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## Minutes of the 1957 Bi-Annual Legislative Meeting of the Wyoming State Bar, Supreme Courtroom, Cheyenne, Wyoming, January 11 and 12, 1957

Wyoming State Bar

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MINUTES OF THE 1957 BI-ANNUAL LEGISLATIVE MEETING  
OF THE WYOMING STATE BAR, SUPREME COURTOOM,  
CHEYENNE, WYOMING, JANUARY 11 AND 12, 1957

The meeting was called to order by President Steadman in the Supreme Courtroom of the Supreme Court Building, Cheyenne, Wyoming, on January 11th, 1957.

It was regularly moved and seconded that the reading of the Minutes of the 1955 Legislative Meeting be dispensed with. Carried.

President Steadman called upon Vice President Wilson to report concerning the arrangements for the banquet and other meetings to be held in conjunction with this meeting.

President Steadman extended a most cordial welcome to A. H. Nebeker of Salt Lake City, President of the Utah State Bar.

President Steadman then stated that the main purpose of this meeting was to consider proposed legislation and called upon Vincent Ross of Cheyenne, Chairman of the Legislative Committee, for a report of that committee. Mr. Ross read the resolution that was passed at the 1955 Annual Meeting at Cody concerning the presentation of proposed legislation to the Legislative Committee and informed the meeting that only two bills were submitted to the Legislative Committee in compliance with this resolution.

It was regularly moved, seconded and carried that the resolution be rescinded and that we proceed to consider any proposed legislation to come before the meeting, whereupon Chairman Ross proceeded with the report of the Legislative Committee.

Chief Justice Blume of the Wyoming Supreme Court, having entered the meeting room, President Steadman called upon him for a few remarks and congratulated the Justice on his 82nd birthday, which was January 9th. Justice Blume urged that the Bar support the Missouri plan for the selection of judges.

Chairman Ross continued the report of the Legislative Committee and read the proposed bill to clarify the term of judges elected after an unexpired term caused by death or resignation of a District Judge, which bill also provided for additional judges in each of the Second and Fifth Judicial Districts.

L. A. Bowman of Lovell spoke to the meeting urging favorable consideration of that portion of the bill pertaining to the second judges in the Second and Fifth Districts, and explained the need for the second judge in the Fifth Judicial District.

Alfred M. Pence of Laramie spoke on behalf of the same portion of

the bill and explained the need of the second judge in the Second Judicial District.

Attorney General George Guy of Cheyenne urged the favorable recommendation of this bill.

Justice Glenn Parker of the Wyoming Supreme Court, having entered the meeting room, President Steadman called upon Justice Parker for a few remarks and in particular, concerning the subject then before the meeting of the need of additional District Judges in the Second and Fifth Judicial Districts.

After considerable discussion on this particular bill, it was regularly moved, seconded and carried that this bill and the subject matter contained therein be recommitted to a committee with the recommendation that a bill be drafted which would permit an appointment by the Governor where a District Judgeship became vacant, and then for an election for a six year term.

It was regularly moved, seconded and carried that that portion of the proposed bill pertaining to the additional District Judges in the Second and Fifth Judicial Districts be recommended by the State Bar for favorable consideration by the State Legislature.

Chairman Ross then read a proposed bill which would amend the present procedures for taking an appeal from decision of Justice Court, giving an additional time within which to file requests for jury trial in such appeals.

It was regularly moved, seconded and carried that this State Bar recommend that this bill be favorably considered by the State Legislature.

Chairman Ross next read a proposed bill which would require executors or trustees in probate matters to be residents of the State of Wyoming, and that corporate executors be resident corporations. After considerable discussion concerning this matter, it was regularly moved, seconded and carried that the State Bar withhold any recommendations concerning this bill.

Chairman Ross next read a bill which would place responsibility on the parents of minors for damages done by such minors to property with a maximum responsibility of \$300.00. After discussion, it was regularly moved, seconded and carried that this State Bar withhold any recommendation concerning this bill.

Chairman Ross next read a proposed bill concerning debt adjustment concerns. After discussion, it was regularly moved, seconded and carried that this matter be tabled for further consideration at the time that the Committee on the Unauthorized Practice of Law makes its report.

Chairman Ross brought to the attention of the meeting, a series of

bills which had been prepared and were being submitted by the Peace Officers Association. Joe Hickey of Cheyenne, being the spokesman for this group on these bills and not being present at the meeting at that particular time, the matter was deferred for later discussion.

Chairman Ross next presented a proposed joint resolution concerning additional Justices of the Supreme Court in such number as to be approved by the State Legislature. After considerable discussion, and the hour of 12:00 Noon having arrived, this matter was deferred for further discussion at a later time in the meeting and the meeting was recessed by President Steadman until the hour of 2:00 P.M.

