

1980

Committee Reports

Wyoming State Bar

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University of Wyoming

College of Law

LAND AND WATER LAW REVIEW

VOLUME XV

1980

NUMBER 1

COMMITTEE REPORTS

WYOMING STATE BAR STATEMENT OF REVENUES AND EXPENSES AND CHANGES IN FUND BALANCE FOR THE TEN MONTHS ENDING JULY 31, 1979

	UNRESTRICTED FUNDS	RESTRICTED FUNDS
REVENUES:		
Annual fees (Note B)	\$ 98,718	\$ —
Interest	8,743	1,366
Miscellaneous	7,027	—
	<u>114,488</u>	<u>1,366</u>
EXPENSES:		
General and administrative	87,702	—
EXCESS OF REVENUES OVER EXPENSES	26,786	1,366
FUND BALANCE, October 1, 1978	109,345	20,667
FUND BALANCE, July 31, 1979	<u>\$136,131</u>	<u>\$22,033</u>

WYOMING STATE BAR BALANCE SHEET JULY 31, 1979

ASSETS	
Cash	\$ 2,956
Time and certificates of deposit	130,817
Restricted cash (Note C)	22,033
Advance to annual meeting fund	2,506
	<u>\$158,312</u>
LIABILITIES AND FUND BALANCE	
Amounts withheld from employees and payroll taxes	\$ 148
FUND BALANCES:	
Unrestricted	136,131
Restricted (Note C)	22,033
	<u>158,164</u>
	<u>\$158,312</u>

REPORT OF THE JUDICIAL SUPERVISORY COMMISSION

I have been requested as Chairman of the Judicial Supervisory Commission to report to the Wyoming State Bar.

Pursuant to Article V, Section 6, of the Constitution of Wyoming, which Amendment was ratified in November, 1972 and revised in 1973, there has been created the Judicial Supervisory Commission. There are seven members of the Commission consisting of the following: two judges of the district courts elected by the district judges; two members of the Wyoming State Bar who have practiced law in this state for ten years, appointed by the governing body of the Bar and three electors of the state who are not judges, retired judges, nor members of the Wyoming State Bar, appointed by the Governor and approved by the senate. All terms of office is for four years. If the status of a member changes, membership on the Commission ceases.

A judge may be disqualified from acting without loss of salary while there is pending (1) an indictment or information charging him in the United States with a crime punishable as a felony or one involving moral turpitude under either Wyoming or federal law, (2) a recommendation to the Supreme Court by the judicial supervisory commission for his removal or retirement.

On recommendation of the judicial supervisory commission, or on its own motion, the Supreme Court may suspend a justice or judge from office without salary when he pleads guilty or no contest or is found guilty of a crime punishable as a felony, or is indicated, or charged with moral turpitude under Wyoming or Federal Law.

The function of the Commission can result in a recommendation to the Supreme Court (1) that a justice be retired for disability that seriously interferes with the performance of his duties, (2) to censure or remove a judge for action occurring during or not more than six years prior to the commencement of his then current term that constitutes willful misconduct in office or various other intemperant or prejudicial conduct to the administration of justice.

A justice or judge retired by the Supreme Court shall be considered to have retired voluntarily without loss of retirement benefits. A justice or judge removed by the Supreme Court is ineligible for judicial office or retirement benefits and, pending further order of the court, he is suspended from practicing law in the state.

The Supreme Court was given the power to adopt rules implementing the article and section of the Constitution.

As a result of the adoption of this constitutional article the Supreme Court did adopt rules. I shall not go through all the rules, but will give you a thumbnail sketch of the rules under which the Commission functions.

There are nine definitive subjects under Rule 2 which define a "commission" a judge, chairman, etc., and provide for some definitions with respect to certain procedures. For example, "registered mail" means either registered or certified mail, deposited with the Postal Service, containing postage prepaid and a request for a return receipt.

The Commission selects one of its members to serve as chairman. The Clerk of the Supreme Court serves as the secretary and staff of the Commission.

A quorum consists of five members. Any judge who is a member of the Commission cannot participate in any proceedings involving his own discipline, removal or retirement.

Rule 7 is entitled "Proceedings Confidential" and goes on to state that all papers and proceedings filed with the Commission shall have confidential status. Only a record filed by the Commission with the Supreme Court loses its confidential character upon its filing. Any violation of the provision for confidentiality shall constitute an act of contempt and be punishable as such. I'll say more about this Rule 7a. a little later. Under the proceedings, rules are set forth for notices, type of pleadings and papers which shall be filed with the Commission and shall be considered personal and confidential. Witnesses are sworn, not only to tell the truth, but also not to disclose the existence of the proceeding nor the identity of a judge until that proceeding is no longer confidential under the provisions of the rules. And, again, a violation of this segment of rules shall be punished as an act of contempt.

Rule 8 provides with respect to defamatory material and indicates that the giving of testimony before the Commission is privileged in any action for defamation and also, any written material which was privileged prior to its filing with the Commission does not lose its privilege by the filing. Rule 8 goes on to indicate that even a record which loses its confidential character under Rule 7a. does not lose its privileged character under Rule 8 when filed with the Supreme Court.

Whenever a verified statement which is characterized as not obviously unfounded or frivolous is filed with the Commission and alleges facts which might indicate that a judge is guilty of an action occurring during or not more than six years prior to the

commencement of his current term that constitutes willful misconduct, etc., as previously mentioned, puts a duty upon the Commission to make a preliminary investigation to determine whether formal proceedings should be instituted and a hearing held. Also under Rule 9 the Commission without receiving a verified statement can make such a preliminary investigation on its own motion if matters are brought to the Commission's attention. The formal complaint is that it is addressed to the chairman of the Commission and upon receipt of a complaint the judge is to be notified of the investigation, the nature of the complaint and the name of the person making the verified statement, or in the alternative, the Commission is on its own motion making an investigation, and informing the judge that he shall be afforded reasonable opportunity in the course of the preliminary matter to present such matters as he may chose. Notices under this rule are by registered mail, addressed to the judge at his chambers or his last known address.

Rule 9e., covering the dismissal notice, indicates that if the preliminary investigation fails to disclose sufficient cause to warrant further proceedings, the judge shall be immediately notified. Frivolous or trivial complaints may be dismissed forthwith by the Commission and any matter requiring the correction but which in view of the Commission doesn't warrant disciplinary action may be disposed of by merely calling the matter to the attention of the judge involved, and if serious enough, by a directive in writing indicating corrective measures to be adopted. Any matter disposed of under 9e. is not entered in the record.

Rule 10 has to do with formal proceedings, the notice and the content, service of a complaint. The content of the notice which must be in writing has to specify the charges against the judge, the alleged facts upon which they are based and advise the judge of his right to file a written answer to the charges within fifteen days after service of the notice on him. The service is, as in any action, by personal service on the judge by a member of the Commission or some person designated by the chairman, with a return to the Commission indicating the date and place of service. Then if it appears to the chairman upon affidavit that after reasonable attempts and more than ten days has elapsed, the chairman may make service upon the judge by mailing to him by registered mail, with return receipt, a copy to his chambers or his last residence.

A judge to which a complaint has been served is entitled to at least twenty days notice of the time and place for the hearing. The Commission has subpoena power over the signature of the chairman. Subpoena can go to any witness or witnesses and the difference in the matter of this subpoena from other types of sub-

poena that may be issued is that the name of the judge against whom the proceeding is pending is not named in the subpoena. The subpoena also has the *duces tecum* form for documents. The Commission is empowered to proceed at the time indicated whether or not any answer has been filed or whether or not the judge has appeared and the formal proceeding is that the examiner presents the case in support of the charges set forth in the notice of formal proceedings. The failure of the judge to appear at the hearing does not, standing alone, constitute evidence of the truth of the facts. The failure of a judge to testify in his own behalf or to submit to a medical examination may be considered unless it appears that such failure was due to circumstances beyond the judge's control. There is to be a formal record made verbatim, stenographically. The quorum must be present when the evidence is produced. At any hearing only legal evidence shall be received and oral evidence will be taken only on oath or affirmation with the chairman or acting chairman presiding. All evidence admitted shall be considered to have been consented to by the other members of the Commission unless one or more of the Commission members calls for a vote and in the event of a vote, the rulings shall be by a majority of those present. Thus, you can see at this point that it isn't quite the rules of evidence as we know them, but rather a democratic process based upon what might be considered fair. This is particularly true when you figure that there are two judges, two lawyers and three laymen. The laymen not being skilled in evidentiary procedure, but then no less a personage than the Chief Justice of this land seems to feel that a great majority of the lawyers practicing in the federal courts aren't skilled in evidence either, hence the current functioning of the Devitt Committee. Depositions can be used but only under certain regulations such as a hearing thereon after five days' notice or upon stipulation and always upon application to and order of the chairman. A judge under charges shall have the right to defend against them, to be represented by counsel, examine and cross-examine witnesses. He also has the right to issue subpoenas for attendance of witnesses. This subpoena likewise includes *duces tecum*. The Commission pays the cost of transcripts and copies are available for use by the judge and his counsel. In the event the Commission doesn't make a transcript, the judge has a right to have any or all of the testimony transcribed but at his expense. The notices previously referred to must always be sent to the judge at his residence unless he requests otherwise with a copy to his counsel of record. If a judge has been adjudged insane or incompetent he will appear with a guardian *ad litem* and in the appointment of such surrogate, consideration shall be given to the wishes of the judge's immediate

family. All procedures previously mentioned in this report are available to the *ad litem* proceedings.

There are provisions for amendments to notices and answers and additional hearings, and evidence procedures which are available.

