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Minutes of the Annual Meeting of the Wyoming State Bar

Wyoming State Bar

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College of Law

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MINUTES OF THE ANNUAL MEETING OF THE WYOMING STATE BAR

September 14, 15 & 16, 1977

The 36th Annual Meeting of the Integrated Bar and the 62nd Annual Meeting of the Wyoming State Bar was called to order by President Lawrence A. Yonkee at 12:00 o'clock P.M. at the Hitching Post Inn in Cheyenne, Wyoming.

President Yonkee welcomed all those attending the convention and called upon William A. Taylor, Executive Director-Secretary for the Treasurer's Report. Upon motion, duly made, seconded and unanimously carried, the Treasurer's Report prepared by Fisher Hines Price Company, certified public accountants, was accepted.

Upon motion duly made, seconded and unanimously carried, the reading of the minutes of the previous annual meeting was dispensed with.

President Yonkee then gave his President's Address to the meeting reporting upon the progress and activities of the Bar during the preceding year.

James A. Zaring, Chairman of the Grievance Committee gave his report. There being no discussion, it was moved, seconded and unanimously adopted that the report be accepted.

Houston G. Williams, Wyoming State Bar delegate to the Board of Governors of the American Bar Association, reported on the amendments to the ethical code proposed by the American Bar Association concerning lawyer advertising. The report was followed by discussion of the changes to the ethical code of the Wyoming State Bar. Carl Lathrop, Chairman of the Ethics Committee, recommended that the Wyoming State Bar request the Supreme Court adopt Canon 2 of the ethical code as amended by the American Bar Association Task Force on Lawyer Advertising.

It was moved and unanimously carried that Canon 2 of the Ethical Code be adopted as amended and submitted to the Wyoming Su-

preme Court for approval. A copy of the amended ethical code is attached to these minutes and by reference made a part hereto.

Ellen Crowley submitted the report of Developmental Disabilities Protection and Advocacy Committee and informed the Bar that the Wyoming Developmental Disabilities Protection and Advocacy Committee Incorporated has received a grant to engage the services of a director for approximately one year to implement the plan in the State of Wyoming. The report was unanimously adopted.

Howell McDaniel, Jr. then reported to the Bar on the status of the Client Security Fund Committee. No claims have been made against the fund during the preceding year. The fund balance stands at \$19,453.19. The report was unanimously approved.

President Yonkee then proceeded to the nomination of officers for the 1977-78 year. Those nominated were as follows: President-Elect, William T. Schwartz of Casper; Louis A. Mankus of Cheyenne, Thomas S. Smith of Laramie; Vice-President, Thomas E. Lubnau of Gillette, Walter C. Urbigkit, Jr. of Cheyenne, James P. Castberg of Powell; Secretary-Treasurer, George L. Simonton of Cody. The ballot was cast and the Convention elected William T. Schwartz of Casper, President-Elect; Thomas E. Lubnau of Gillette, Vice-President; and George L. Simonton of Cody, Secretary-Treasurer.

Judge John F. Raper presented his report on the Pattern Criminal Jury Instructions-Joint Bar-Judiciary Committee. The Report was read and unanimously approved.

Dan B. Riggs of Sheridan presented the report of the Necrology Committee relating that Joseph B. Sullivan of Douglas, Vincent A. Ve-har of Evanston, Judge John O. Callahan of Torrington, Robert G. Clark II of Silver Springs, Maryland, William H. Everett of Casper, Clement J. Murphy of Casper, Dudley D. Miles of Fairfax, Virginia and George L. Bensley of Hawaii had passed away during the preceding year. Mr. Riggs informed the Bar that he was unable to obtain a biography on George L. Bensley. The report was moved, seconded and accepted.

Mr. G. G. Greenlee then presented the report to the Bar on Continuing Legal Education which included several successful seminars during the year. Roy Stoddard then reported to the Bar on activities of the Wyoming State Bar Probate Committee. It was moved, seconded and unanimously carried that the above reports be accepted.

President Yonkee commended Mr. Christopher B. Mueller on the excellent seminar presented to the Convention on Evidence and expressed the appreciation of the Bar to Christopher B. Mueller, Maurice

Nessen, Arthur H. Travers, Jr., Kristine Strachan, and John W. Strong, who presented the Seminar.

Dean E. George Rudolph then reported to the Convention on the activities of the Law School during the preceding year and invited the Bar to attend the dedication of the new Law School at the University to be held on Saturday, September 17, 1977.

Richard E. Day then submitted to the Convention the report and recommendations of the Mandatory Continuing Legal Education Committee followed by a general discussion and several members of the Bar speaking both for and against the proposition. After a lengthy discussion, it was moved, seconded and carried that the proposed rules for Mandatory Continuing Legal Education be submitted to the Wyoming Supreme Court for adoption. A copy of the Mandatory Continuing Legal Education Resolution is attached to these minutes and by reference made a part hereto.

Walter C. Urbigkit, Jr. reported to the Bar on the proposed resolution to be submitted to the Supreme Court concerning Contingent Fees. It was moved, seconded and unanimously carried that the resolution be received and submitted to the Supreme Court for adoption. A copy of the Proposed Contingent Fee Rule is attached to these minutes and by reference made a part hereto.

President Yonkee gave the report of the Legal Education and Admission to the Bar Committee in behalf of Judge Joseph F. Maier. It was unanimously approved.

