly.

On July 2, 1976, the committee learned that its application for funds did not fall within the guidelines of the Executive Committee of the Governor's Planning Committee on Criminal Administration, and the funds were denied. On August 2nd, Governor Herschler

wrote me that the Attorney General would be able to secure approximately \$3,000.00 for a contribution toward the cost of the conference, and the Governor would take \$4,000.00 from his emergency contingent funds, thus totaling the \$7,000.00 estimated for the costs of the conference. By this time, however, the committee felt that the printing of the needed materials, the selection of the laymen to attend the conference, the mailing of invitations to the prospective conferees and their subsequent dissemination of information advocating a pro-vote on the amendment could not be effectively accomplished.

Your committee therefore recommends the following:

1. That at least one year be devoted to planning a future citizen's conference on courts;
2. That such conferences be held in the spring prior to any election;
3. That if any funds are available from the Governor or the Attorney General, that they be used for dissemination of information through the news media;
4. That local bar associations publicly and privately urge the passage of the forthcoming amendment; and
5. That legislation be introduced providing for disability benefits and widow's benefits for jurists.

I would like to take this opportunity to thank Chief Justice Rodney M. Guthrie, Justice Robert R. Rose, Jr., Justice A. G. McClintock, Messrs R. Stanley Lowe, Donald E. Chapin, Howell C. McDaniel, Jr., and Richard R. Bostwick for their cooperation as well as the many other members of the Bar who have devoted long hours and costs to an effort that so far has been futile, but with the hope that with your help the amendment will pass this autumn.

Respectfully submitted,

THOMAS E. LUBNAU  
Chairman

#### REPORT OF THE COMMITTEE ON CONTINUING LEGAL EDUCATION

Since last year's meeting of the Bar, the CLE Committee has sponsored two CLE programs.

The first, "Bankruptcy Law and Practice" was held at Casper College on November 14 and 15, 1975 with 38 in attendance. The two day conference included such topics as "Alternatives to Bankruptcy," "Functions of the Clerk's Office," "Automatic Stays and Injunctions," "Appeals," and "Adversary Proceedings and Contested Matters."

On May 21 and 22, 1976, the second seminar, entitled "Current Problems in Real Estate" was held at the Law School in Laramie. The 60 registrants (about  $\frac{1}{3}$  of whom were non-lawyers) were instructed in various subjects, including consumer protection, current title problems, syndication, financing and tax shelters.

Tentatively planned for November 12 and 13 in Casper is a seminar on "Family Law" which will include discussions of estate and tax planning, especially as related to divorce, pleading, property settlements and separation agreements and jurisdiction.

Topics under discussion for future seminars include administrative law, civil litigation other than personal injury, commercial law and banking, criminal law and business organizations (sole proprietorship, partnership, joint venture, corporations). In the event the Uniform Probate Code is adopted for Wyoming, the Committee will, of course, sponsor a seminar to bring Wyoming practitioners up to date.

With the advent of a "New Era" of Bar sponsored activities due to an expanded budget and a full-time executive, the Committee looks forward to an improved CLE Program, not only in the number of seminars offered but in their quality and geographical location. It has not heretofore been economically feasible to take CLE Programs to the smaller communities of our State, but we hope that such a program becomes a reality within the next year or two; for if we are to reach the entire membership, our CLE Programs must be readily accessible. An expanded CLE Program is also mandated by what appears to be an irrepressible move throughout the nation toward "recertification" of practicing attorneys which, in most states, is taking the form of mandatory CLE. Such a program has, in fact, been recommended by the Bar Recertification Committee chaired by Walter Urbigkit, on which your CLE Committee Chairman has been privileged to sit as a liaison between the CLE and Recertification Committee.

Particular thanks are due to E. George Rudolph and David A. Scott for their assistance in chairing and supervising the two seminars sponsored by the CLE Committee over the past year.

