

1982

Minutes of the Annual Meeting of the Wyoming State Bar

Wyoming State Bar

Follow this and additional works at: https://scholarship.law.uwyo.edu/land_water

Recommended Citation

Wyoming State Bar (1982) "Minutes of the Annual Meeting of the Wyoming State Bar," *Land & Water Law Review*. Vol. 17 : Iss. 1 , pp. 277 - 297.

Available at: https://scholarship.law.uwyo.edu/land_water/vol17/iss1/12

This Wyoming Bar Proceeding is brought to you for free and open access by Law Archive of Wyoming Scholarship. It has been accepted for inclusion in Land & Water Law Review by an authorized editor of Law Archive of Wyoming Scholarship.

University of Wyoming

College of Law

LAND AND WATER LAW REVIEW

VOLUME XVII

1982

NUMBER 1

MINUTES OF THE ANNUAL MEETING OF THE WYOMING STATE BAR

*September 16, 17, 18, & 19, 1981
Cheyenne, Wyoming*

The 66th annual meeting of the Wyoming Bar Association and the 40th annual meeting of the Integrated Bar of the State of Wyoming was called to order by President Carl L. Lathrop, at 9:00 A.M. on September 18, 1981, at the Hitching Post Inn, Cheyenne, Wyoming.

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

REPORT OF THE PRESIDENT

Members of the Wyoming State Bar:

Pursuant to the By-Laws of the Wyoming State Bar, the following is a report of the activities of our organization for the past year.

First, I would like to thank the membership for the opportunity to serve as President of the Bar since last September. Secondly, I want to thank the officers and commissioners of the Bar for their fine participation and assistance in the operation of the Wyoming State Bar. Also, I want to extend my thanks and appreciation to Dan White, Executive Director of the Bar, for his willingness to carry out the many functions required of his office, and his fine performance as such director for his first full year with the organization.

The Wyoming State Bar continues to grow with the total membership now being approximately 1210 lawyers of which there are approximately 900 active in Wyoming, and the remainder being made up of out-of-state lawyers and honorary members. The most recent ceremony for the admission of lawyers to the State Bar saw some 68 lawyers admitted in September of 1981. Based upon the high numbers of admission to the Bar for the past five years, the composition of the organization has changed substantially during this time. About one-third of the active practitioners in the state are under the age of 35 years and a growing percentage of this

group are women. It is my firm conviction that this young group will have an increasing influence upon the goals and activities of the Wyoming State Bar in the immediate future.

Based upon the participation of the officers of the Bar in meetings and functions of the regional and national organizations of our profession this past year, I am happy to report that the Wyoming State Bar is a healthier organization than most of the others, and has experienced less major problems than the majority of state organizations. The size of our organization, its unique relationship with the judiciary and the personal relationship that exists among the entire bar, all contribute to this healthy condition. Financially, the organization has grown over the years and in the not too distant future there will be sufficient financial strength to consider and act upon the purchase or building of its own headquarters.

The last two presidents, Bill Schwartz and Thomas Lubnau, both reported to you on the proposed Federal Trade Commission's investigation of the voluntary and unified bars of the United States. That investigation actually became a reality during my term, and in January the FTC submitted to every state bar a "voluntary" questionnaire asking that it be answered within ninety days from its receipt. Following the receipt of this questionnaire, the officers and commissioners of the Bar met and agreed upon a response to this questionnaire. This proposed action was reported to the Supreme Court. The nature of the response which was submitted in a letter to the FTC was that the Wyoming State Bar was, by statute, an administrative arm of the Wyoming Supreme Court, and as such was a part of the judicial branch of Wyoming; thus, it was the position of the Bar that the FTC did not have the authority to (a) investigate the Wyoming State Bar and (b) promulgate rules regarding the practice of law by members of the Wyoming State Bar. Since the date of that response in March of 1981, there has been no further developments in the FTC investigation with respect to Wyoming. The FTC's purported purpose in the distribution of this questionnaire was to investigate the delivery of legal services and any restrictions and prohibitions that might affect the consumers' access to legal services throughout the United States. The information sought by the questionnaire did not seem to have relevance to the situation which exists in Wyoming—at least in the opinion of your president.