President Yonkee then called for resolutions from the floor. The following resolutions were unanimously passed:

RESOLUTION I

WHEREAS the members of the Wyoming State Bar have had the privilege of attending their 62nd Annual Meeting in the City of Cheyenne, Wyoming on September 14, 15 and 16, 1977;

WHEREAS the members of the Wyoming State Bar desire to recognize the generosity of the First American Title Company, Laramie County Abstract and Title Company, American National Bank of Cheyenne, First National Bank of Cheyenne, Little Ol' Printshop of Cheyenne, Rocky Mountain Federal Savings and Loan Company, Wyoming Bancorporation, Wyoming Reporting Service, Bancroft-Whitney Company, Commerce Clearing House, Inc., Executive Reports Corporation, The Foundation Press, the Michie Company and West Publishing Company;

WHEREAS the members of the Wyoming State Bar are desirous of expressing their appreciation, thanks and grati-

tude to those above named who have contributed to the success of this 62nd Annual Meeting;

NOW, THEREFORE, BE IT RESOLVED, that the Wyoming State Bar in session duly assembled on the 15th day of September, 1977, does hereby express to the above named, the appreciation, thanks and gratitude of all its members and wives who have attended this annual meeting.

BE IT FURTHER RESOLVED, that the Executive Director-Secretary of the Wyoming State Bar send copies of this resolution to the parties named herein.

RESOLUTION II

WHEREAS the Wyoming State Bar has been fortunate in having the following persons participate in and contribute to various proceedings and meetings, to-wit: Honorable Byron R. White, Justice of the United States Supreme Court; Chancellor A. Kenneth Pye, Duke University; Honorable Edward A. Hunt, M.B.E., Sydney, Australia; Professor Christopher B. Mueller, University of Wyoming; Professor Maurice Nessen, New York; Professor Arthur H. Travers, Jr., University of Colorado; Professor Kristine Strachan, University of Utah; and Dean John W. Strong, University of Nebraska;

WHEREAS the Wyoming State Bar has greatly appreciated the fine work of these persons who have contributed immensely to the success of this 62nd Annual Meeting;

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

RESOLUTION III

WHEREAS Lawrence A. Yonkee has ably served the Bar of the State of Wyoming as its President for this year;

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

NOW, THEREFORE, BE IT RESOLVED, that the Wyoming State Bar acknowledge with gratitude the service rendered by Lawrence A. Yonkee and the Executive Director-Secretary shall send a copy of this resolution to Lawrence A. Yonkee.

The annual banquet of the Wyoming State Bar was held at 8:00 o'clock P.M. on September 16, 1977 at the Hitching Post Inn in Cheyenne. Fifty year plaques were awarded to Lenoir Bell of Laramie, George F. Guy of Cheyenne, Ewing T. Kerr of Cheyenne, Thomas O. Miller of

Cheyenne, Hon. S. G. Parker of Cheyenne, and Hon. Allen A. Pearson of Cheyenne. Following the plaque presentation ceremony, the official transfer of the Australian Boomerang was made by Edward A. Hunt, M.B.E. to President Cardine and the traditional transfer of the gavel was made to G. Joseph Cardine, as incoming President. Mr. Edward A. Hunt, M.B.E. also presented a Boomerang to the Honorable Byron R. White.

Respectfully submitted,
GEORGE L. SIMONTON
Secretary-Treasurer

CANON 2

A LAWYER SHOULD ASSIST THE LEGAL PROFESSION IN FULFILLING ITS DUTY TO MAKE LEGAL COUNSEL AVAILABLE

EC 2-1

RECOGNITION OF LEGAL PROBLEMS

EC 2-2 The legal profession should assist laypersons to recognize legal problems because such problems may not be self-revealing and often are not timely noticed. Therefore, lawyers should encourage and participate in educational and public relations programs concerning our legal system with particular reference to legal problems that frequently arise. Preparation of advertisements and professional articles for lay publications and participation in seminars, lectures, and civic programs should be motivated by a desire to educate the public to an awareness of legal needs and to provide information relevant to the selection of the most appropriate counsel rather than to obtain publicity for particular lawyers. The problem of advertising on television requires special consideration, due to the style, cost, and transitory nature of such media. If the interests of laypersons in receiving relevant lawyer advertising are not adequately served by print media and radio advertising, and if adequate safeguards to protect the public can reasonably be formulated, television advertising may serve a public interest.

EC 2-3 Whether a lawyer acts properly in volunteering in-person advice to a layperson to seek legal services depends upon the circumstances. The giving of advice that one should take legal action could well be in fulfillment of the duty of the legal profession to assist laypersons in recognizing legal problems. The advice is proper only if motivated by a desire to protect one who does not recognize that he may have legal problems or who is ignorant of his legal rights or obligations. It is improper if motivated by a desire to obtain personal benefit, secure personal publicity, or cause legal action to be taken merely to harass or injure another. A lawyer should not initiate an in-person contact with a non-client, personally or through a representative, for the purpose of being retained to represent him for compensation.

EC 2-4 Since motivation is subjective and often difficult to judge, the motives of a lawyer who volunteers in-person advice likely to produce legal controversy may well be suspect if he received professional employment or other benefits as a result. A lawyer who volunteers in-person advice that one should obtain the services of a lawyer generally should not himself accept employment, compensation, or other benefits in connection with that matter. However, it is not improper for a lawyer to volunteer such advice and render resulting legal services to close friends, relatives, former clients (in regard to matters germane to former employment), and regular clients.