Under Rule 16 the Commission makes findings and it may recommend to the Supreme Court censure, retirement or removal of a judge. The procedure is that at least five members present at the hearing must vote affirmative for either censure, retirement or removal and if less than five vote affirmatively, the record will show an adjudication in favor of the judge, in which case, all expenses paid by the judge, except attorney's fee shall be reimbursed to him by the Commission. The Commission keeps a record of all proceedings and in any proceeding which results in a recommendation to the Supreme Court, the Commission must prepare findings of fact and conclusions of law with respect to the issues of fact and law involved. Whenever recommendation goes to the Supreme Court, the chairman must certify the proceedings and file it with the Clerk of the Wyoming Supreme Court. The clerk then immediately notifies the judge and his counsel with copies of the recommendation and the findings of fact and conclusions. A judge against whom a recommendation has been filed has thirty days after the filing of the recommendation with the clerk, to file a petition with the Supreme Court to modify or reject the Commission recommendations. The usual procedure six copies of a brief, etc., are involved and Rule 19 provides for the procedural and time sequence events. Also by Rule 19 a failure to file a petition for review with the Supreme Court is deemed to be a consent to the determination on the merits by the judge and Rule 19 then provides that with respect to all proceedings in the Supreme Court the rules of the Supreme Court are applicable.

Earlier in this report I alluded to Rule 7 with respect to confidentiality. I have prepared this report to the Wyoming State Bar after some thought as to whether or not any report could be given. When I received notice from Al Taylor that a report was to be given and a manuscript submitted for publication in the *Land and Water Law Review*, I was at first of a mind that no report could be given. However, upon reflection, I decided to prepare a report, discuss with the other members of the Commission and then perhaps, let the Bar know that there is such a Commission, how it was established by constitutional amendment and how the Commission operates under the rules promulgated by the Supreme Court of the State of Wyoming.

When I was a member of the original Judicial Nominating Commission at a time when that Commission had a requirement to

pass judgment on whether an incumbent judge could even put his name on the ballot for retention, I called Henry Burgess, then chairman of this Commission for such information as he might have about any of the judges who were up for retention vote. Henry told me that he couldn't tell me anything about them because the proceedings were confidential. I was startled by this fact, never having read the rules and knowing nothing of the Commission's operation, and at that time I wondered what the hell the Commission was established for if they couldn't function by making their decisions known.

Later after talking with Henry in some detail about the Commission and particularly since I have become a member and given some study to the creation and operational effect of the Commission, I recognized Rule 7 as being mandatory on all members of the Commission or anyone having to do with Commission proceedings. Thus, I will not and cannot say anything to you about internal operations of the Commission, its specific proceedings at any given time, but I am hopeful that this brief report about the existence and function of the Commission is helpful to the members of the Bar, the sitting judges and justices and such clients as any members of the Bar might have from time to time which would have business with the Commission.

Mr. President I submit this report for the use and benefit of the Bar in whatever manner deemed appropriate.

Respectfully submitted,

R. R. Bostwick
Chairman

REPORT OF PROBATE STATUTE STUDY COMMITTEE

September 14, 1979

Gentlemen:

The members appointed to the Committee as of September, 1978, are: Richard S. Dumbrill, Newcastle; Hobart B. Harden, Jr., Casper; Ross D. Copenhaver, Powell; Bruce N. Willoughby, Casper; Roy Stoddard, Jr., Cheyenne; Howell C. McDaniel, Jr., Casper (Chairman). Since all but two members of the Committee were also appointed to the Governor's Probate Statute Study Committee, the Bar Committee functioned through the Governor's Committee.

Through the efforts, study and analysis by the Governor's Committee, a revised Probate Code was presented to the Wyoming Legislature at its 1979 session. With very few changes, the Legis-

lature enacted the provisions submitted. Such revisions will become effective on April 1, 1980.

Prior to the convening of the interim session of the Legislature in January of 1980, certain technical amendments will be prepared and submitted, and hopefully, the same will be enacted prior to the effective date.

During the week of August 13, 1979, five probate seminars were sponsored by the Wyoming State Bar. They were presented in one day sessions in Cheyenne, Casper, Sheridan, Cody and Rock Springs. These were also very well attended and extremely well received. The majority of those who attended were practicing lawyers. However, there were District Court Judges, Clerks of Court, legal secretaries, C.P.A.s and Trust Officers at these meetings. The total attendance was 380 people, at least 350 of whom were lawyers.

The five panelist who presented the seminars were: Roy Stoddard, Jr., of Cheyenne; Richard Baker, Financial Relations Officer of The Wyoming Bancorp, of Cheyenne; Robert J. Wyatt, Trust Officer of the Bank of Commerce, of Sheridan (also a member of the Bar); Bruce N. Willoughby of Casper; Howell C. McDaniel, Jr., of Casper. Leonard S. Mayer, the Inheritance Tax Administrator for Wyoming, was also present at each session, except in Cheyenne.

Also, earlier this year, Roy Stoddard appeared before the Judicial Conference and before the annual meeting of Clerks of the District Courts and presented resumes of the revised Code. These were also well attended and his discussion was well received.

The so-called revised Probate Code contains very, very few substantive changes. It is the opinion of the Committee that a modern, streamlined, understandable and highly efficient Probate Code, fully adapted to the present and foreseeable needs of the people of this state, has been designed and implemented, without imposing additional burdens upon our Judges, Clerks of Court and taxpayers. We believe that the entire administration of an estate, including the sale of estate assets, is now in at least as strong a position as any other business entity, in the sense of its power to utilize all of the experts and expertise and tools necessary for the efficient and effectual conduct of its affairs. We further believe that there has now been created the clearest, simplest and most efficient Probate Code in the United States, while providing proper protection for all interested parties.

Due to the fact that the task of the Committee has not been completely accomplished—in particular, the sections of the Code

covering guardianships and trusts have not been fully studied—we recommend that the Committee be re-appointed.

Respectfully submitted,
Howell C. McDaniel, Jr.
Chairman

REPORT OF NECROLOGY COMMITTEE

During the past year, our profession has been saddened by the deaths of Mayne Miller and John Lynch. They will be remembered as respected members of the profession.

MAYNE WILLIAMS MILLER

Mayne Williams Miller was born October 16, 1923, in Johnson City, Tennessee. He volunteered for service in the Coast Guard and Navy during World War II. After his military service, he attended the University of North Carolina, the University of Chicago and graduated from Vanderbilt Law School. After graduation, he practiced law in Chattanooga, Tennessee before coming to Wyoming. He was an organizer, director and Chairman of the Board of Western National Bank of Casper; an organizer and director of the State Bank of Mills, and an organizer of Capital Savings and Loan Association of Casper. He was a member of the American and Wyoming Bar Associations and was a member and past president of the American Trial Lawyers Association.

He is survived by his wife Evelyn, three sons, Cole of Denver, and Terry and Timothy of Casper, three daughters, Evelyn of Michigan, and Dena and Dawn of Casper, and his mother, Gertrude Miller, of Johnson City, Tennessee.

JOHN F. LYNCH

John F. Lynch was born August 29, 1931 in Hartford, Connecticut. He graduated from Yale College in 1953 and following his graduation, he served in the United States Army until 1955. He then attended the University of Wyoming Law School, where he was editor-in-chief of the Wyoming Law Review. He graduated at the top of his class in 1958.

He practiced law in Cheyenne since 1958 and served in the Laramie County Attorney's Office for 19 years. He is survived by his wife, Josephine, and four children, Katie, John, Tim and Pat.

REPORT OF THE LEGAL EDUCATION COMMITTEE

The following constitutes the report of the Legal Education Committee to the 1979 Meeting of the Wyoming State Bar:

1. Members of this Committee met at the Law School at the University of Wyoming on November 28, 1978, with members of the Law School team for the American Bar Association. This was an inspection team from the ABA for the purpose of accreditation of the Law School and the Accreditation Committee felt it important to have input from members of the Bar which this Committee through the members attending were able to provide.
2. The Committee met again at the Law School in Laramie, Wyoming on February 16, 1979. Eleven members of the Committee were present and the following items acted on:
 - (a) The Committee requests the Wyoming State Bar Commissioners consider funding, travel expenses, and promoting the selection of one or two members of the Wyoming State Bar for appointment to the American Bar Association Committee on Legal Education.
 - (b) A report was given to the Committee on the Selection Committee for the new Dean of the Law School.
 - (c) The Committee discussed the Law School Enrichment Fund and means of augmenting its income; the Chairman appointed a Subcommittee of George Hopper and Tom Lubnau who were charged with the duty of seeking the means to meet the needs of the Enrichment Fund.
 - (d) The Committee met with the faculty of the Law School and discussed the use of consultants from the practicing Bar by faculty members through the liaison efforts of this Committee and discussed the recent Bar examination and the concerns of the faculty over the results; as a result of these discussions the Chairman of the Committee was directed to write to the Board of Law Examiners and request that he address the students and faculty about the 1978 Bar examination results, and also requested that the Wyoming State Bar President address the law students concerning the importance of the Wyoming State Bar. As a result of these requests, the President and other members of the State Board of Bar Examiners did address the students and faculty with regard to the Bar examinations and the State Bar President, Mr. Schwartz, did address the students with regard to the importance of the Wyoming State Bar.
 - (e) The Committee then met with a group of students representative of all three classes and considered cri-

ticisms and questions dealing with the administration or course content of the Wyoming Law School.