President Steadman reconvened the meeting at 2:00 P.M. in the Supreme Courtroom, Cheyenne, Wyoming, January 11, 1957. President Steadman called upon W. J. Wehrli of Casper, Chairman of the Rules Advisory Committee, who gave a very enlightening report concerning the activities of his committee. It was regularly moved, seconded and carried that this committee be given a resounding vote of thanks for the very fine and difficult work they are doing and that they be urged to continue their efforts until such time as the Rules are in satisfactory shape for presentation to the Supreme Court.

President Steadman then called upon Justice Glenn Parker of the Wyoming Supreme Court to open the discussion concerning the A.B.A. plan for the selection of judges.

Justice Parker requested to be permitted to speak for a few minutes concerning certain problems of the Supreme Court and made a report concerning the Norman Stone matter which he indicated had greatly slowed up the processes of the Supreme Court and which had caused considerable disruption and delay in their handling of the other matters then before the Court. Justice Parker recommended that the Wyoming State Bar support a joint resolution which would call for an election on a constitutional amendment to permit the State of Wyoming to adopt a plan similar to the A.B.A. plan for the selection of judges, and stated that in his opinion, it would be necessary in the near future to have a Supreme Court composed of more than three members.

President Steadman then called upon Justice Harry S. Harnsberger of the Wyoming Supreme Court for a few remarks. Justice Harnsberger recommended that some method be undertaken for a constitutional amendment for increasing the number of members of the Wyoming Supreme Court.

President Steadman then called upon A. H. Nebeker, President of the Utah State Bar, for certain comments concerning what has been done in the State of Utah concerning the selection of Judges and the increase in the number of members in their Supreme Court. After considerable discussion on this matter, it was regularly moved, seconded and carried

that a committee be appointed to consider a joint resolution for the amendment of the Constitution of the State of Wyoming, to permit the use of the A.B.A. plan, or in the alternative, the increase in the number of members of the Wyoming Supreme Court by the Legislature. President Steadman appointed Alfred M. Pence of Laramie as Chairman of this committee, Jack Lewis of Powell and Clarence Swainson of Cheyenne as members of this committee.

It was then regularly moved, seconded and carried that a committee be appointed to consider the problems of judicial retirement, salaries and related problems and report back to this State Bar at our next regularly scheduled meeting in Rawlins.

Chairman Ross next read a bill prepared by Judge Layman of Sheridan concerning retirement of justices and judges and retirement pay. After discussion of this matter, it was regularly moved, seconded and carried that this bill as prepared be amended by changing the percentage from 40% to 80% and the length of time required in service for retirement from 18 years as in the present law, down to six years, following which it was regularly moved, seconded and carried that the bill, as amended, be recommended by the State Bar for favorable consideration by the State Legislature.

Chairman Ross then read a proposed bill which would amend Section 2-406, Wyoming Compiled Statutes, 1945, to permit the Wyoming Supreme Court to set the annual license fee of the lawyers of the State of Wyoming and making other changes concerning the procedure to be followed by the Secretary-Treasurer of the Wyoming State Bar in the collecting of these license fees and certification to the District Judges concerning delinquent payments. After discussion, it was regularly moved, seconded and carried that the State Bar recommend that this bill be favorably considered by the State Legislature.

Chairman Ross next read a proposed bill concerning definition of term "practice of law" and after some discussion, it was recommended that this matter be considered in connection with the report of the Unauthorized Practice of Law Committee.

Chairman Ross next read a proposed bill concerning filing fees, etc., before the Supreme Court. After discussion it was moved, seconded and carried that such a bill with a \$15.00 Supreme Court filing fee be recommended by this State Bar for favorable consideration by the State Legislature.

President Steadman then called upon John U. Loomis of Cheyenne, member of the Pre-Trial Conference Committee of the Tenth Federal Circuit, who reported concerning the use of pre-trial conference and strongly recommended that such conferences be more widely used in both State and Federal Courts.

President Steadman then called upon David Hitchcock of the Legislative Committee, who read a re-draft of the portion of the proposed bill concerning the term of District Judges and it was regularly moved, seconded and carried that the terminology as prepared by Mr. Hitchcock concerning election of Judges after a vacancy in the term, be recommended to the State Legislature for favorable consideration.

The hour of 5:00 P.M. having arrived President Steadman called upon Vice President James O. Wilson of Cheyenne for further announcements concerning the banquet to be held at the Cheyenne Country Club and other arrangements by the local committee. The meeting was then regularly recessed until 9:30 A.M., January 12, 1957.