EC 2-5 A lawyer who writes or speaks for the purpose of educating members of the public to recognize their legal problems should carefully refrain from giving or appearing to give a general solution applicable to all apparently similar individual problems, since slight changes in fact situations may require a material variance in the applicable advice; otherwise, the public may be misled or misadvised. Talks and writings by lawyers for laypersons should caution them not to attempt to solve individual problems upon the basis of the information contained therein.

SELECTION OF A LAWYER

EC 2-6 * * *

EC 2-7 Changed conditions, however, have seriously restricted the effectiveness of the traditional selection process. Often the reputations of lawyers are not sufficiently known to enable laypersons to make intelligent choices. The law has become increasingly complex and specialized. Few lawyers are willing and competent to deal with every kind of legal matter, and many laypersons have difficulty in determining the competence of lawyers to render different types of legal services. The selection of legal counsel is particularly difficult for transients, persons moving to new areas, persons of limited education or means, and others who have little or no contact with lawyers. Lack of information about the availability of lawyers, the qualifications of particular lawyers, and the expense of legal representation leads laypersons to avoid seeking legal advice.

EC 2-8 Selection of a lawyer by a layperson should be made on an informal basis. Advice and recommendation of third parties—relatives, friends, acquaintances, business associates, or other lawyers and disclosure of relevant information about the lawyer and his practice may be helpful. A layperson is best served if the recommendation is disinterested and informed. In order that the recommendation is disinterested, a lawyer should not seek to influence another to recommend his employment. A lawyer should not compensate another person for recommending him, for influencing a prospective client to employ him, or to encourage future recommendations. Advertisements and public communications, whether in law lists, telephone directories, newspapers, other forms of print media or radio, should be formulated to convey only information that is necessary to make an appropriate selection. Such information includes: (1) office information, such as, name, in-

cluding name of law firm and names of professional associates; addresses; telephone numbers; credit card acceptability; fluency in foreign languages; and office hours; (2) relevant biographical information; (3) description of the practice, but only by using designations and definitions authorized by (the agency having jurisdiction of the subject under state law), for example, *one or more fields of law in which the lawyer or law firm practices*; a statement that practice is limited to one or more fields of law; and/or a statement that the lawyer or law firm specializes in a particular field of law practice, but only by using designations, definitions and standards authorized by (the agency having jurisdiction of the subject under state law); and (4) permitted fee information, self-laudation should be avoided.

SELECTION OF A LAWYER: LAWYER ADVERTISING

EC 2-9 The lack of sophistication on the part of many members of the public concerning legal services, the importance of the interests affected by the choice of a lawyer and prior experience with unrestricted lawyer advertising, require that special care be taken by lawyers to avoid misleading the public and to assure that the information set forth in any advertising is relevant to the selection of a lawyer. The lawyer must be mindful that the benefits of lawyer advertising depend upon its reliability and accuracy. Examples of information in law advertising that would be deceptive include misstatements of fact, suggestions that the ingenuity or prior record of a lawyer rather than the justice of the claim are the principal factors likely to determine the result, inclusion of information irrelevant to selecting a lawyer, and representations concerning the quality of service, which cannot be measured or verified. Since lawyer advertising is calculated and not spontaneous, reasonable regulation of lawyer advertising designed to foster compliance with appropriate standards serves the public interest without impeding the flow of useful, meaningful, and relevant information to the public.

EC 2-10 A lawyer should ensure that the information contained in any advertising which the lawyer publishes, broadcasts or causes to be published or broadcasted is relevant, is disseminated in an objective and understandable fashion, and would facilitate the prospective client's ability to compare the qualifications of the lawyers available to represent him. A lawyer should strive to communicate such information without undue emphasis upon style and advertising stratagems which serve to hinder rather than to facilitate intelligent selection of counsel. Because technological change is a recurrent feature of communications forms, and because perceptions of what is relevant in lawyer selection may change, lawyer advertising regulations should not be cast in rigid, unchanged terms. Machinery is therefore available to advertisers and consumers for prompt consideration of proposals to change the rules governing lawyer advertising. The determination of any request for such change should depend upon whether the proposal is necessary in light of existing Code provisions, whether the proposal accords with standards of accuracy, reliability and truthfulness, and whether the proposal

would facilitate informed selection of lawyers by potential consumers of legal services. Representatives of lawyers and consumers should be heard in addition to the applicant concerning any proposed change. Any change which is approved should be promulgated in the form of an amendment to the Code so that all lawyers practicing in the jurisdiction may avail themselves of its provisions.

EC 2-11 The name under which a lawyer conducts his practice may be a factor in the selection process. The use of a trade name or an assumed name could mislead laypersons concerning the identity, responsibility, and status of those practicing thereunder. Accordingly, a lawyer in private practice should practice only under a designation containing his own name, the name of a lawyer employing him, the name of one or more of the lawyers practicing in a partnership, or, if permitted by law, the name of a professional legal corporation, which should be clearly designated as such. For many years some law firms have used a firm name retaining one or more names of deceased or retired partners and such practice is not improper if the firm is a bona fide successor of a firm in which the deceased or retired person was a member, if the use of the name is authorized by law or by contract, and if the public is not misled thereby. However, the name of a partner who withdraws from a firm but continues to practice law should be omitted from the firm name in order to avoid misleading the public.