- (f) The Committee requested the Executive Secretary of the Wyoming State Bar to send to all of the students at the Law School information about the Wyoming State Bar meeting and encouraging them to attend.
 - (g) The Committee directed the Committee Chairman to make a request of the Dean of the Law School to adjust the schedule of classes at the Law School so that students and faculty may attend the Wyoming State Bar Meeting without missing classes; the Chairman did direct such a request to the Dean of the Law School and it was favorably acted upon and classes were dismissed for the convenience of faculty and students in attending the 1979 Wyoming State Bar.
3. The Subcommittee charged with responsibility for the Law School Enrichment Fund held telephonic and letter communication with the Chairman of this Committee and with the Dean of Law School together with personal meetings with the Dean of the Law School and selected solicitors from various geographic areas in the State and a general campaign of personal solicitation for this purpose. That group of the Subcommittee and the solicitors together with the Chairman of the Committee are to meet during the 1979 Wyoming State Bar Convention to make detailed plans to undertake the solicitations required.

I believe the Committee has in the past provided a worthwhile service to the University of Wyoming, to the students and faculty and to the members of the State Bar as a means of communications between the Bar and faculty and I believe further that it continues to serve such a purpose and that a similar committee should continue to be appointed each year.

Respectfully submitted,
Joseph F. Maier, Chairman

REPORT OF THE YOUNG LAWYERS COMMITTEE

During the past year, the Young Lawyers Committee continued work on a project begun during the previous year. In late 1978, the committee completed a handbook entitled, "A Young Lawyer's Guide to Courtroom Etiquette." No progress has been made in getting the pamphlet published.

The Young Lawyers Committee met on June 9, 1979, in Cheyenne, Wyoming. The purpose of the meeting was to discuss

the feasibility of expanding the Young Lawyers Committee into a real young lawyers section of the Wyoming State Bar. To aid us in our deliberations, several representatives of the A.B.A. Young Lawyers Division were present (representing the Y.L.D. of the A.B.A., the Young Lawyers Section of the Los Angeles County Bar, and the Young Lawyers Section of the Colorado Bar—NOTE: these representatives traveled to Cheyenne to participate in the meeting at the expense of the organizations they represented). In addition, the committee reviewed and considered materials submitted by committee member Paul Refior, of Pinedale, Wyoming. These were materials he had from his participation in Young Lawyers' Section activities in Iowa.

After some deliberations, it was the unanimous decision of the committee that the committee chairman should propose to the Wyoming State Bar that a Young Lawyers' Section of the Wyoming State Bar be formed.

The initial phase of the proposal will operate as follows:

- (1) The Executive Committee of the Wyoming State Bar would authorize the formation of the Young Lawyers' Section and timely approve a budget request to operate the current Young Lawyers Committee until the 1980 Annual Meeting of the Wyoming State Bar. (Budget Request to be submitted by newly constituted 1979-80 Young Lawyers Committee.)
- (2) In 1980, the Young Lawyers Committee would hold a meeting of all young lawyers the day preceding the annual meeting (a young lawyer has the following qualifications—either under the age of 37 or in the first 3 years of his bar membership following graduation from law school). The purposes of this meeting will be to elect officers, enact bylaws and other governing rules, approve a budget request, and conduct any other business including adopting a report to be given at the annual meeting of the bar.
- (3) As a preliminary step in the organization of a Young Lawyers' Section, the Young Lawyers Committee shall request that each local or county bar association appoint a qualified Young Lawyers Committee to coordinate with the State Committee.
- (4) The general purposes of the Young Lawyers' Section of the Wyoming State Bar are:
 - (a) participate in annual, semi-annual and regional meetings and activities of the Y.L.D. of the A.B.A.;

- (b) participate in meetings and activities of the Colorado-Wyoming district Y.L.D. of the A.B.A.;
- (c) funnel information obtained at the meetings described above to the local and county bar associations and coordinate and give direction to Young Lawyers' Section activities throughout the state;
- (d) submit proposals and resolutions for general consideration at the annual meeting of the Wyoming State Bar and at meetings of the Executive Committee of the Wyoming State Bar.

Appended to the report are materials which are designed to aid and facilitate the formation of the Young Lawyers' Section of the Wyoming State Bar.

Also appended to this report is a report of Arthur T. Hanscum, a member of the Young Lawyers Committee, who attended the Annual Meeting of the Y.L.D. of the A.B.A. in August 1979.

Respectfully submitted,
Allen C. Johnson
Chairman

REPORT OF THE STATE BOARD OF CONTINUING LEGAL EDUCATION

The State Board of Continuing Legal Education is charged by the Supreme Court with the administration of the rules for the continuing legal education of the members of the Wyoming State Bar. The calendar year 1978 was the first year in which the members of our bar were required to complete a minimum number of accredited hours of continuing legal education. Statistically the mandatory continuing legal education program has been a success. During the calendar year 1978, there was a total of 997 members of the state bar including 734 in-state members, 231 out-of-state members, and 32 honorary members. Of those only two in-state members and five out-of-state members failed to comply with the requirements of the rules, and three members requested to be put on an inactive status. An important indicator of the success of this program is the fact that for the calendar year 1979, 325 in-state and 136 out-of-state members have already met the 1979 requirements.

Part of the numerical success of the program in 1978 was undoubtedly due to the fact that the bar members were permitted to comply with the 1978 requirements through, and in some cases, beyond March of 1979, This will no longer be acceptable in meeting future requirements. Pursuant to the recommendation of the State

Board and the Rules Committee of the Wyoming State Bar, the Supreme Court has amended Rule 5 of its rules to provide that each attorney admitted to practice in this state shall submit a written report to the State Board “. . . at anytime during the calendar year, but in any event no later than January 30 of the following year.” While this amendment does not change the provision providing for the carry over of accredited hours to succeeding years, it does not permit an attorney to apply accredited hours to the preceding year.

Rule 8 of the Supreme Court rules requires each member to pay a fee of \$5.00 at the time of filing his report of accredited hours. From this source, the State Board has on hand in a checking account the amount of \$3,329.42.

Six states have adopted mandatory continuing legal education programs, and there is an attempt between those states to adopt uniform forms pertaining to accreditation, compliance and reporting. Until such time as uniform forms are adopted, all forms may be obtained by members of the State Bar and sponsors of courses seeking accreditation from William A. Taylor, Executive Secretary, Wyoming State Bar.

Respectfully submitted,
Richard E. Day
Chairman

REPORT OF THE GRIEVANCE COMMITTEE

Your Grievance Committee, consisting of the undersigned as Chairman, Thomas E. Lubnau, Vice-Chairman, Paul B. Godfrey, 2nd Vice-Chairman, Richard I. Leedy and Thomas S. Smith, respectfully submit to you the report of the Committee's activities for 1979.

The good news is that while the membership of the Bar increased from 925 in 1978 to 964 in 1979, the number of complaints received by the Grievance Committee dropped from 55 in 1978 to 42 in 1979. On a comparative basis between 1978 and 1979, the following dispositions of complaints was made by your Committee.

	1978	1979
Private reprimands	11	5 Pending
Public reprimands	0	1 Pending
Suspensions	1	0
Disbarments	1	0
Reprimand with conditions	1	2

It has been the experience of the Committee during this year, as well as in the immediate prior years, that the largest number of

complaints by the public and clients against attorneys is procrastination in attendance to the matters entrusted to the lawyers and neglect in keeping clients advised of the progress or problems with their legal matters. It is the Committee's plan, through cooperation with the College of Law of the University of Wyoming, to conduct a work session in the spring of 1980 for members of the senior class to acquaint the students with the Disciplinary Code of the Wyoming State Bar, canons of ethics, and to translate these rules of conduct as they are significant in the day to day practice of law.

It would be inappropriate for this Committee not to publicly express the gratitude of the Bar for the services of James Zaring and Frederick E. Burdett in lending to the Committee during part of 1979 and prior years, the benefit of their precept example and sound judgment in the administration of the work of the Grievance Committee.

Respectfully submitted,
Donald E. Chapin
Chairman

REPORT OF THE CONTINUING LEGAL EDUCATION COMMITTEE

The composition of the Continuing Legal Education Committee for the Wyoming State Bar for the 1978-79 has been myself as chairman, E. George Rudolph, Dean of the College of Law at the University of Wyoming, Mr. Thomas C. Turner, of Sheridan, Ms. Janice Olson of Laramie, Mr. William J. Thomson II, of Cheyenne, Mr. Lawrence E. Middaugh of Casper, Mr. Daniel Morgan of Gillette, and Mr. George L. Simonton of Cody.

During the past year, the committee sponsored two seminars. The fall seminar concerning the Appellate Rules of the Supreme Court of Wyoming was held in Thermopolis. I might note that the temperature was somewhat around a -30 degrees during the seminar but, in spite of the adverse weather conditions, the attendance was very good.

The Spring seminar was held in Casper and was co-sponsored by the J. Reuben Clark Law School of Brigham Young University and your committee. The subject of the seminar was Closed Corporations and, again, in spite of a late mailing of the announcement of the seminar, attendance was quite satisfactory.

This fall, a seminar will be held at the law school at the University of Wyoming on October 19th and 20th. The subject of the seminar will be Federal Practice and Litigation. Coincidentally,

Wyoming will be playing a home football game on the 20th and I believe the law school will have their annual alumni get-together luncheon at the law school prior to the game.

At the present time, there is a balance of \$4,190.54 in the checking account and I have attached a copy of the check register to my written report which has been forwarded to Mr. Taylor, the Executive Secretary of the State Bar.

The checking account was opened by myself in 1972. I deposited preregistration payments for a comparative negligence seminar which was held in Casper and the present balance constitutes "conclusive proof" that your committee has been operating on a profit basis since its inception.

I suggest to the incoming president, Mr. Tom Lubnau, that he give serious consideration to appointing the executive secretary of the Wyoming State Bar as permanent chairman of the committee inasmuch as there have been seminars sponsored by the Bar itself, which has created some confusion in the past.

I have appreciated the opportunity to have served as chairman of this committee for five of the seven years of its existence and I would like to recognize at this time the valued services of Dean Rudolph, whom I have considered to be co-chairman of the committee, even though he has not been designated as such.