Respectfully submitted,

G. G. GREENLEE  
Chairman

### REPORT OF THE DEAN OF THE COLLEGE OF LAW

The law school is now in pretty much a stabilized condition, and, while this is probably desirable for the time being, it obviously cannot continue indefinitely without risk of stagnation.

We have had no changes in the permanent faculty nor any additions to it during the last two years. By way of contrast we added eight new faculty, either as replacements or to fill new positions from 1970 through 1974. Clearly these people, by reason of experience, have become more effective both as teachers and legal scholars. In this respect the quality of the faculty continues to improve.

Over the last few years we have attempted to expand our offerings in such areas as trial practice, appellate advocacy, the clinical programs, and various planning and drafting seminars. Our efforts in this are in keeping with a national trend. In order to do as much in these areas as we believe we should, and to do it well, would require at least one, and preferably two, additional faculty members. In this connection it is worth noting that the law school has one of the highest, if not the highest, student-faculty ratios of any department or college of the University.

The law school presently has one more acute budgetary problem. For the past three years we have been unsuccessful in our efforts to obtain necessary increases in our library acquisitions budget. As a result we will not only have very little money during the current year for new additions to the collection but may also have to discontinue some of the serial material or services. Catherine Mealey recently made a survey of library acquisition budgets and found that of the 163 ABA approved law schools we currently rank in the bottom ten percent in this category. Last winter we narrowly averted serious difficulties with the American Association of Law Schools because of deficiencies in our library.

In short, while we have made a good deal of progress in the last few years both in obtaining the new building and in other areas such

as faculty salaries, there is still a good deal that needs to be done if we are to have a truly competitive first class law school. Fortunately, the additional amounts needed at this time are not very large.

Obviously not all improvements require budget increases and we are more or less continuously engaged in efforts to improve both our regular instructional programs and the services we provide to the profession and the state. As an example of the latter we now have a group of students preparing, under faculty supervision, pattern jury instructions for criminal trials. In a different area it is worth noting that during the past year six faculty members served as lecturers in five continuing legal education programs.

### Admissions

There is apparently still some misunderstanding concerning our admission policies and some further explanation may be in order. For the class entering this fall, we had 514 completed applications. Of these 136 were residents and 89 of the resident applicants were eventually admitted. Of these 68 actually enrolled. In other words we admitted about two thirds of the resident applicants and this has been more or less the pattern for the past several years.

George Gould, the Associate Dean, recently made a study of the admissions policies followed by state supported law schools in a number of neighboring states for the class entering in the fall of 1975. The study demonstrated that varying numbers of the resident applicants that we admitted for that year would have been denied admission by these other schools. This means, of course, that a Wyoming resident has a much better chance of admission to our law school than do the residents of neighboring states to their state law schools. Under the circumstances we do not feel it would be advisable to admit a substantially greater proportion of the Wyoming applicants. The inevitable result would be a larger number of marginal students and a higher academic attrition rate. As you know, admission decisions are based largely upon Law School Admission Test scores and undergraduate grade point averages. Statistical studies, both nationally and locally, have shown a significant correlation between these factors and performance in law school.

In recent years the Multi-State Bar Examination has made it possible to compare our graduates with law school graduates nationally. In terms of median and average grades our graduates have conformed quite closely to the national pattern. This is, in a sense, reassuring in view of our comparatively liberal admissions policies.



It should be added that there is a high correlation between law school grades and Multi-State Bar Examination scores.

### **Placement**

In May we graduated 60 students. Fifty of these took the Wyoming Bar Examination. According to information now available 11 are entering private practice in Wyoming. Five are going into practice in other states. Eleven are entering government service in Wyoming. These include those going with the Attorney General Office and those receiving Judicial Clerkships. Ten are entering government service outside the state. For the most part these are going into various federal agencies but two have positions with the state government in Montana. Four are going with corporations. Some of the rest undoubtedly have positions by now but we have not heard from them. For at least the past three or four months it has been our general impression that the job market is reasonably good. Beyond that the problem becomes finding the right person for the job or the right job for the person. The contribution that the law school, as an institution, can make to this process is necessarily limited.