EC 2-12 * * *

EC 2-13 * * *

EC 2-14 In some instances a lawyer confines his practice to a particular field of law. In the absence of state controls to insure the existence of special competence, a lawyer should not be permitted to hold himself out as a specialist or as having official recognition as a specialist, other than in the fields of admiralty, trademark, and patent law where a holding out as a specialist historically has been permitted. A lawyer may, however, indicate in permitted advertising, if it is factual, a limitation of his practice to one or more particular areas or fields of law in which he practices using designations and definitions authorized for that purpose by (the state agency having jurisdiction). A lawyer practicing in a jurisdiction which certifies specialists must also be careful not to confuse laypersons to his status. If a lawyer discloses areas of law in which he practices or to which he limits his practice, but is not certified in (the jurisdiction), he, and the designation authorized in (the jurisdiction), should avoid any implication that he is in fact certified.

DR 2-101 Publicity

- (A) A lawyer shall not, on behalf of himself, his partner, associate or any other lawyer affiliated with him or his firm, use or participate in the use of any form of public communication, containing a false, fraudulent, misleading, deceptive, self-laudatory or unfair statement or claim.

(B) In order to facilitate the process of informed selection of a lawyer by potential consumers of legal services, a lawyer may publish or broadcast, subject to DR 2-103, the following information in print media distributed or over radio broadcasted in the geographic area or areas in which the lawyer resides or maintains offices or in which a significant part of the lawyer's clientele resides, provided that the information disclosed by the lawyer in such publication or broadcast complies with DR 2-101 (A), and is presented in a dignified manner:

- (1) Name, including name of law firm and names of professional associates; addresses and telephone numbers;
- (2) One or more fields of law in which the lawyer or law firm practices, a statement that practice is limited to one or more fields of law, or a statement that the lawyer or law firm specializes in a particular field of law practice, to the extent authorized under DR 2-105;
- (3) Date and place of birth;
- (4) Date and place of admission to the bar of state and federal courts;
- (5) Schools attended, with dates of graduation, degrees and other scholastic distinctions;
- (6) Public or quasi-public offices;
- (7) Military service;
- (8) Legal authorships;
- (9) Legal teaching position;
- (10) Membership and offices in legal fraternities and legal societies;
- (11) Memberships, offices, and committee assignments, in bar associations;
- (12) Technical and professional licenses;
- (13) Memberships in scientific, technical and professional associations and societies;
- (14) Foreign language ability;
- (15) Names and addresses of bank references;
- (16) With their written consent, names of clients regularly represented;
- (17) Prepaid or group legal services programs in which the lawyer participates;
- (18) Whether credit cards or other credit arrangements are accepted;

- (19) Office and telephone answering service hours;
 - (20) Fee for an initial consultation;
 - (21) Availability upon request of a written schedule of fees and/or an estimate of the fee to be charged for specific services;
 - (22) Contingent fee rates subject to DR 2-106 (C), provided that the statement disclosed whether percentages are computed before or after deduction of costs;
 - (23) Range of fees for services, provided that the statement disclosed that the specific fee within the range which will be charged will vary depending upon the particular matter to be handled for each client and the client is entitled without obligation an estimate of the fee within the range likely to be charged, in print size equivalent to the largest print used in setting forth the fees information;
 - (24) Hourly rate, provided that the statement discloses that the total fee charged will depend upon the number of hours which must be devoted to the particular matter to be handled for each client and the client is entitled to without obligation an estimate of the fee likely to be charged, in print size at least equivalent to the largest print used in setting forth the fee information;
 - (25) Fixed fees for specific legal services, the description of which would not be misunderstood or be deceptive, provided that the statement disclosed that the quoted fee will be available only to clients whose matters fall into the services described and that the client is entitled without obligation to a specific estimate of the fee likely to be charged in print size at least equivalent to the largest print used in setting forth the fee information;
- (C) Any person desiring to expand the information authorized for disclosure in DR 2-101 (B), or to provide for its dissemination through other forums may apply to (the agency having jurisdiction under state law). Any such application shall be served upon (the agencies having jurisdiction under state law over the regulation of the legal profession and consumer matters) who shall be heard, together with the applicant, on the issue of whether the proposal is necessary in light of the existing provisions of the Code, accords with standards of accuracy, reliability and truthfulness, and would facilitate the process of informed selection of lawyers by potential consumers

of legal services. The relief granted in response to any such application shall be promulgated as an amendment to DR 2-101 (B), universally applicable to all lawyers.

- (D) If the advertisement is communicated to the public over radio, it shall be prerecorded, approved for broadcast by the lawyer, and a recording of the actual transmission shall be retained by the lawyer.
- (E) If a lawyer advertises a fee for a service, the lawyer must render that service for no more than the fee advertised.
- (F) Unless otherwise specified in the advertisement if a lawyer publishes any fee information authorized under DR 2-101 (B) in a publication that is published more frequently than one time per month, the lawyer shall be bound by any representation made therein for a period of not less than 30 days after such publication. If a lawyer publishes any fee information authorized under DR 2-101 (B) in a publication that is published once a month or less frequently, he shall be bound by any representation made therein until the publication of the succeeding issue. If a lawyer publishes any fee information authorized under DR 2-101 (B) in a publication which has no fixed date for publication of a succeeding issue, the lawyer shall be bound by any representation made therein for a reasonable period of time after publication but in no event less than one year.
- (G) Unless otherwise specified, if a lawyer broadcasts any fee information authorized under DR 2-101 (B), the lawyer shall be bound by any representation made therein for a period of not less than 30 days after such broadcast.
- (H) This rule does not prohibit limited and dignified identification of a lawyer as a lawyer as well as by name:
 - (1) In political advertisements when his professional status is germane to the political campaign or to a political issue.
 - (2) In public notices when the name and profession of a lawyer are required or authorized by law or are reasonably pertinent for a purpose other than the attraction of potential clients.
 - (3) In routine reports and announcements of a bona fide business, civic, professional, or political organization in which he serves as a director or officer.
 - (4) In and on legal documents prepared by him.
 - (5) In and on legal textbooks, treatises, and other legal publications, and in dignified advertisements thereof.