Dated September 7, 1979.

Respectfully submitted,
David A. Scott
Chairman

REPORT OF THE STATE BOARD OF LAW EXAMINERS

A total of 116 applicants sat for the Bar Examination this year. Of those taking the examination, a total of 93 passed and 23 failed, for a passing percentage of 80.172%.

Of the 23 that failed to pass the examination, 8 failed to pass the Multistate, 4 failed to pass the Essay and 11 failed to pass both the Multistate and Essay examinations.

The percentage of passing was somewhat higher for those taking the exam in July than those taking the exam in February. The comparative passing percentage was 81.7% for July in comparison with 76.47% in February. 82 applicants sat for the exam in July in comparison to 34 taking the examination in February.

The State Board of Law Examiners consists of Edward S. Halsey, President; Frederick G. Loomis, Secretary; and Michael J.

Sullivan, T. Michael Golden, and Charles G. Kepler, members. William A. Taylor is the Executive Secretary of the Board.

In April of this year, the Board met in Laramie with the seniors anticipating taking the July examination to discuss the method of giving the examination, the type of questions that could be anticipated, and the hoped for answers. At this same time the Board also met with the faculty to discuss the type of essay questions used, their grading, and related matters. Both meetings were beneficial.

Graduates from the Law School of the University of Wyoming compare quite favorably with graduates of other law schools in the Multistate scores. On the whole, the Board is satisfied with the quality of the students being graduated from the Law School of the University of Wyoming.

Respectfully submitted,
Charles G. Kepler

REPORT ON 1979 WESTERN STATES BAR CONFERENCE

Over the years, the Western States Bar Conference has served as a very important educational function for bar leaders and bar executives in the western states. The primary source of the education has been the bar leaders themselves because each year, the president (or vice-president) of each state bar in the conference reports to his colleagues about the significant projects and activities undertaken or the problems confronted by his association during the preceding year.

Prior to the conference, information questionnaires were submitted to each association comprising the conference of which there were fourteen states. The questionnaire concerned many facets of each state bar's association including the following: whether the association was integrated or voluntary, when organized, total membership, dues, composition of governing board, officers (number and how chosen), publications, clients, security fund, trust audit, fee arbitration, code of professional responsibility, legal education, lawyers' professional liability insurance, legislative activity, continuing legal education, discipline and the current major problem faced by each association. The completed questionnaires were then bound into one volume for all fourteen states, and each state association was given that information. The compilation is now at the offices of the Wyoming State Bar in Cheyenne, Wyoming, and contains current valuable information affecting the western states.

The commissioners attending from Wyoming were Tosh Suyematsu, Dallas Laird, and Robert Seipt. The writer, as vice-president

of the Wyoming State Bar, reported to the conference at the roll call of the states, which is the most useful and informative feature of the conference. After each state reports, the participants ask questions of each state's reporter, and sometimes give helpful advice concerning that state's particular problems of concern — which perhaps some other western state bar association has encountered and resolved.

As part of this report, I am attaching the questionnaire completed by the Wyoming State Bar for the 1979 conference. It contains information which is of interest not only to the bar conference but to all members of the Wyoming State Bar. A comparison of the answered questionnaires from the fifteen members is helpful in making determinations as to future areas in which the Wyoming State Bar Association should be directing some of its efforts.

The following items were reported to the conference by myself as the representative from Wyoming: the efforts in the 1979 Wyoming Legislature to effectively dissolve the integrated bar association; exploration of methods and programs to strengthen the bar association's ties with the law school at Wyoming, and to encourage closer relationship with the members of the bar association and the law school staff and students; discussion of means of improving the relationship between the Wyoming State Bar Association and the judges who serve the various courts throughout the state of Wyoming; and the maintenance of the interests of the members of the Wyoming State Bar Association in their association and its activities.

Respectfully submitted,
Carl L. Lathrop
Vice-President

WESTERN STATES BAR CONFERENCE

FEBRUARY, 1979

Wyoming State Bar
(Name of Bar)

- 1) Integrated — x
Voluntary —
Date organized — 1915
Date integrated — 1941
- 2) Total current membership — 983
- 3) Annual membership fees and assessments — \$125.00 dues. CLF assessment \$5.00.
- 4) Governing Board:
 - a) How many members on your governing board? — 11

- b) Length of term for board members? — 2 years
- c) Is there a limit on the number of terms a board member can serve? — 2 terms
- 5) Officers—
 - a) Which of the following officers does your Bar have?

	YES	NO
1) President	x	
2) President-Elect	x	
3) First Vice President	x	
4) Second Vice President		
5) Secretary	x	
6) Treasurer	x	
7) Other		
 - b) How are your officers chosen?
 - 1) By vote of the Board of Governors? —
 - 2) By ballot mailed to the membership? —
 - 3) By ballot at State Bar Convention? — x
- 6) Budget—
 - a) What is the total budgeted income for the current year? _____ \$108,750.00
 - b) Please give the major sources of income:

1) Dues	98,250.00	%
2) Continuing Legal Education	5,000.00	%
3) Examinations and Admissions	none	%
4) Advertising and Publications	none	%
5) Other, Misc.	10,500.00	
 - c) Please give the major source of expenditures.

_____	salaries
_____	travel
_____	office expense
_____	(including
_____	printing)
- 7) Publications—
 - a) Which of the following publications does your bar have?
 - 1) A Bar Journal —
 - a) number of pages —
 - b) advertising rates —
 - c) frequency of publication —
 - 2) A Newsletter — x
 - a) number of pages — average of 8
 - b) advertising rates — none
 - c) frequency of publication — every two months
 - 3) A Directory — x
 - a) number of pages — 33
 - b) advertising rates — none
 - c) frequency of publication — annually
- 8) Clients Security Fund
 - a) Do you have a Clients Security Fund? — Yes
 - 1) date established — 1950
 - 2) how is it funded — \$5.00 per year from dues
 - a) voluntary assessment —
 - b) mandatory assessment — x
 - c) other —

- d) please state the amount of your Clients Security Fund — \$12,716.65
- 3) current size of the fund — \$12,716.65
- 4) please list conditions required for payment from the fund — approval from Client Security Fund Committee — x
- 5) is there a limited amount that can be paid per claim —
- 6) if the answer to 5 is yes, what are the limits —
- 9) Trust Audit—
 - a) Does your bar have a Trust Audit Rule? (If yes, please attach a copy of the rule) — no
 - b) When did the rule become effective? —
 - c) How many audits have been conducted? —
 - d) Who conducted the audits? (staff, outside CPA, etc.) —
 - e) Approximate average cost per audit? —
- 10) Fee Arbitration—
 - a) Does your bar have a system for the arbitration of fee disputes between attorneys and clients? Adopted January 1979 awaiting approval of Supreme Court. — yes
 - b) Number of petitions filed in 1978? —
 - c) Number of hearings held in 1978? —
 - d) What is the size of the hearing panels? — 3
 - e) Are laymen included on hearing panels? — no
 - f) Is arbitration mandatory? — yes
- 11) Have you amended your Code of Professional Responsibility on the subject of Lawyer Advertising following Bates & O'Steen vs. the State Bar of Arizona? (If yes, please attach a copy of the applicable provisions of your Code) — yes
- 12) Do you have a provision in your Code of Professional Responsibility concerning Group Legal Services? (If yes, please attach a copy of the applicable provision) — no
- 13) Do you have a formal program of legal specialization? — yes
 - a) What are the areas of specialization presently recognized under your program? —
 - b) Must applicants submit to a written examination? — no
- 14) Lawyers Professional Liability Insurance—
 - a) Do you have a program within your Bar, either a captive insurance company or some other organization, to provide lawyers professional liability insurance to your members? — no

- b) What insurance carriers are presently writing insurance in your state? — American Home Assurance Company — Home Insurance Company
- c) What is the premium for the basic program sponsored by the Bar? — none
- 15) Legislative Activity—
- a) Does your Bar take formal positions on legislation? — yes
- b) Does the Board of Governors have to approve all legislative positions? — no *see below
- c) Can Committees and Sections take positions without approval of your Board of Governors? — no
- d) How is your Bar's position on legislative matters communicated to the legislature?
- 1) Bar staff — x
 - 2) Hired lobbyist —
 - 3) Voluntary Committee — x
 - 4) Other —
- e) Do you have a political action committee? — no
- 16) Do you charge section dues? — no
Are section dues collected with the annual membership fees? — no
- 17) Continuing Legal Education—
- a) Do you have mandatory Continuing Legal Education? — yes
- b) If you have mandatory Continuing Legal Education, how many hours per year are required? — 15
- 18) Discipline—
- a) Does your Bar conduct a formal disciplinary program pursuant to statute or court rule? — yes
- b) Do you have a provision for the staff screening of complaints? (If yes, can complaints be dismissed at staff level) — no
- c) Do your rules permit plea bargaining in disciplinary cases? — no
- d) Do you have a separate disciplinary board? (If yes, are lay members on the board) — yes, no laymembers
- e) How are members of the disciplinary board selected:
- 1) lawyers —
 - 2) laymen —
- Appointed by Wyoming Supreme Court
- f) What are the terms of membership on your disciplinary board? — 4 years
- g) How many complaints were received in 1978? — 60

*Legislative position authorized by legislative meeting of the general Bar membership prior to convening of legislature.