Respectfully submitted,

E. GEORGE RUDOLPH  
Dean

### **REPORT OF PREPAID LEGAL SERVICES COMMITTEE**

I have served on the Prepaid Legal Services Committee from its inception. The Committee members expended considerable effort on this program. A non-profit Wyoming corporation was formed; several plans for furnishing legal services were prepared; Group 50, employed by the Wyoming State Bar, contacted many potential groups and presented proposals for a plan.

About the time Ross Copenhaver completed his term as chairman of the Committee, it appeared there was a good prospect of concluding an arrangement with the Wyoming Education Association, WEA, for providing legal services to that group. An experimental pilot project, funded with approximately \$20,000 by WEA was being considered. We were all excited at the prospect of this.

We were in contact with Duke Kessler and also Don Shanor of Cheyenne. An initial proposal was prepared by Group 50 and submitted. After much consideration, the WEA concluded it would not pursue the project in Wyoming primarily because:

- (a) the group to be serviced was too small for the administrative expense and cost of start-up; and
- (b) new legislation in Congress was being considered making contributions to the plan tax deductible; thus, groups being considered wished to await this legislation to bargain it into their new contracts.

This type legislation is again before Congress and eventually will pass.

I think prepaid legal services will come in due time. Because of the work done by the Committee, we are prepared with plans, proposals and form of contract to provide these services. I suggest we keep our corporation in good standing and retain the Committee. Because of our small population and limited resources, we will probably join some other State or entity in providing services. In the meantime, we can observe the experiments of other large States and I am sure benefit from them.

Respectfully submitted,

G. J. CARDINE  
Chairman

### REPORT OF THE CLIENTS' SECURITY FUND COMMITTEE

Pursuant to an Order of the Supreme Court of the State of Wyoming, dated the 18th day of September 1972, Rule 22 of the Wyoming State Bar Rules was adopted.

The Rule provides for the establishment of a special committee of the Wyoming State Bar designated as the Clients' Security Committee, and sets forth its functions and provides for membership and funding.

The Supreme Court further has advised that the Rules of Procedure for the Clients' Security Fund and Committee be maintained and be available to be followed at such times, and from time to time, as the Committee is called upon to function. Said Rules of Procedure are now kept in the file of the Chairman of the Committee.

The members appointed to the Committee as of September 5, 1975, and the balance of their respective terms are:

## 372                      LAND AND WATER LAW REVIEW                      Vol. XII

<b>Member:</b>	<b>Unexpired Term:</b>	<b>District:</b>
George Sawyer _____ Torrington	1 year	First
Horace M. MacMillan II _____ Laramie	2 years	Second
Harry L. Harris _____ Evanston	2 years	Third
Robert A. Hill _____ Buffalo	1 year	Fourth
Robert A. Gish _____ Basin	2 years	Fifth
Edward S. Halsey _____ Newcastle	Expires	Sixth
Howell C. McDaniel, Jr. _____ Chairman Casper	Expires	Seventh

Since the time of the creation of the Committee and to date, no requests have been received by the Committee for the making of any investigation, and no disbursements have been made from the Security Fund.

The Committee has attempted to obtain information in regard to funding by other than the present method of receiving cash from the State Bar each year and having the same invested in Certificates of Deposit. Shortly after the Committee was established, it became obvious that this method of funding would be wholly inadequate in the event claims were paid. Our investigation has disclosed that similar funds maintained by other Bars are funded by direct assessment of the members of the Bar. Funding by an insurance program has been considered. Information received concerning the procedure followed by the State Bar of Montana is worthy of note.

The program for the Montana Bar is not actually an insurance policy, but is a bond designed to protect the private clients of attorneys when the attorney has misappropriated trust funds. It does not protect the Bar's Client Security Fund. In the Montana program the Client Security Fund is intended to respond to claims at such times as in the opinion of the Committee there has been misconduct by an attorney in handling trust funds, but such conduct is not determined to be serious enough to seek the disbarment of such attorney.