- (I) A lawyer shall not compensate or give anything of value to representatives of the press, radio, television, or other communication medium in anticipation of or in return for professional publicity in a news item.

DR 2-102 Professional Notices, Letterheads and Offices

- (A) A lawyer or law firm shall not use or participate in the use of professional cards, professional announcement cards, office signs, letterheads, or similar professional notices or devices, except that the following may be used if they are in dignified form:
 - (1) A professional card of a lawyer identifying him by name as a lawyer, and giving his addresses, telephone numbers, the name of his law firm, and any information permitted under DR 2-105. A professional card of a law firm may also give the names of members and associates. Such cards may be used for identification.
 - (2) A brief professional announcement card stating new or changed associations or addresses, change of firm name, or similar matters pertaining to the professional offices of a lawyer or law firm, which may be mailed to lawyers, clients, former clients, personal friends, and relatives. It shall not state biographical data except to the extent reasonably necessary to identify the lawyer or to explain the change in his association, but it may state the immediate past position of a lawyer. It may give the names and dates of predecessor firms in a continuing line of succession. It shall not state the nature of the practice except as permitted under DR 2-105.
 - (3) A sign on or near the door of the office and in the building directory identifying the law office. The sign shall not state the nature of the practice, except as permitted under DR 2-105.
 - (4) A letterhead of a lawyer identifying him by name and as a lawyer, and giving his address, telephone numbers, the name of his law firm, associates and any information permitted under DR 2-105. A letterhead of a law firm may also give the names of members and associates, and names and dates relating to deceased and retired members. A lawyer may be designated "Of Counsel" on a letterhead if he has a continuing relationship with a lawyer or law firm, other than as a partner or associate. A lawyer or law firm may be designated as "General Counsel" or by similar professional reference on

stationery of a client if he or the firm devotes a substantial amount of professional time in the representation of that client. The letterhead of a law firm may give the names and dates of predecessor firms in a continuing line of succession.

- (B) A lawyer in private practice shall not practice under a trade name, a name that is misleading as to the identity of the lawyer or lawyers practicing under such name, or a firm name containing names other than those of one or more of the lawyers in the firm, except that the name of a professional corporation or professional association may contain "P.C." or "P.A." or similar symbols indicating the nature of the organization, and if otherwise lawful a firm may use as, or continue to include in, its name or names of one or more deceased or retired members of the firm or of a predecessor firm in a continuing line of succession. A lawyer who assumes a judicial, legislative, or public executive or administrative post or office shall not permit his name to remain in the name of a law firm or to be used in professional notices of the firm during any significant period in which he is not actively and regularly practicing law as a member of the firm, and during such period other members of the firm shall not use his name in the firm name or in professional notices of the firm.
- (C) A lawyer shall not hold himself out as having a partnership with one or more other lawyers unless they are in fact partners.
- (D) A partnership shall not be formed or continued between or among lawyers licensed in different jurisdictions unless all enumerations of the members and associates of the firm on its letterhead and in other permissible listings make clear the jurisdictional limitations on those members and associates of the firm not licensed to practice in all listed jurisdictions; however, the same firm name may be used in each jurisdiction.
- (E) A lawyer who is engaged both in practice of law and another profession or business shall not so indicate on his letterhead, office sign, or professional card, nor shall he identify himself as a lawyer in any publication in connection with his other profession or business.
- (F) Nothing contained herein shall prohibit a lawyer from using or permitting the use of, in connection with his name, an earned degree training in the law.

DR 2-103 Recommendation of Professional Employment

- (A) A lawyer shall not, except as authorized in DR 2-101

- (B), recommend employment as a private practitioner, of himself, his partner, or associate to a layperson who has not sought his advice regarding employment of a lawyer.
- (B) A lawyer shall not compensate or give anything of value to a person or organization to recommend or secure his employment by a client, or as a reward for having made a recommendation resulting in his employment by a client, except that he may pay the usual and reasonable fees or dues charged by any of the organizations listed in DR 2-103 (D).
- (C) A lawyer shall not request a person or organization to recommend or promote the use of his services or those of his partner or associate, or any lawyer affiliated with him or his firm, as a private practitioner, except as authorized in DR 2-101, and except that:
- (1) He may request referrals from a lawyer referral service operated, sponsored, or approved by a bar association and may pay its fees incident thereto.
 - (2) He may cooperate with the legal service activities of any of the offices or organizations enumerated in DR 2-103 (D)(1) through (4) and may perform legal services for those to whom he was recommended by it to do such work if:
 - (a) The person to whom the recommendation is made is a member or beneficiary of such office or organization; and
 - (b) The lawyer remains free to exercise his independent professional judgment on behalf of his client.
- (D) A lawyer or his partner or associate or any other lawyer affiliated with him or his firm may be recommended, employed or paid by, or may cooperate with, one of the following offices or organizations that promote the use of his services or those of his partner or associate or any other lawyer affiliated with him or his firm if there is no interference with the exercise of independent professional judgment in behalf of his client:
- (1) A legal aid office or public defender office:
 - (a) Operated or sponsored by a duly accredited law school.
 - (b) Operated or sponsored by a bona fide non-profit community organization.
 - (c) Operated or sponsored by a governmental agency.