- h) How many hearings were held in 1978? — 2
- i) How many complaints were heard at the Committee level? — 60
- j) How many complaints were heard at the Board level? —
- k) How many attorneys were disciplined in 1978? — 14
 - 1) disbarred — 1
 - 2) suspended — 1
 - 3) censured — 1
 - 4) other (Private Reprimands - 14)
- 19) How many paid staff members do you have by department? Staff of Two
 - a) Administrative —
 - b) CLE —
 - c) Examinations and Admissions —
 - d) Bookkeeping —
 - e) Committees and Sections —
 - f) Convention —
 - g) Discipline —
 - h) Fee Arbitration —
 - i) Other —
- 20) What is the major problem currently being faced by your Bar? (Please feel free to list more than one.)
Legislative attack against integrated Bar.
- 21) Please list any other basic programs that you would like to share with the Western States Bar Conference.

LEGISLATIVE COMMITTEE REPORT

September 11, 1979

Gentlemen:

The legislative meeting of the Wyoming State Bar held in January, 1979, was one of the best attended meetings held in a number of years.

Of the measures endorsed by the Bar at the meeting, the following were adopted in some form, by the legislature: Revised Probate Code; Provision for Disclaimer (Estate Tax Purposes); Repeal of the law providing for a Commissioner of Deeds. The other matters which were endorsed specifically were not adopted. Likewise the matters which the meeting voted to oppose were not adopted.

Other matters which the legislature adopted and which are of interest generally to members of the Bar include: Elimination of the requirement that a Justice of the Peace should be a member of the Bar; revision in provisions for redemption from foreclosure sales; expansion of actions which may be taken upon judicial review

of administrative decisions; provision for interpreters for deaf and mute witnesses and parties; expansion of inheritance tax exemptions; substantial amendments to modernize the County Court statutes; substantial amendments to laws relating to corporations and partnerships to modernize such laws; and adoption of the governmental claims act providing for substantial elimination of sovereign tort immunity.

I would suggest that members of the Bar should become generally familiar with these statutory changes.

Respectfully submitted,
ROSS D. COPENHAVER,
Chairman

REPORT TO THE WYOMING STATE BAR ASSOCIATION FROM LEGAL AID SERVICES COMMITTEE

At the September, 1973 meeting of the Wyoming Bar Association, a Legal Aid Services Committee report was submitted and adopted. This report outlined a proposal for creation of a state-wide legal aid program with offices staffed by one or two full-time salaried lawyers serving all counties in Wyoming except for Teton, Sublette and Niobrara Counties. These counties were to be served by a *judicare*-type program. The proposal was that this program be sponsored by the Wyoming Bar Association and funded by federal grant.

The Committee, over the years, has made numerous attempts to implement this program but funds have never been made available to accomplish the purpose.

In 1975, the U. S. Congress created the National Legal Services Corporation to take over, fund and supervise all existing federal legal services programs. Congress appropriated additional funds to expand legal services to cover persons and areas not served. These appropriations made additional funds available to Wyoming but because of the formula used in allocation of the funds (\$7.00 per poor person, two lawyers per 10,000 poor and no one-lawyer offices), the only way additional funds could be obtained in Wyoming was through expansion of the then existing programs to provide service to surrounding counties by circuit rider.

In 1978 and 1979, grants were received which allowed the Cheyenne program to expand its service area to include Goshen, Platte, Albany, Niobrara and Carbon Counties. The Casper program received additional funds allowing it to expand its service area to cover Hot Springs, Johnson, Sheridan, Big Horn, Park and Washakie Counties and to provide some aid to the Wind River Program for additional services in the Riverton area.

These resources are augmented by pro bono programs in some other counties using welfare offices for intake and referral and the private bar for providing services.

Additional expansion money will be available for services in Crook, Weston, Campbell, Uinta, Sweetwater, Lincoln, Teton and Sublette Counties in 1980 at the rate of \$7.67 per poor person based on the 1970 census, providing programs can be devised to show a reasonable use of the funds. Notice will be published by the National Legal Services Corporation of an intent to establish legal services for the poor in each of the above counties and soliciting proposals from interested organizations and the private bar. Each of the funded programs will be requested to submit proposals which may or may not involve circuit riding.

The stated policy of the Wyoming Bar Association that all Wyoming citizens have access to the judicial process regardless of economic status has to a great extent been realized through the efforts of the Legal Services Committee. The centralization of control of these legal aid activities under present National Legal Services Corporation regulations would be very costly and could only be accomplished out of funds now allocated to existing programs. This would reduce actual services to the poor now being rendered and the Committee feels little compensating benefit would result therefrom.

The existing programs using a National Legal Corporation grant are presently conducting a planning process which, when funds become available, will provide for a brief bank, exchange of expertise between programs, coordinating efforts to prevent duplication between programs, training of personnel, and the coordination of efforts between formal legal services programs and other programs providing legal aid in specialized fields such as Title IV child support collection program, Title XX welfare program administered by the Wyoming Bar Association, programs for the physically and mentally disabled, pro bono programs, etc. When this state planning process has been completed and implemented, it will essentially perform the services a centralized office would perform at a substantially reduced cost. Attached is a report and budget request prepared by Rhonda Joslyn, University of Wyoming law student, who acted as researcher and coordinator for the planning committee.

Control of the formal programs in the state rests in a board of directors for each program consisting of a minimum of sixty percent lawyers and a minimum of one-third lay persons who must, at the time of election, be eligible for services from the program.

Respectfully submitted,

Legal Aid Services Committee
CURTIS L. HARDEN
Committee Chairman

**REPORT TO LEGAL SERVICES COMMITTEE
WYOMING STATE BAR ASSOCIATION
FROM: STATE PLANNING COMMITTEE**

The Legal Services in the State of Wyoming wish to petition the Wyoming State Bar Association for funds to finance a series of state support meetings. The need for these meetings is immediate. Currently, the programs have no formalized basis of communication. The programs have little information concerning what projects other programs are involved in. Members of one program are usually unacquainted with the staff of other programs. This not only makes program interaction awkward but makes programs unable to tap the expertise of staff attorneys within their own agency.

This summer, through the State Support Project, Legal Services began its first effort at coordinating activities. Statewide meetings were held and with the aid of a one-time grant from the National Legal Services Corporation, joint efforts were made. The programs undertook a common goal of drafting legislation, lobbying, getting low-cost research assistance from outside sources and setting up a statewide brief bank. Most of these goals were met. As this was a one-time grant, and chances of receiving additional funding for a continued state support project from the national level are slim, we need outside funding to continue these projects.

We propose to establish a formalized basis for program interaction on two levels:

1. With a series of statewide meetings with rotating staff members from each program, we hope to gain information about staff attorneys working in all programs. These meetings will allow for personal contacts, let attorneys know what areas of the law other program attorneys are particularly well versed in and allow staff attorneys to discuss administrative problems, legislative needs and special advocacy approaches. These meetings would be especially helpful to attorneys just joining Legal Services.
2. On-site visits by directors of programs to other programs is also necessary. Such visits would serve a variety of purposes. Directors would be able to view how other programs manage office duties, administrative problems and expansion problems.

In order to more effectively serve clients of Legal Services, it is necessary that the Legal Services Programs in Wyoming

coordinate activities. The physical distances between programs requires the programs to make a concerted effort to coordinate projects for the most effective delivery of services possible.

PROPOSED BUDGET FOR
STATEWIDE MEETINGS
AND ON-SITE VISITS

Statewide Meetings:

Staff Member Travel per meetings	
\$600 x 4 meetings	\$2,400.00
Staff Member Expenses	
per diem (\$35.00 per day)	
for 4 meetings	1,640.00
Mailings, materials and	
conference locations	140.00
TOTAL — STATEWIDE MEETINGS	\$4,180.00

ON-SITE VISITS by Directors:

<u>Wind River Director to Cheyenne and Casper programs</u>	
Travel	164.00
2 days per diem	70.00
	234.00
<u>Cheyenne to Wind River and Casper</u>	
Travel	180.00
2 days per diem	70.00
	250.00
<u>Casper Director to Wind River and Cheyenne</u>	
Travel	125.00
2 days per diem	70.00
	195.00
<u>U. W. Legal Aid Director to Wind River, Cheyenne and Casper</u>	
Travel	188.00
2½ days per diem	87.50
	275.00
TOTAL ON-SITE VISITS	954.50
TOTAL	\$5,134.50

REPORT OF COMMISSIONERS ON UNIFORM STATE LAWS

Wyoming's Commissioners to the National Conference of Commissioners on Uniform State Laws are Alfred M. Pence, who is a Life Member, Wade Brorby, David H. Carmichael, and Charles G. Kepler. By Wyoming statute, the Commissioners are appointed by the Governor for a term of three years.

The objective of the National Conference is to promote uniformity in the law among the several states on subjects where uniformity is desirable and practicable. Probably the best known uniform act is the Uniform Commercial Code, which has been the subject of this year's continuing legal education program. The Conference meets once a year to consider proposed uniform and model acts and to approve and recommend such acts for enactment in all of the states. The Commission is made up of practicing lawyers, judges and law professors, and frequently hires as draftsmen persons with particular expertise in a given area. The acts proposed by the Conference have been given considerable thought and have been subject to debate similar to that encountered at the state legislative level. By and large, the end product is superior.

Wyoming has enacted 33 of the uniform and model acts recommended by the Commission and in my opinion Wyoming has benefited substantially from the availability of such acts.

At the 1979 annual meeting the Conference adopted and approved for enactment by the states a Time Share Act, Metric Act, Power of Attorney Act, Comparative Fault Act, Survival and Death Act, Anti-Trust Act, Trade Secrets Act, and Rendition and Extradition Act. As soon as these Acts are in printed form, the Commissioners intend to meet with the Governor and the Attorney General to recommend the adoption by Wyoming of several of these acts. Of particular interest is the Power of Attorney Act, which would permit a person to grant a power of attorney that would continue even after the grantor's disability.