Claims cannot be made until the guilty lawyer has been disbarred and/or convicted for the misappropriation. Therefore, the

bond does not insure against depletion of the Client Security Fund, but instead, serves another purpose entirely.

The original idea for the bond was due to the realization that the Security Fund did not have sufficient funds to actually and adequately protect clients who were wronged. As in our situation, the fund probably would never build up adequately to pay a major loss. Therefore, an alternative or back-up to the fund was developed by bond now in force.

We are advised that the bond method in Montana is unique, and it was difficult to find an insurance company willing to write the same. Finally, the Northwestern National Insurance Company of Milwaukee undertook the bond. However, the company desires to allow the bond to "season", so to speak, by letting it run for about three years. Then if it appears to be a viable product, said company will allow it to be offered to other State Bars.

It is the recommendation of your Committee to continue to attempt to find a method for funding other than the method now used.

The monies of our fund are maintained by the Secretary-Treasurer of the Wyoming State Bar and are on deposit as shown in the accounting found within the Treasurer's Report.

Respectfully submitted,

HOWELL C. McDANIEL, JR.  
Chairman

### **ETHICS COMMITTEE REPORT**

The 1975-1976 Ethics Committee of the Wyoming State Bar Association recommends that the Wyoming State Bar Association recommend to the Supreme Court of Wyoming for adoption as part of the Code of Professional Responsibility the following:

1. The Amendments to the Code of Professional Responsibility adopted by the American Bar Association at the 1974 Midyear Meeting.
2. The Amendments to the Code of Professional Responsibility adopted by the American Bar Association at the 1975 Midyear Meeting.

The 1975-1976 Ethics Committee of the Wyoming State Bar Association makes no recommendation with respect to the Amend-

ments to the Code of Professional Responsibility adopted by the American Bar Association at the 1976 Midyear Meeting.

Respectfully submitted,

CARL L. LATHROP  
Chairman

### REPORT BY WYOMING STATE BAR PUBLIC INFORMATION COMMITTEE

A joint committee consisting of members of the Bench and the Bar was appointed to study the matter of public relations and to report back to the Bar Association any recommendations of this committee. The members appointed by the Judiciary are the Honorable Richard V. Thomas, Supreme Court Justice, and the Honorable Leonard McEwan, District Judge of the Fourth Judicial District. Those members appointed by Charles Kepler, President of the Wyoming State Bar Association are James L. Applegate of Cheyenne, R. B. Bowman of Lovell, Nancy Hinckley of Basin, and Wade Brorby of Gillette. Mr. Brorby served as chairman of the committee.

For the most part, law is practiced locally, by local lawyers and local courts, for local clients. No amount of newspaper publicity or television or radio promotion can equal good person to person public relations. It is in the local community that most people know real life lawyers and judges. It is there that they see the system of justice at work—from the traffic court to the big trials, in their lawyer's offices and in their daily contact with lawyers and judges who are involved in community programs.

It is from the people who make up the community the lawyer finds his clients. It is to this public the judge must look for reelection. It is to this public that the Bench and Bar must look for support in troubled times. Therefore, the public and the legal profession share an intense interest in one another. Relations with each other are inescapable. The paramount question is what kind of relations are they going to be? That is answered through communication—in short, effective public relations. It is for these reasons that your committee feels that a well rounded program must include both a sound internal program to impress upon members their obligations in this regard, and to effectively disseminate matters of information to the public.

The first recommendation to be made by the Public Information Committee is that the committee be made a permanent one with the goal to develop an effective public relations program. The Committee

has been handicapped by a lack of money and the Committee has learned that a certain amount of money is going to be necessary in order to institute, maintain, and develop an effective public relations program.

The American Bar Association was contacted for information to help develop such a program. The ABA gave to us the names of several local and county bar associations of approximately the size of the Wyoming Bar. These bar associations were contacted, the idea being to ascertain the strengths and weaknesses of their programs. It should be noted that most bar associations do not have any type of an organized public relations program. Those which do, seem to be very happy with it and feel that it is worthwhile and should be expanded.