- (d) Operated, sponsored, or approved by a bar association.
- (2) A military legal assistance office.
- (3) A lawyer referral service operated, sponsored or approved by a bar association.
- (4) Any bona fide organization that recommends, furnishes or pays for legal services to its members or beneficiaries provided the following conditions are satisfied:
 - (a) Such organizations, including any affiliate, is so organized and operated that no profit is derived by it from the rendition of legal services by lawyers, and that, if the organization is organized for profit, the legal services are not rendered by lawyers employed, directed, supervised or selected by it except in connection with matters where such organization bears ultimate liability of its member or beneficiary.
 - (b) Neither the lawyer, nor his partner, nor associate, nor any other lawyer affiliated with him or his firm, nor any non-lawyer, shall have initiated or promoted such organization for the primary purpose of providing financial or other benefit to such lawyer, partner, associate or affiliated lawyer.
 - (c) Such organization is not operated for the purpose of procuring legal work or financial benefit for any lawyer as a private practitioner outside of the legal services program of the organization.
 - (d) The member or beneficiary to whom the legal services are furnished, and not such organization, is recognized as the client of the lawyer in the matter.
 - (e) Any member or beneficiary who is entitled to have legal services furnished or paid for by the organization may, if such member or beneficiary so desires, select counsel other than that furnished, selected or approved by the organization for the particular matter involved; and the legal service plan of such organization provides appropriate relief for any member or beneficiary who asserts a claim that representation by counsel furnished, selected or approved would be unethical, improper or inadequate under the

circumstances of the matter involved and the plan provides an appropriate procedure for seeking such relief.

- (f) The lawyer does not know or have cause to know that such organization is in violation of applicable law, rules of court and other legal requirements that govern its legal service operations.
 - (g) Such organization has filed with the appropriate disciplinary authority at least annually a report with respect to its legal service plan, if any, showing its terms, its schedule of benefits, its subscription charges, agreements with counsel, and financial results of its legal service activities or, if it has failed to do so, the lawyer does not know or have cause to know of such failure.
- (E) A lawyer shall not accept employment when he knows or it is obvious that the person who seeks his services does so as a result of conduct prohibited under this Disciplinary Rule.

DR 2-104 Suggestion of Need in Legal Services

- (A) A lawyer who has given in-person unsolicited advice to a layperson that he should obtain counsel or take legal action shall not accept employment resulting from that advice, except that:
- (1) A lawyer may accept employment by a close friend, relative, former client (if the advice is germane to the former employment), or one whom the lawyer reasonably believes to be a client.
 - (2) A lawyer may accept employment that results from his participation in activities designed to educate laypersons to recognize legal problems, to make intelligent selection of counsel, or to utilize available legal services if such activities are conducted or sponsored by a qualified legal assistance organization.
 - (3) A lawyer who is recommended, furnished or paid by a qualified legal assistance organization enumerated in DR 2-103 (D)(1) through (4) may represent a member or beneficiary thereof, to the extent and under the conditions prescribed therein.
 - (4) Without affecting his right to accept employment, a lawyer may speak publicly or write for publication on legal topics so long as he does not empha-

size his own professional experience or reputation and does not undertake to give individual advice.

- (5) If success in asserting rights or defenses of his client in litigation in the nature of a class action is dependent upon the joinder of others, a lawyer may accept, but shall not seek, employment from those contacted for the purpose of obtaining their joinder.

DR 2-105 Limitation of Practice

- (A) A lawyer shall not hold himself out publicly as a specialist, as practicing in certain areas of law or as limiting his practice permitted under DR 2-101 (B), except as follows:

- (1) A lawyer admitted to practice before the United States Patent and Trademark Office may use the designation "Patents," "Patent Attorney," "Patent Lawyer," or "Registered Patent Attorney" or any combination of those terms, on his letterhead and office sign.
- (2) A lawyer who publicly discloses fields of law in which the lawyer or law firm practices or states that his practice is limited to one or more fields of law shall do so by using designations and definitions authorized and approved by (the agency having jurisdiction of the subject under state law).
- (3) A lawyer who is certified as a specialist in a particular field of law or law practice by (the authority having jurisdiction under state law over the subject of specialization by lawyers) may hold himself out as such, but only in accordance with the rules prescribed by that authority.

DR 2-106 Fees for Legal Services

- (A) A lawyer shall not enter into an agreement for charge, or collect an illegal or clearly excessive fee.
- (B) A fee is clearly excessive when, after a review of the facts, a lawyer of ordinary prudence would be left with a definite and firm conviction that the fee is in excess of a reasonable fee. Factors to be considered as guides in determining the reasonableness of a fee include the following:
 - (1) The time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly.

- (2) The likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer.
 - (3) The fee customarily charged in the locality for similar legal services.
 - (4) The amount involved and the results obtained.
 - (5) The time limitations imposed by the client or by the circumstances.
 - (6) The nature and length of the professional relationship with the client.
 - (7) The experience, reputation, and ability of the lawyer or lawyers performing the services.
 - (8) Whether the fee is fixed or contingent.
- (C) A lawyer shall not enter into an arrangement for, charge, or collect a contingent fee for representing a defendant in a criminal case.