The Commission has under consideration numerous acts, two of which might be of special interest. One is on the amendment to the Uniform Gift to Minors Act which would expand substantially the usefulness of such act, including permitting the placing of real property under such a custodian arrangement. A second act currently under consideration is the Uniform Conservation and Historic Preservation Agreements Act, which deals, among other things, with the grant of the so-called scenic easement. Both of these acts should be up for final consideration and adoption by the Conference in 1980.

Respectfully submitted,
CHARLES G. KEPLER

REPORT OF COMMITTEE FOR THE MENTALLY DISABLED

The activities of the Committee this past year, I am sorry to report, have been largely conversational. For example, I constantly pursue the need to recruit and educate lawyers interested in the area of the rights of people with developmental disabilities. I in-

cessantly urge coordination of services and programs for the mentally disabled. My limited experience in this area of the law has shown me how imperative it is to have a special library containing the legal resources for this specialized law.

Our ideas have fallen on the receptive ears of Al Taylor. Because of this favorable reaction to our suggestions, the Committee submits the following outline for plans for the coming years:

1. Coordination of legal programs for mentally disabled persons. This would embrace recruitment and education of lawyers interested in the law for people with disabilities and coordination with the Developmental Disabilities Protection and Advocacy System.
2. Develop a special library section in the University of Wyoming Law College, by collecting and indexing legal materials on the law for people with developmental disabilities. This would be a coordinated effort with the Law College, the Bar and the Developmental Disabilities Protection and Advocacy System.
3. Publicize the Committee's activities and legal news, by utilizing the Wyoming Lawyer.

This past year, (as Al Wiederspahn and I wore two hats as members of the P & A Board) the Protection and Advocacy System sponsored the publication of a legal manual of the law of the rights of people with developmental disabilities. Murlie Colosky Hanson, newly admitted to the Bar, wrote the manual under contract with the P & A System. If the printing is finished in time, I will bring a copy to the Bar meeting.

We recommend that the following attorneys be included in the activities of the Committee:

Mrs. Murlie Hanson
Jim Allison
Gay Vanderpoel

Sincerely yours,
ELLEN CROWLEY

REPORT OF COMMITTEE ON THE COURTS

The assigned task of the committee has been to improve the language of the County Courts Act adopted in 1971 and which became operative in the two largest counties, Laramie and Natrona, on January 1, 1979. Several deficiencies, largely procedural, were found to exist in the County Courts Act, and accordingly the committee set about to correct them. Assisting in this onerous task

were certain ex-officio members of the committee who are entitled to due recognition in this report. They included the Bar Officers, President William T. Schwartz, President-Elect Thomas E. Lubnau and Executive Director William A. Taylor. Particularly significant assistance was rendered by two other ex-officio members, the Court Coordinator, Judge J. Reuel Armstrong, and the Director of the Legislative Service Office, Ralph E. Thomas.

The committee met for two days in Laramie, October 21 and 22 1978, to work on proposed changes in the County Courts Act. Individual members were then given research assignments dealing with areas of concern isolated by the committee at the Laramie meeting, and reports were made at the next meeting of the committee held in Casper on December 16, 1978. Much of the work, of course, was carried out by correspondence and telephone to expedite the final work product which was the subject of the committee's report at the legislative meeting of the bar in Cheyenne on January 6, 1979. Through the able assistance of the staff of Mr. Thomas' Legislative Service Office, six bills were prepared and introduced in the 45th State Legislature by the committee on behalf of the Wyoming State Bar pursuant to the authority given it at the legislative meeting in Cheyenne.

To quickly summarize the results of the committee's work we are pleased to report that the substance of four of the bills was enacted into law, and two of our measures failed. Of the four measures passed, two of the bills were merged into Senate File 154 which became Chapter 144 of the Session Laws of Wyoming, 1979. One of them was a bill providing for arbitration of claims arising from breaching animals (File No. 172), and the other was a bill to deny county court jurisdiction in matters involving title to real property (Senate File 171).

A bill which died had been prepared by the Committee, House Bill 264, to polish up the Election Code and make it conform to the measure adopted in the 1978 legislative session to extend the merit selection and retention law to county court judges. The substance of that measure however, was incorporated in another bill designed to make general improvements in the Election Code, Senate File No. 125A, which is now Chapter 133 of the Session Laws of Wyoming, 1979. So that proposal is counted as one that in reality passed, albeit in another form.

Two other proposals which failed at various stages of the legislative process and were never included in other legislation were Senate Joint Resolution 9 and Senate File 170. SJR 9 would have reduced the number of jurors from 12 to 6 in all misdemeanor cases in courts of record which, under the newly amended County Courts

Act, include the county courts. Senate File 170 would have expressly extended the jurisdiction of the Judicial Supervisory Commission to courts of limited jurisdiction and would have repealed the current laws which give the Supreme Court supervisory authority under its rule making powers over Justices of Peace.

Senate File 154, which improved the County Courts Act and is now Chapter 144 of the Session Laws of Wyoming, 1979, marks a significant step forward in the law related to courts of limited jurisdiction in this state.

There were some disappointments, of course. For example, the committee had recommended and included in its proposed amendatory legislation that the county courts should be financed by the state rather than by the counties. This proposal was defeated despite its obvious merit. Moreover, the committee had recommended an enlargement of the jurisdiction of the county courts. Among these recommendations were proposals to enlarge the monetary limits on civil actions from \$1,000 to \$5,000 and to eliminate the antiquated concept of concurrent jurisdiction between the district and the county courts. Elimination of concurrent jurisdiction was approved, but the monetary limits were whittled down to \$4,000. Also, the committee proposed that the work of the juvenile courts be transferred from the district judges to the county judges in counties that have county courts. This proposal came to be quite controversial, however, and was consequently eliminated from the bill as passed.

Let us look more particularly at the major accomplishments we achieved. First of all, procedural vacuums were filled with legislation which now defines specifically the manner in which various civil actions shall be conducted in the county courts.

Second, while the jurisdictional monetary limits of \$5,000 plus "add ons" consisting of court costs, interest and attorneys fees, where allowed by law, were not agreed to by the legislature, the monetary jurisdiction of county courts in civil actions was extended to \$4,000 and their service of process jurisdiction was expanded, perhaps more than we really intended.

Third, the committee was gratified to note the acceptance by the legislature of the concept that county courts should not entertain actions which affect titles to real estate in view of the fact that the county courts are not yet operational throughout the state. The only kind of lien which is enforceable in county courts, therefore, is one dealing with personal property.

Fourth, specific provision was made for the enforcement of judgments of county courts. Moreover, arbitration proceedings are

now sanctioned in the county courts as they are in the district courts.

Fifth, the authority of county court commissioners was better defined and procedures were established for the disqualification of county court judges. Until county courts become state-wide, however, there can be no change of venue; only a change of judge is authorized.

Sixth, appellate procedures were clarified in cases appealed from county courts to district courts. The existing law was confirmed, which eliminates once and for all the discredited trial *de novo* in appeals. All appeals will be taken on the record. No longer will devious litigants indulge in having "two bites of the apple" at the expense of the taxpayers.

This summary would not be complete if I were not to report on a pathetic backward step which occurred in this same legislative session in which the committee labored so arduously to improve the lower court system of our state. Reference is made, of course, to House Bill 235, now Chapter 42 of the Session Laws of Wyoming 1979. It eliminated the hard won advance achieved in 1971 which required all candidates for election to the office of justice of peace be lawyers. This change in the law takes us back once again to the days of the horse and buggy. The only qualification a candidate for justice of the peace now must meet is, he "shall be a qualified elector of the county of which he seeks the office of justice of peace."

The work of improving the courts of limited jurisdiction never ends. Neither should it end for these are the courts that touch the lives of the greatest number of our people.

The chairman of the committee and Judge J. Reuel Armstrong were invited to appear before the Subcommittee on Minor Court Reorganization of the Joint Judiciary Interim Committee of the Wyoming Legislature in Cheyenne, on May 23, 1979. The chairman of that Subcommittee, Senator David R. Nicholas, opened the hearing and called for comments by this committee's chairman and Judge Armstrong. Also called upon for constructive comments were the state court planner, Ted Fetter, the county court judges of Laramie County, Franklin Mockler and Robert W. Allen, as well as Robert Cantine, representing the Wyoming Association of Municipalities.

At the conclusion of that hearing, the following actions were taken:

1. The problem concerning the need for supervised probation of individuals placed on probation by county courts was referred to the Joint Interim Committee studying the probation and parole

system, and the Subcommittee recommended support for increased funding of the Department of Probation and Parole to provide probation services for county courts.

2. The Subcommittee directed a bill be drafted to provide for state financing of salaries of the county judges, and it directed that the bill provide that the number of county judges be fixed by the legislature with salaries set at \$35,000 per year beginning when their new terms commence.

3. A bill was also directed to be drafted to change the population requirement for establishing county courts from the present figure of 30,000 to 20,000 inhabitants.

4. A bill was also directed to be drafted to provide county courts with jurisdiction to handle mechanics' liens. In other words these would be liens that would affect title to real property contrary to your committee's recommendation. However, with state financing there may be enough acceptance of the county courts by the counties that our reason for opposing the extension of the lien enforcement jurisdiction may be mooted.

5. The Subcommittee approved a further increase in monetary jurisdiction from the present amount of \$4,000 up to \$7,000, but it called for concurrent jurisdiction to be exercised by both the county courts and the district courts in civil actions, involving amounts between \$4,000 and \$7,000. This recommendation obviously collides head on with the policy advocated by your committee.

6. The Subcommittee supported the concept of a six man jury for misdemeanor cases and directed the preparation of a bill similar to Senate Joint Resolution No. 9 to amend the Wyoming Constitution.