It is also recommended that each local bar association should maintain an active public relations committee to carry out bar policy in the public affairs area.

The Committee feels that the Public Information Committee should have the following responsibilities:

1. To review all activities of the bar and to make recommendations to the President and Bar Commissioners concerning any programs which should be developed, as well as the policies which should be formulated, in order to create a more favorable climate of opinion.
2. Advise bar officials on any matter of public relations or community interest.
3. Prepare and disseminate information that helps to interpret the bar to its various publics.
4. Build and maintain good relations with opinion leaders, including the news and other communications media.
5. Evaluate public relations to bar policies, operating practices, activities and services, and to recommend changes that will improve favorable public acceptance of the bar.
6. Participate actively in public relations programs to promote a better understanding of, and attitude toward, the legal profession.

It is felt that the committee should be comprised of five to ten members—enough to do the job, and to permit frequent and fully attended meetings. It may be that you wish to have at least one member from each of the judicial districts.

If adequate funds can be made available, professional assistance would be most helpful. It would not necessarily have to be a large budget, as all public relations firms who have been contacted have indicated the ability to tailor the job to whatever amount of funds would be available. Obviously the more monies available, the more effective job should be obtained. It should be noted at this point that public relations need not consist of any type of a professional campaign; and a good public relations program will include this only as one of the areas of concentration. For instance, now that we have a full-time administrator of the Wyoming State Bar Association, we should be able to expect newsletters on a more frequent basis. It is obvious that matters pertaining to public information, particularly as the same relates to members of the bar, should be included on a regular basis in this newsletter.

The State of North Dakota has printed a series of free pamphlets which are outstanding. One pamphlet is a condensed version of Robert's Rules of Order, informing the public how to conduct meetings in plain and concise language. The second pamphlet is a short pamphlet directed to members of the bar and impresses upon them various techniques of building a practice, keeping their clients informed, and in short, outlining a very effective method for each individual lawyer to establish public relations between himself and his clients. The third pamphlet is again directed at the attorneys and is directed toward the avoidance of professional and disciplinary complaints. This general area of distributing pamphlets would lend itself well to the fertile imagination.

Looking to members of the bench, several ideas were discussed and looked upon favorably. These included the concept of the members of the bar affirmatively seeking out speaking invitations for members of the bench. There are very few bar members who are not members of Rotary or some similar type organization which needs speakers. Too often we overlook the members of the bench—not only our district court judges but our supreme court judges as well. This enables the members of the bench to gain knowledge of their constituency and exposes the layman to some of the things which are happening within our Court system. Another idea which is looked upon favorably would be the concept of having the district judges report to the district bar meetings much as Chief Justice Burger reports to the American Bar Association. Again, this would be a good idea in which to include members of the media.

Looking at our Supreme Court, an idea which impressed your committee was that of assigning a staff attorney to write press releases on those cases which have been decided, and this would avoid some of the garbled versions which we frequently read in the paper.

Your committee has obviously not exhaustively researched this field. The ideas above set forth are included within this report simply as illustrations of some of the work which our Committee feels needs to be accomplished.

Our professional and full time secretary to the bar would obviously be included upon this committee, and he should bear a certain responsibility insofar as state-wide dissemination of news is concerned.

Perhaps the secretary should maintain a speakers' file. We frequently have occasions arise, such as the recent controversy concerning the press and the court over gag orders, where seminars have been held. Other occasions arise frequently, such as malpractice controversy. It would be nice to have a speaker's bureau which could be administered by our Executive Secretary, who could supply the names of speakers for such occasions. For the committee's first year of effective operation, we would propose a modest budget which would be broken down as follows:

Travel for ten members (assuming four meetings)	-\$1,000.00
Printing (assuming two or three pamphlets and a run of 10,000 for each pamphlet. A run of 10,000, ten page pamphlets without the use of color would be approximately \$1,200)	_____ \$3,600.00

An additional \$1,000.00 for miscellaneous costs perhaps duplicating, addressing and assembling paper and things of that nature should be sufficient.