DR 2-107 Division of Fees Among Lawyers

- (A) A lawyer shall not divide a fee for legal services with another lawyer who is not a partner in or associate of his law firm or law office, unless:
- (1) The client consents to employment of the other lawyer after a full disclosure that a division of fees will be made.
 - (2) The division is made in proportion to the services performed and responsibility assumed by each.
 - (3) The total fee of the lawyers does not clearly exceed reasonable compensation for all legal services they rendered the client.
- (B) This Disciplinary Rule does not prohibit payment to a former partner or associate pursuant to a separation or retirement agreement.

DR 2-108 Agreements Restricting the Practice of a Lawyer

- (A) A lawyer shall not be a party to or participate in a partnership or employment agreement with another lawyer that restricts the right of a lawyer to practice law after the termination of a relationship created by the agreement, except as a condition to payment of retirement benefits.
- (B) In connection with the settlement of a controversy or suit, a lawyer shall not enter into an agreement that restricts his right to practice law.

DR 2-109 Acceptance of Employment

- (A) A lawyer shall not accept employment on behalf of a person if he knows or it is obvious that such person wishes to:
 - (1) Bring a legal action, conduct a defense, or assert a position in litigation, or otherwise have steps taken for him, merely for the purpose of harassing or maliciously injuring any person.
 - (2) Present a claim or defense in litigation that is not warranted under existing law, unless it can be supported by good faith argument for an extension, modification, or reversal of existing law.

DR 2-110 Withdrawal from Employment

- (A) In general.
 - (1) If permission for withdrawal from employment is required by the rules of a tribunal, a lawyer shall not withdraw from employment in a proceeding before that tribunal without its permission.
 - (2) In any event, a lawyer shall not withdraw from employment until he has taken reasonable steps to avoid foreseeable prejudice to the rights of his client, including giving due notice to his client, allowing time for employment of other counsel, delivering to the client all papers and property to which the client is entitled, and complying with applicable laws and rules.
 - (3) A lawyer who withdraws from employment shall refund promptly any part of a fee paid in advance that has not been earned.

(B) Mandatory withdrawal

A lawyer representing a client before a tribunal, with its permission if required by its rules, shall withdraw from employment, and a lawyer representing a client in other matters shall withdraw from employment, if:

- (1) He knows or it is obvious that his client is bringing the legal action, conducting the defense, or asserting a position in the litigation, or is otherwise having steps taken for him, merely for the purpose of harassing or maliciously injuring any person.
- (2) He knows or it is obvious that his continued employment will result in violation of a Disciplinary Rule.

(3) His mental or physical condition renders it unreasonably difficult for him to carry out the employment effectively.

(4) He is discharged by his client.

(C) Permissive withdrawal

If DR 2-110 (B) is not applicable, a lawyer may not request permission to withdraw in matters pending before a tribunal, and may not withdraw in other matters, unless such request or such withdrawal is because:

(1) His Client:

(a) Insists upon presenting a claim or defense that is not warranted under existing law and cannot be supported by good faith argument for an extension, modification, or reversal of existing law.

(b) Personally seeks to pursue an illegal course of conduct.

(c) Insists that the lawyer pursue a course of conduct that is illegal or that is prohibited under the Disciplinary Rules.

(d) By other conduct renders it unreasonably difficult for the lawyer to carry out his employment effectively.

(e) Insists, in a matter not pending before a tribunal, that the lawyer engage in conduct that is contrary to the judgment and advice of the lawyer but not prohibited under the Disciplinary Rules.

(f) Deliberately disregards an agreement or obligation to the lawyer as to expense or fees.

(2) His continued employment is likely to result in a violation of a Disciplinary Rule.

(3) His inability to work with co-counsel indicates that the best interests of the client likely will be served by withdrawal.

(4) His mental or physical condition renders it difficult for him to carry out the employment effectively.

(5) His client knowingly and freely assents to termination of his employment.

(6) He believes in good faith, in a proceeding pending before a tribunal, that the tribunal will find the existence of other good cause for withdrawal.

**RULES OF THE SUPREME COURT FOR THE
CONTINUING LEGAL EDUCATION OF
MEMBERS OF THE WYOMING STATE BAR**

Rule 1—Purpose.

By continuing their legal education throughout their period of practice of law, attorneys can better fulfill their obligation competently to serve their clients. These rules establish minimum requirements for such continuing legal education and the means by which the requirements shall be enforced.

Rule 2—State Board of Continuing Legal Education.

There is hereby established a State Board of Continuing Legal Education to be appointed by this Court. The Board shall consist of nine (9) members, six (6) of whom shall be members of the Wyoming State Bar and three (3) of whom shall be residents of the State not admitted to the practice of law. Members shall be appointed for three-year terms, except that three members of the initial Board shall be appointed for a one-year term and three members shall be appointed for a two-year term. Each yearly class of members shall include two members of the Bar and one layperson. No person may serve more than two consecutive terms as a member of the Board.

The Court shall designate each year one of the lawyer members to serve as Chairman. The Executive Director of the Wyoming State Bar shall serve as the Executive Secretary of the Board. The Board shall have general supervisory authority over the administration of these Rules and in addition shall have the specific duties and responsibilities hereinafter set forth. The Board shall have authority to adopt such rules and regulations as it determines are necessary in carrying out its responsibilities.