In addition, the Subcommittee directed the Legislative Service Office to research three additional questions:

1. The status of service of process of county courts in other counties of Wyoming or in other states under the long arm statute, and the enforcement of arrest warrants or other process in criminal actions;

2. Whether or not under present law foreign judgments involving sums not exceeding \$4,000 are excluded from registration and the form of the amendatory language which would resolve this possible problem;

3. Whether or not preliminary hearings are required for high misdemeanors under the decisions of the United States Supreme Court and the Supreme Court of Wyoming.

Having reported on the work done so far by the Committee on the Courts, and noting the work that remains to be done, the following resolution is hereby proposed:

RESOLVED, that the Committee on the Courts of the Wyoming State Bar be continued, and it is hereby charged to make further studies on the subject of improving the state's limited jurisdiction courts, both structurally and procedurally, and report at the legislative meeting as well at next year's annual meeting of the Wyoming State Bar.

Respectfully submitted,
 FRANK D. PEASLEY
 FRED W. PHIFER
 ROBERT R. ROSE, JR.
 ROBERT M. SEIPT
 R. STANLEY LOWE,
 Chairman

**REPORT OF R. STANLEY LOWE, WYOMING STATE BAR
 DELEGATE TO THE ABA HOUSE OF DELEGATES**

September 14, 1979

The House of Delegates met during the 101st annual meeting of the American Bar Association in Dallas, Texas, on August 14 and 15, 1979. The House did not feel so provoked on any single legislative issue to engage in lengthy debate, but instead systematically amended, accepted or rejected the legislative recommendations. Among the issues debated at some length, were those relating to imposition of the death penalty, protection from police searches, and recognition of spousal interests in military retirement pay.

Speaking at the session's opening were the ABA President-Elect, Leonard S. Janofsky of Los Angeles, the assistant treasurer, Arthur W. Leibold, Jr., of Washington speaking in behalf of the Treasurer, J. David Andrews of Seattle and the Executive Director, Bert H. Early of Chicago. President-Elect Janofsky outlined a program calling for a reduction of court costs and expenses pertaining to legal services to the public. The Assistant Treasurer presented the Treasurer's report on income vs. expenses and discussed next year's operating budget for the American Bar Association which will approximate \$35,000,000. He discussed the benefits now available to members of the American Bar Association, the discount rates on Hertz rentals, American Express reservation services, simplified personal loans and discounted office furniture. He reported that these benefits have been widely used by the members so that not only is it the intention of the ABA to retain them but hopefully to

expand upon them in the future. He also discussed the Second Century Fund and called for contributions to it.

The Executive Director emphasized the role of the ABA's Bar Activities and Services office and pointed to its triple role of liaison, information and services. The "hotline" telephone number to get assistance on bar affairs is 1-800-621-2409. He reported on activities pertaining to implementation of ABA standards and bar surveys which have been carried out throughout the nation.

Probably the most significant action of the whole session but the least publicized by the press pertained to administrative agencies and the growing national concern over their excesses. First was a report by the Honorable John J. McCloy of New York who headed up a three year study carried out by a special body of the American Bar Association called the Commission on Law and the Economy. Designed as a means by which the American Bar Association could make a special contribution in 1978, its Centennial year, this commission was organized by the House in 1975 to bring into focus the need for a balancing process in our system of government. The commission duly reported at the Centennial session in New York last year, and affirmative actions were taken by the House on several recommendations made by the commission at the Atlanta Mid-year meeting this year. More controversial topics, however, were reserved for consideration at this meeting in Dallas. Those recommendations, three in number, were duly acted upon by the House and approved, one with some minor amendments.

Briefly stated, they would involve the President of the United States more directly in the processes followed in making rules and regulations by administrative agencies, require an appraisal of the impact of proposed regulatory action before regulations are imposed and provide for congressional review of quasi-legislative presidential actions.

This tremendously important subject and the obvious significance it has for our country and its economic well-being has prompted the calling of a National Conference on Federal Regulations which will be held September 27 and 28, 1979, in Washington. Any one interested in attending or in getting more information about this event should contact the Bar Delegate.

The second significant event concerned a proposal submitted by the Section of Administrative Law urging the American Bar Association to go on record in opposition to the so-called "Bumpers bill." This legislation proposed by Senator Bumpers of Arkansas is designed to substantially modify the judicial deference accorded to rules and actions of administrative agencies when administrative

matters are appealed to the courts. The House adopted an amendment made from the floor which changed the recommendation of the Section of Administrative Law that we oppose the "Bumpers bill." Instead it substituted the word "favors," and the amendment passed with a substantial majority. Consequently, the resolution now reads that the American Bar Association *favors* legislation that would amend the Administrative Procedure Act with respect to the judicial review of agency action by (i) requiring de novo consideration by the court of relevant questions of law in all instances, and (ii) eliminating any presumption that an agency rule or regulation is valid. The resolution also went on to recommend that the Congress further study the subject of judicial review of agency actions and rule making, and it directed appropriate sections of the Association do so too.

Before getting into the actions taken by the House on matters related to legislation now pending in Congress, this report will first briefly touch on some non-legislative matters.

The Special Committee on Prepaid Legal Services was directed to examine all the available data pertaining to cost comparisons between open and closed panel prepaid legal services delivery systems including any data produced by the Legal Services Corporation alternate delivery systems study and to formulate a proposal for any further study which may be necessary in light of such data together with realistic cost estimates and to present its proposals to the Board of Governors and thereafter report to the House at the 1980 Mid-Year meeting.

A review of the Uniform Code of Military Justice called for by the Washington State Bar Association was deferred until the Mid-Year meeting, and the subject was referred to the Standing Committee on Military Law with instructions to report to the Board of Governors at its December meeting.

Some internal changes within the ABA were disapproved. One would have created another seat on the Board of Governors for the Immediate Past Chairman of the House of Delegates, and the other would have changed the nomination and election time and procedures for the presidency of the ABA.

A Lawyers Professional Liability Committee comprised of seven members was created to become effective at the conclusion of the 1980 Annual Meeting.

The ABA Standing Committee on Legislation obtained approved of an amendment to its by-laws to change its jurisdiction. The amendment releases it from any further lobbying function in order

that this task may be handled directly by the Association's Governmental Relations Office in Washington but reserving to the Standing Committee involvement in the legislative priority setting processes.

On the recommendation of the Section of Criminal Justice, the House approved a resolution supporting either as legislation or as an amendment to the Federal Rules of Criminal Procedure a procedural motion for peremptory transfer to another judge in multi-judge districts. This procedure which would be applicable only in criminal cases would define a multi-judge district as including any district with three or more district judges.

A tentative draft containing amendments to the Standards Relating to Probation comprising The American Bar Association Standards Relating to Sentencing Alternatives and Procedures was given approval by the House. This is a highly complex matter which was supported vigorously on the floor of the House by a member of our bar, General Kenneth J. Hodson, Chairman of the Standing Committee on Association Standards for Criminal Justice.

Guidelines for state regulation of law lists in the aftermath of *Bates vs State Bar of Arizona* were also approved by the House.

An approval of legal assistants education programs was granted, and full approval was given the Denver Paralegal Institute Legal Assistants Program, Denver, Colorado; Mercer County Community College, Legal Assistants Program, Trenton, New Jersey; and North Hennepin Community College, Legal Assistants Program, Brooklyn Park, Minnesota. An extension was granted until the 1980 Mid-Year meeting of the provisional approval previously given the Santa Fe Community College, Legal Assistants Program, Gainesville, Florida.

Certain modifications were approved by the House for the Standards of Approval of Law Schools of the American Bar Association.

A model plan of specialization was amended with respect to a limitation on the right of a specialist to expand the scope of his representation, and then it was given final approval.

Turning now to House action pertaining to pending legislation in Congress, this report drew upon the ABA WASHINGTON LETTER (September 1, 1979) for its analysis of the actions taken by the House of Delegates and interrelating them to specific legislative matters now pending in Congress.

The House was presented with two resolutions on legislation to overturn Supreme Court decisions, and it disapproved both. The

first would have supported legislation limiting the use of search warrants by federal officers to obtain evidence in the possession of innocent third parties. Several bills are under study by the Senate Judiciary Sub-Committee on the Constitution and the House Judiciary Sub-Committee on Courts addressing *Zurcher vs Stanford Daily* decision. S 855 (Bayh, D-Ind.) and HR 3486 (Kastenmeier, D-Wisc.), identical bills prepared by the Administration, would extend the protection from unannounced searches to persons engaged in the flow of news and ideas to the public. Other bills also before the same Sub-Committees would extend such protection to all innocent third parties, such as lawyers.

The House also disapproved a recommendation in support of S 114 (DeConcini, D-Ariz.), which would establish a procedure making federal death penalty statutes constitutional under recent holdings of the Supreme Court. The bill would require that a conviction for an offense for which a penalty of death is authorized, a second hearing would be required to determine whether to impose the death sentence. The bill also lists the factors to be considered by the court in making its decision. It is expected that hearings will be held this fall on S 114. No comparable House legislation has been introduced.

The House of Delegates adopted a resolution in favor of S 864 (DeConcini) and a similar bill HR 3677 (Hance, D-Texas) which would require the armed forces secretaries to comply with the terms of a court decree in connection with the divorce, annulment, or legal separation of a member or former member of the armed forces in regard to military retirement pay. No action has been yet taken on these bills. S 864 was referred to the Senate Armed Services Committee, and HR 3677 was referred to the House Armed Services Sub-Committee on Military Compensation.