To summarize our report, we would say that your Committee feels strongly that the Public Information Committee should be made a permanent standing committee of the State Bar. That its membership should consist of members of the bench to be appointed by judicial conference, and members of the bar to be appointed by the President of the Bar Association. To be effective, the Committee is going to have to have available some amount of money. It is obvious that a more modest program than outlined above could be maintained. A \$2,500.00 budget would be adequate for the first year, depending upon how effective of a program the bar would like. Over a period of years, a relatively small investment should pay great dividends.

Respectfully submitted,

WADE BRORBY  
Chairman



**REPORT OF THE TITLE STANDARDS COMMITTEE**

Our committee has not met for the reason that I felt we should allow a reasonable period of time to pass following the adoption of the title standards and the three pieces of curative legislation adopted by the Wyoming Legislature in 1975 before reviewing them or taking further action. I believe that until lawyers have had an opportunity to work with the new legislation and title standards it is difficult to know where the problem areas are and what, if any, new legislation or amendments are necessary.

Problems do come up and inquiries are made from time to time. I have kept a record of all inquiries and suggestions which have been made by lawyers around the state during the past year. I find that there is going to be a need for additional title standards to complement the Marketable Title Act which was adopted in 1975 and there are some other matters which may need committee action.

It is my recommendation that the committee be continued for another year with the understanding that it will meet this fall prior to the legislative meeting of the bar in order to review various matters of concern in the area of title standards and curative legislation.

Respectfully submitted,

**REX O. ARNEY**  
Chairman

**REPORT OF THE COMMITTEE ON LEGAL EDUCATION  
AND ADMISSION TO THE BAR**

The Committee on Legal Education and Admission to the Bar had two meetings during the past year, each being held at the University of Wyoming Law School. At the meetings, in accordance with the prior practice of the Committee in the previous two years, the Committee met with the faculty separately, and with student representatives separately. The Committee's efforts have been on-going for a period of three years, in the following principal areas:

1. Encouragement of greater availability of internships to law students;
2. Exploring the possibilities of funding an enrichment fund for the necessary expenses of the Dean of the Law School not covered by the budget appropriations;

3. Cooperation by practicing members of the Bar and faculty members at the Law School in course content and curricula, and the providing to faculty members requesting the same of consultative service by practicing members of the bar;
4. Providing of greater communication and understanding between law school faculty and students, and members of the Wyoming Bar;
5. Presentation to administrators, trustees and legislators relative to faculty salaries, construction of new law school and other items of interest and concern to the Bar and the Law School.

The only recommendations that I would make at this time to the general Bar or the commissioners is that this committee be continued as a standing committee. I make this recommendation for the reason that it is my firm belief, after serving three years as chairman of the committee, that it serves a very useful and worthwhile purpose. My only other recommendation would be that a new chairman be selected for the forthcoming year.

Respectfully submitted,

JOSEPH F. MAIER  
District Judge

### REPORT OF RECERTIFICATION COMMITTEE

*August 28, 1976*

A meeting of the Wyoming State Bar Recertification Committee was held at the offices of Urbigkit, Halle, Mackey & Whitehead, et al., Cheyenne, Wyoming on the 28th day of August, 1976 at the hour of 10:00 p.m., the following members being present: Walter C. Urbigkit, Chairman; George E. Rudolph, W. Perry Dray and Richard E. Day. G. G. Greenlee, Chairman of the Continuing Legal Education Committee, was also present at the invitation of Chairman Urbigkit.

After considerable discussion, it was moved, seconded and carried that this Committee make the following report to the members of the Wyoming State Bar at the Annual Bar Meeting to be held in Cody, Wyoming.