The terms of the initial members of the Board shall begin on January 1, 1978.

Rule 3—Continuing Legal Education Requirement.

Commencing with calendar year 1978, each attorney admitted to practice in this State shall complete, during each calendar year, a minimum of ten hours of accredited continuing legal education as defined in Rule 4. For the year beginning January 1, 1979, and for all following years, fifteen hours of accredited continuing legal education shall be required.

Hours completed in any year in excess of the minimum number may be carried forward to satisfy the requirements for either of the two years next following.

Inactive members of the Bar, as defined in Rule 7, shall not be subject to the requirements of this Rule.

Rule 4—Hours of Accredited Continuing Legal Education Defined.

a. An hour of accredited continuing legal education means an hour in attendance at an Accredited Continuing Legal Education program. Attorneys who lecture in an Accredited Continuing Legal Education program shall receive credit for three hours for each hour spent in lecturing.

b. Accredited Continuing Legal Education programs include those specifically accredited by the State Board of Continuing Legal Education in each instance, and such programs sponsored by the following agencies and organizations:

- 1) The Wyoming State Bar or a duly authorized committee or section thereof.
- 2) The State Bar Association of any other state or an authorized section or committee thereof.
- 3) The American Bar Association or any authorized section or committee thereof.
- 4) A law school on the approved list of the American Bar Association.
- 5) The Wyoming Trial Lawyers Association.
- 6) The American Trial Lawyers Association
- 7) The Joint Committee for Continuing Legal Education of the American Bar Association and the American Law Institute.
- 8) The Practicing Law Institute.
- 9) The Rocky Mountain Mineral Law Foundation.

c. The final published course schedule of an Accredited Continuing Legal Education program shall be determinative of the number of hours of accredited continuing legal education available through such program. In all other cases, the State Board of Continuing Legal Education shall determine the number of hours of accredited continuing legal education available through such program.

d. The Board may allow equivalent credit for such activities, as in the Board's determination further the purposes of these Rules and should be allowed such equivalency. Such equivalent activities may include, but are not limited to, writing and publishing an article in a legal periodical, part-time teaching by a practitioner in an ABA approved law school, or delivering a paper or speech on a professional subject at a meeting primarily attended by lawyers or law students. The number of hours of credit to be allowed for such activities and the procedures for obtaining such equivalent credit may be established by regulation of the Board or may be determined specifically in particular instances by the Board.

e. A lawyer or a sponsoring agency desiring approval of a continuing legal education activity or program shall submit to the Board all information required.

Rule 5—Annual Reports by Attorneys.

On or before March 1st of each year, commencing March 1, 1979, each attorney admitted to practice in this state shall make a written report to the Board, in such form as the Board shall prescribe, concerning such attorney's completion of accredited continuing legal education during the preceding calendar year. Such report shall include the titles of programs attended, the sponsoring agency, the number of hours in actual attendance at each such program, and such other information as the Board shall require. An attorney shall not be required to comply with this Rule or comply with the continuing legal education requirement set forth in Rule 3 for the year during which such attorney was admitted to practice.

Rule 6—Penalty for Failure to Satisfy Continuing Legal Education Requirement.

Any attorney who fails to comply with the provisions of Rule 5 or who files a report showing that such attorney has failed to complete the required number of hours of continuing legal education may have his or her right to practice law suspended by this Court, provided that at least thirty (30) days prior to such suspension, notice of such delinquency has been forwarded to such attorney by restricted certified mail, return receipt requested, addressed to such attorney at the attorney's last known address. Such person shall be given the opportunity during said thirty (30) days to file in duplicate in the Office of the Clerk of this Court an affidavit disclosing facts demonstrating that such person's noncompliance was not willful and tendering such documents, which, if accepted, would cure the delinquency, or to file in duplicate in the Office of the Clerk of this Court a request for hearing to show cause why such attorney's license to practice law should not be suspended. A hearing shall be granted if requested. If, after hearing, or failure to cure the delinquency by satisfactory affidavit and compliance, such person is suspended, the person shall be notified thereof by restricted certified mail, return receipt requested.

An attorney suspended under the provisions of this Rule may be reinstated by the Court upon motion of the Board and upon a showing that such attorney has cured the delinquency for which the attorney has been suspended.

For good cause shown, the Board may, in individual cases involving hardship or extenuating circumstances, grant waivers of the minimum educational requirements or extension of time within which to fulfill the same or make the required report.

Rule 7—Inactive Practitioners.

A member of the Wyoming State Bar who is not engaged in the practice of law in the State of Wyoming may, upon application to the Board, be granted a waiver of compliance with the continuing legal education requirements of Rule 3 and obtain a certificate of exemption. No person holding such certificate of exemption shall practice law in this state until reinstated, except that such person may represent his or her full-time employer.

An attorney who is on inactive status may be reinstated upon motion of the Board upon completing, within a period of one year prior to reinstatement, the continuing legal education requirement for a single year.

Rule 8—Fees and Expenses.

Each member of the Bar shall pay a fee of \$5.00 to the Wyoming State Bar at the time of filing the report required by Rule 5. Such fee shall be deposited in a special account of the Wyoming State Bar and used to defray the costs of administering these Rules.

Members of the Board shall not be compensated but shall be reimbursed for expenses incurred by them in the performance of their duties.