Also of particular interest are the resolutions addressing the Federal Courts Improvements bills, S 1477 (Kennedy, D-Mass.) and HR 4044 (Rodino, D-N.J.). The House endorsed provisions in these bills which would permit a federal court to transfer an improperly filed case to the federal court having jurisdiction. Another resolution on provisions in the bills to make the U. S. Court of Claims an Article I court was withdrawn, as were resolutions on provisions in HR 4044 to establish procedures for the removal of judges by means other than impeachment and to revise the current law pertaining to judicial retirement. S 1477 has been reported by the Senate Judiciary Committee and is ready for full Senate consideration. The House Judiciary Sub-Committee on Courts, Civil Liberties and the Administration of Justice is expected to hold hearings on HR 4044 this fall.

Having previously endorsed legislation to expand the jurisdiction of U. S. Magistrates, the House now also supports in principle a procedure for the selection of magistrates by panels. A House-Senate conference committee reached an agreement August 2 on legislation expanding magistrates' jurisdiction and stipulating a method for selection by panels. The exact language of the conference version of S 237 has not been available but should be now that the congressional recess is ended.

Two resolutions were approved by the House of Delegates that apply to criminal code reform legislation which is being introduced in Congress this fall following the August recess. The first House resolution urged that federal criminal prohibitions be given extra-territorial application only after findings have been made by Congress indicating that the national interest requires such an application and that the application is consistent with law enforcement needs, fairness, due process, and comity. The resolution further urges that the prohibitions should not be applied extraterriorially when the harm is not sustained by or threatened to the U. S. or U. S. persons except as specifically provided in the legislation. The second resolution favors proposed alternatives a judge could use in sentencing, ranging from probation to a set term of imprisonment.

The Delegates approved a resolution supporting, subject to certain conditions, legislation to establish federal jurisdiction, concurrent with state jurisdiction, over certain offenses committed against or through the use of computers. The concept is embodied in S 240 (Ribicoff, D-Conn.), on which the Senate Judiciary Subcommittee on Criminal Justice is expected to act this fall.

General support was expressed for privacy legislation relating to the acquisition, maintenance, use and the disclosure of various types of personal records. The resolution urges that legislation should minimize intrusiveness, maximize fairness and create legitimate, enforceable expectations of confidentiality. No comprehensive legislation has been introduced this session embodying broad privacy protection. However, bills are being introduced on an industry-by-industry basis. Medical records privacy legislation (HR 2979, HR 3444, S 503 and S 865) has been referred to three House committees and two Senate committees. Legislation addressing privacy in consumer credit, electronic fund transfers and insurance is anticipated during this Congress.

Approval was given to all the recommendations presented by the Standing Committee on Military Law. Three proposals support strengthening the Court of Military Appeals. Others favor increasing from one to two the number of peremptory challenges in general

courts-martial; allowing a commander to delegate to a judge advocate the holding of a hearing on vacation of a suspended sentence, authorizing Courts of Military Review to hold rehearings en banc on questions of law; and adopting the Federal Rules of Evidence for use in trial by courts-martial to the maximum extent feasible. The committee was directed to prepare a plan by which the ABA could undertake a major review of the Uniform Code of Military Justice in response to a Department of Defense legislative package to make major changes in the Code. The committee was further directed to prepare a study on the future of the Court of Military Appeals.

The House added another condition to its 1979 endorsement of the International Covenant on Economic, Social and Cultural Rights stipulating that U. S. ratification of the Covenant would not affect the obligations undertaken by member nations in other international agreements. Senate ratification of the American Convention on Human Rights was also endorsed by the ABA, subject to certain reservations, understandings and declarations.

Anyone desiring more information on any of the matters touched upon in this report should contact the bar delegate.

Again, I should like to thank the members of the Wyoming State Bar for permitting me to serve as their delegate in the ABA House of Delegates and affording me the opportunity to participate in the exciting events which occur twice annually in that important policy-making body. It is a pleasure to serve with our other members in the House, Jerry W. Housel and Alfred M. Pence.

Respectfully submitted,
R. STANLEY LOWE

REPORT OF THE LAW SCHOOL

During the past year our institution has been undertaking a good deal of self-study and, to use a term from one of the questionnaires we completed, "retrospective evaluation." This was occasioned by the ABA inspection that we had during the year and also the upcoming inspection of the University by the North Central Association.

From all of this it became clear that, in many respects, the law school has come of age during the last ten or twelve years. We are now truly competitive, in most aspects of legal education that can be measured and compared, with all of the law schools in the Rocky Mountain and Great Plains states. For many years this was not the case because of our very small size and correspondingly meager

resources. The change started in the middle sixties when enrollment in the law school began to increase for the first time since World War II. As would be expected, increases in financial support lagged behind the increases in enrollment, but they were forthcoming.

This growth and development can be readily demonstrated by a few simple statistics. During the past ten years we have added four new faculty positions and four secretarial and clerical positions. Enrollment has been essentially static since 1971. We now have eleven full-time teachers and, in addition, a dean, associate dean and two professional librarians with faculty status.

The new faculty positions have been used to expand the instructional program, primarily in the lawyering skills area. Thus, during the ten year period we added two new clinical programs, Legal Services and Prosecution Assistance, and have substantially upgraded the original Defender Aid Program. This year, for the first time, we have a separate faculty member in charge of each clinical program. We have also substantially improved and expanded the Trial Practice course and added a course in Advanced Appellate Advocacy. While we have long had a course in Estate Planning, we will offer this year, for the first time, a course in Business Planning and one in Client Counselling.

We have, over the same period, become competitive with other law schools in terms of faculty salaries and teaching loads. This should and, I believe has, improved the quality of the instructional program.

We still have some obvious weaknesses and deficiencies, primarily in the library. When I became dean in 1971 the yearly library acquisitions budget was \$40,000. For the current year it is \$90,000. Given the rate of inflation over that period this represents very little real improvement. Although we have added two clerical positions in the library during my tenure as dean our library is still seriously understaffed by comparison to similar law schools. We have discussed these problems with the University administration in connection with the 1980-82 budget and it appears, at this point, that they will support substantial increases in funding for these areas. It should be noted that these deficiencies were discussed in the report of the ABA inspection team.

So much for the ten year "retrospective evaluation". Turning now to the last year, there are several items that would seem to be of interest.

First we had far more than the usual number of bar members teaching on a part-time basis. These included Pat Hacker of Chey-

enne, Jim Daley of Denver, and Marilyn Kite and Hugh McFadden of Laramie. We also had a substantial number of judges and lawyers who came in on a sort of *pro bono* basis to sit on cases in the trial practice course.

Our client counselling team, consisting of Linda Miller and Ken Marken, won the national competition sponsored by the ABA. The team was coached by Professor Bob Keiter, and this experience more or less inspired the new course in Client Counselling to which I referred earlier.

We have two new members of the permanent faculty. Harvey Gelba, a Harvard graduate who practiced for a number of years in Scranton, Pa., and Gary Conine, a University of Oklahoma graduate, who practiced in Houston for two years before joining us. In addition Dan Morgan of Gillette, whom most of you know, is with us full-time this year to supervise and, in some respects, revamp the Prosecution Assistance Program. He is also teaching a couple of regular courses.

During the 1978-79 academic year we graduated 69 students. Of these 57 took the Wyoming Bar Examination and 51 passed. This is obviously a substantial improvement over the results of a year ago and we are both pleased and relieved.

Employment statistics for the 1979 class are still incomplete. On the basis of our present information 26 of the 69 are in private practice in Wyoming and 2 are in private practice in other states. Two are with the Wyoming State Government, two have positions with state governments of other states and three are with agencies of the federal government. Five have judicial clerkships. Six have other types of legal employment and two have taken essentially non-legal positions. This leaves 20 unemployed or otherwise unaccounted for.

During this past summer we again held Short Courses for Lawyers at the law school. The subjects offered were Wyoming Water Law, The New Bankruptcy Code and Current Problems in Local Government Law. While the courses were well received by those in attendance we were somewhat disappointed in the enrollment.

Respectfully submitted,
E. GEORGE RUDOLPH

REPORT OF 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 Fund Committee, and sets forth its functions and provides for membership and funding.

The Supreme Court further advised that the Rules of Procedure for the Clients' Security Fund 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.

No reports nor applications were submitted to the Committee for consideration during the past year.

The members appointed to the Committee as of September, 1978, and the balance of their respective terms are as follows:

<u>Member</u>	<u>Unexpired Term</u>	<u>District</u>
Juan L. DeHerrera Cheyenne	1 year	First
Kermit C. Brown Rawlins	2 years	Second
Harry L. Harris Evanston	2 years	Third
Richard M. Davis, Jr. Sheridan	1 year	Fourth
Robert A. Gish Basin	2 years	Fifth
Richard Macy Sundance	Expires	Sixth
Howell C. McDaniel, Jr. Casper	Expires	Seventh
Richard Stacy Wheatland	1 year	Eighth
Donald P. White Riverton	1 year	Ninth

The monies in the Fund are maintained by the Executive Director-Secretary of the Wyoming State Bar, and are on deposit as shown in the accounting shown below.

**WYOMING STATE BAR
CLIENT'S SECURITY FUND**

Reported as of August 21, 1979

Hilltop National Bank — Casper		
C.D. #92987	-----	\$ 6,570.35
American National Bank — Powell		
C.D. #482	-----	1,808.14
Guaranty Federal Savings & Loan — Casper		

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C.D. #1300500	1,760.42
Guaranty Federal Savings & Loan — Casper	
Money Market #9000941 at 9.481% interest	11,804.17
Total	<u>\$21,943.08</u>

CLIENT SECURITY FUND RECONCILIATION

Balance 8/8/78	\$20,667.15
Add: Interest Credited to Account	1,275.93
Balance 8/21/79	<u>21,943.08</u>

This Committee does not recommend that they be made for general distribution at this time.

Respectfully submitted,
 HOWELL C. McDANIEL, JR.
 Chairman