1. That based upon the discussion, research and investigations made by the members of this Committee, both individually and as a committee, jointly with representatives of other committees and the

Supreme Court, there is a need in the State of Wyoming for development of a program to improve the professional skills of the practicing lawyers within this state.

2. That it behooves the legal profession within the State of Wyoming to take whatever action it deems necessary to insure that the members of this profession maintain a level of legal competency to insure that the members will serve their clients adequately and professionally.

3. That based upon studies conducted in other states, there are several alternatives which may be followed to attain that goal, including:

- (a) Systemized peer review;
- (b) Voluntary self assessment testing;
- (c) Mandatory periodic testing as a basis for recertification;
- (d) Specialization by a method of certification or by representation of special competence;
- (e) Improvement of instruction techniques, standards and course offerings in voluntary programs; and
- (f) Mandatory legal education.

4. That it is the unanimous opinion of this committee that mandatory continuing legal education is the most viable alternative and that the following steps should be taken to implement this type of program:

- (a) The incoming president of the Wyoming State Bar immediately appoint a new committee consisting of at least one practicing attorney from each judicial district, providing as much geographical diversity as possible; and as ex-officio members of that committee, the chairman of the Continuing Legal Education Committee, a representative from the University of Wyoming Law School, a representative from the Supreme Court and the Wyoming State Bar Executive Committee;
- (b) It is recommended that this committee meet periodically to determine the most practical and expeditious method of implementing a mandatory, continuing legal education program and to meet with the Supreme Court of the State of Wyoming to develop rules for the adoption of such a program for submission to the Annual Meeting of the Wyoming State Bar in 1977.

The Continuing Legal Education program to date has offered excellent opportunities for voluntary re-education or education of the members of the Wyoming State Bar. It is the recommendation of this Committee that during the interim while the rules for a man-

datory, continuing legal education program are being formulated, that the Continuing Legal Education program be expanded and diversified to make a greater range of subjects available to a greater number of attorneys within the State of Wyoming. It is also recommended that the Continuing Legal Education Committee include in its program a short course of selected subjects at the University of Wyoming Law School which would be available for all members of the Wyoming State Bar.

Respectfully submitted,  
WALTER C. URBIGKIT  
Chairman

### REPORT OF NECROLOGY COMMITTEE

#### JUSTICE NORMAN B. GRAY

Former chief justice of the Wyoming Supreme Court Norman B. Gray died June 22, 1976 in Cheyenne, Wyoming.

Justice Gray served for seven years as Wyoming attorney general before being elected to the state supreme court in 1962. He retired from the high court on December 1, 1971.

Justice Gray was born in Bloomfield, Nebraska in the year 1902 and attended the University of Nebraska where he was a member of the Sigma Alpha Epsilon social fraternity and the legal fraternity Phi Delta Phi. He became a resident of Cheyenne, Wyoming in 1930. Prior to becoming a member of the supreme court he was employed by the Wyoming Public Service Commission; served as trial examiner for the Federal Power Commission in Washington, D.C., engaged in active law practice in Cheyenne; and served two terms as attorney general for the State of Wyoming in 1947-50 and 1960-63.

Justice Gray is survived by his wife the former Alma Sanders and two children, Norma Lee Halverson, Ketchikan, Alaska and Susan Ann Anderson of Cheyenne.

#### TOM H. BARRATT

Tom H. Barratt of Laramie, Wyoming died on January 30, 1976. Attorney Barratt was a graduate of the University of Wyoming college of law and practiced law in Laramie before he was called in to active military service in 1939 where he remained until 1964 returning at that time to Laramie to resume his law practice.

Attorney Barratt is survived by his wife, the former Jean Moore of Sheridan; two sons, John C. Barratt of Laramie and Major Richard H. Barratt of Fort Bragg, North Carolina and one brother, Donald H. Barratt of Albuquerque, New Mexico.

#### JOHN E. DOBOS

John Dobos was born April 3, 1927, and died October 6, 1975. His early education was within the Denver public school system, Denver, Colorado. After a tour of duty with the United States Navy he entered Colorado University at Boulder and graduated from there in 1951. Following a period of employment he enrolled in the University of Denver College of Law and received his LLB degree in December of 1956.