On the evening of January 11th, the members and their ladies were entertained at a very delightful party and banquet at the Cheyenne Country Club presided over by Harry B. Henderson of Cheyenne, as master of ceremonies, and the principal address was given by the Honorable Governor Milward L. Simpson.

President Steadman reconvened the meeting at 9:30 A.M. Saturday, January 12, 1957, in the Supreme Courtroom, Supreme Court Building, Cheyenne, Wyoming, by calling upon Chairman Ross to continue the report of the Legislative Committee. It was recommended that the bill concerning additional judges, which is an amendment of the present statute concerning judges and justices in the State of Wyoming, be amended to provide that the "Judges elected in the State of Wyoming be members of the Wyoming State Bar." It was regularly moved, seconded and carried that this amendment be passed and that the bill as amended be recommended for favorable consideration by the State Legislature.

Chairman Ross reported concerning a proposed bill changing the filing fees in Justice Court of those Courts having over 1500 population and also, changing the mileage to be paid to Constables of said Courts. After discussion, it was regularly moved, seconded and carried that this State Bar recommend favorable consideration of this bill by the State Legislature.

Chairman Ross reported concerning certain proposals made by the County Attorneys Association concerning revisions of the criminal code and President Steadman called upon James Barrett of Lusk, President of the County Attorneys Association, for explanation. Mr. Barrett informed the Bar that each of these bills had been prepared and approved by the County Attorneys Association and had been approved by District Judges and various Peace Officers.

After discussion, it was regularly moved, seconded and carried that a resolution be passed that the Wyoming State Bar go on record as appreciating the work being done by the Peace Officers Association and the County Attorneys Association and that this State Bar urge that the State Legislature give full and complete consideration to the recommendations made by these two groups.

Edwin V. Magagna of Rock Springs obtained the floor and recommended that this Bar again submit a bill to amend that portion of the Probate Code concerning the sending of notice to all legal heirs of the deceased concerning the closing of said estate. It was regularly moved, seconded and carried that Mr. Magagna be directed to prepare such a bill and that such a bill, when prepared, be recommended by this State Bar for favorable consideration by the State Legislature.

President Steadman then called upon Mr. Pence as Chairman of the committee appointed to consider a joint resolution for a constitutional amendment concerning the adoption of the A.B.A. plan in the State of Wyoming, or in the alternative, the changing of the number of justices in the Supreme Court by the State Legislature. After his report and discussion, it was regularly moved, seconded and carried that the joint resolution as prepared by the committee be recommended for favorable consideration by the State Legislature.

President Steadman next called upon Byron Hirst of Cheyenne for a report concerning the progress of the Wyoming Compilation Commission, as well as a report relative to the problem of relationship between lawyers and accountants. These reports were informative and well received.

President Steadman next called upon D. W. Ogilbee of Casper, Chairman of the Unauthorized Practice of Law Committee, to give the report of his committee. It was recommended by Mr. Ogilbee and regularly moved and seconded that the Conference Committee Bill concerning debt adjustment concerns, be recommended by this State Bar for favorable consideration by the State Legislature.

It was recommended by the Unauthorized Practice of Law Committee and regularly moved, seconded and carried that the Wyoming State Bar appoint committees to undertake to make conference conventions with the various other groups with which conference conventions have been made or recommended by the A.B.A. At the close of Mr. Ogilbee's report it was regularly moved, seconded and carried that the report of the Unauthorized Practice of Law Committee be adopted.

After considerable discussion, it was moved, seconded and carried that a committee be appointed to draft bills concerning the definition of the unauthorized practice of law, and the term "learned in the Law" as contained in our Constitution and Statutes, and that this committee report back this afternoon with bills for consideration by this State Bar.

President Steadman appointed Gene Lonabaugh, Chairman, and Alfred M. Pence, D. W. Ogilbee and James A. Greenwood as members of this committee. Mr. Greenwood then announced that the committee could meet in his law offices at 1:30 P.M. for the drafting of this bill.

The hour of 12:00 Noon having arrived, Mr. Steadman recessed the meeting until 3:00 P.M.

President Steadman reconvened the meeting at the hour of 3:00 P.M. in the Supreme Courtroom of the Supreme Court Building, Cheyenne, Wyoming, on January 12, 1957.

President Steadman called upon Chairman Lonabaugh who reported concerning the bills drafted by his committee. It was regularly moved, seconded and carried that the bill concerning the unauthorized practice of law, as prepared by this committee, be recommended by the State Bar for favorable consideration by the State Legislature.

There being no further business to come before this meeting, President Steadman announced the meeting adjourned at 4:30 P.M., January 12, 1957.

Respectfully submitted,  
Daniel C. Rogers, Jr.  
Secretary-Treasurer  
Wyoming State Bar