Following his graduation he was employed by True Oil Company as a landman-attorney until 1964. At this time he entered the private practice, and maintained an office in Casper, Wyoming until his death.

John was an avid nature lover and outdoorsman, and he devoted a considerable amount of time and energy to the protection and wise use of our natural resources.

At the time of his death John was a member of the Wyoming and Colorado Bar Associations, and the Natrona County Bar Association. He was an officer of the Audubon Society and acted as an advisor for the Wyoming Environmental Institute and for the Casper Humane Society.

He is survived by his widow, Barbara, his daughter, Andrea, and his son, Joseph.

#### EDWARD E. MURANE

Edward E. Murane died on September 4, 1975 from injuries sustained in an automobile accident in Yellowstone Park, which occurred during the State Bar Convention in Jackson, Wyoming. Mr. Murane was entertaining an officer of the American Bar Association at the time.

Ed Murane was born in Nome, Alaska on August 10, 1902. He received degrees from the University of Michigan, including an LLB in 1925. He was the senior member of the law firm of Murane, Bostwick, McDaniel, Scott, Greenlee & Owens in Casper, and he was president of the Wyoming State Bar in 1952.

As a practicing attorney, Ed has established a commendable career as a trial lawyer. He gave willingly of his time to civic affairs in his community, serving as City Attorney, as a director of many corporations, as a member of the Wyoming Junior College Commission, as a member of the board of directors of Casper, Wyoming College. As Eagle Scout himself, he held the Silver Beaver Award of the Boy Scouts of America. He was also active in Lions International and the Masonic orders.

He became a member of the House of Delegates of the American Bar Association in 1953, and served continuously in the House since that time. He was Chairman of the House of Delegates from 1964. to 1966.

Ed was a member of the American Bar Association Board of Governors from 1960 to 1963 and served on many committees, including Committee on Federal Rules of Civil Procedure, Committee on National Co-ordination of Disciplinary Enforcement, and the Gavel Awards Committee. In 1965-67 he was a director of the National College of the State Judiciary, and he was a fellow of the American Bar Foundation.

He was admitted to the Wyoming Bar in 1925 and practiced from that time in Casper until his death, except for military service in World War II. His father, C. D. Murane, was a District Court Judge in Casper for many years. Ed's wife, Theodora W. Murane, died in 1964.

Ed is survived by his widow, Jean, and by three children, William E. Murane, a practicing attorney in Denver; John W. Murane, a missionary in New Guinea; and Mary Murane Reeve of Glencoe, Illinois. Funeral services were held in St. Marks Episcopal Church with Masonic interment ceremonies at Highland Cemetery in Casper.

#### WILLIAM E. BARTON

William E. Barton was born in Casper, Wyoming on May 23, 1926 and died in Casper on November 27, 1975. Bill graduated from Natrona County High School and, following service in the United States Air Force during World War II, enrolled at Colorado College in Colorado Springs, Colorado where he graduated with a BA degree in 1950 and was Phi Beta Kappa. He then entered Yale University from which he received an LLB in 1953. After a period of employment in the Legal Department of Shell Oil Company Bill returned to Casper to enter the private practice of law with Harold Healy. In 1957 Bill and Mr. Healy joined William H. Brown, William F. Drew and George Apostolos forming the firm of Brown, Healy, Drew, Apostolos & Barton with whom Bill remained in the practice until his death. Bill was a member

of the Natrona County, Wyoming and American Bar Associations, Casper Rotary Club, and was a past president of the Casper Area Chamber of Commerce; and at the time of his death was a member of the Natrona County Memorial Hospital Board. He is survived by his mother, Kathryn Barton, and brother, Ralph, both of Casper having always occupied what he fondly referred to as "a blessed state of singleness."

Respectfully submitted,  
C. EDWARD WEBSTER  
Chairman