The State of Wyoming was well represented by its officers and commissioners at the Western States Bar Conference held in Tucson, Arizona in February of this year. Three officers and several commissioners attended this conference, which is said to be the strongest regional conference of the profession in the United States. The Conference is designed to allow the member associations to discuss common problems and share information on objectives and functions of the profession.

The Legislative Session of the Wyoming State Bar was held in Cheyenne, Wyoming in December of 1980 in preparation for the 1981

Legislative Session. The meeting was chaired by Paul Hickey, Chairman of the Legislative and Law Reform Committee of the Bar. Following that session, the Committee and your officers followed up on the legislative matters which were recommended for adoption by the members of the Bar at such session. Most of the legislative matters dealt with improvement of the court systems in Wyoming and the improvement of the salaries of the judiciary in order to continue to attract qualified judges at all levels of the court system. The support of the Bar, its legislative committee and the lawyers serving in the legislature were instrumental in the substantial increase in the salaries of all judges in the courts of record in Wyoming. The state funding concept for the county courts was strongly supported by the Bar, as well as many other improvements in the existing court systems, and the results obtained in these areas were in a large part due to efforts of your organization. At the outset of the 1981 Legislative Session, the Bar hosted a dinner for members of the Legislature, their spouses and guests, in order to acquaint them with the members of the organization and the objectives of the Bar. This dinner was very well attended by both legislators and lawyers, and did help to improve the relationship between the Legislature and the Bar, which is so important to the improvement needed in the laws as they affect lawyers and judges in the performance of their duties.

During my term, the officers have met on two occasions with the members of the Wyoming Supreme Court to discuss matters of mutual interest. I think that a lot of the members forget that the Bar is an arm of the Wyoming Supreme Court and functions pursuant to the rules which the Supreme Court has laid down for the organization. The relationship of the Bar to the Supreme Court has been excellent and I want to thank the members of the Supreme Court for their cooperation and assistance during my term. At the meetings with the Supreme Court, the subjects of fee arbitration, Federal Trade Commission matters, membership procedures, television coverage in the courtroom, amendments of certain court rules and other matters were discussed. One of the results which followed these sessions was the adoption by the Supreme Court of the Fee Arbitration Rules by an Order entered in the summer of 1981. The establishment and functioning of the fee arbitration program will greatly alleviate the workload of the Grievance Committee of the Bar. About 60% of the Grievance Committee's work during the past several years has dealt with fee problems, many of which now will be handled under the Fee Arbitration Rules.

I am happy to report that the Bar Foundation has now been created and has received donations of \$3,902 as of August 12, 1981. This money and donations which are made to this foundation over the ensuing years will be used for the enhancement of law school education for law students at the University of Wyoming College of Law. The Foundation also will serve many other functions of aid to the Bar and its members, the specifics of which have been detailed to you in President Lubnau's report of last year and in the committee report given at this annual meeting.

During this year, the President's Advisory Committee suggested certain changes to update the Bar Organization and to conform the operational structure to the present operation of the Bar. Chairman Thomas Lubnau has submitted at this meeting certain suggested changes for consideration of the members of the Bar and its officers and commissioners; which changes I heartily recommend to the organization. It has been a long time since the complete rules governing our organization have been reviewed and updated, and this committee has done an excellent job in that regard. I would recommend that this committee continue to function and monitor the rules governing the organization and operation of the Wyoming State Bar in order to have the organization in tune with the times.

This year, the Unauthorized Practice of Law Committee was reconstituted from a committee composed of the officers of the Bar to a five man committee appointed on a geographical basis. This committee has been very active this year and has filled a void which had existed in this area for a number of years. My special thanks to this new committee for its efforts in expeditiously handling several problem areas dealing with the unauthorized practice of law in Wyoming.

It is virtually impossible to pay tribute to the work done by all of the committees of the Bar, but I can assure you that most of them are active and carrying out their respective functions. For example, the Ethics Committee has been following the profession's reaction to the recommendations of the American Bar Association to the proposed Model Rules of Professional Conduct. It appears that any substantial changes in the Code of Professional Responsibility may be a few years away until there is some majority resolution of the differences existing as to the present proposal before the American Bar Association. Wyoming, like most states, has modeled its rules of professional conduct after the ABA's rules.

The foregoing is a condensation of the activities and accomplishments of the Bar during the last year. The written and oral reports which follow will provide the membership with the details of all of the active committees of your organization during the past year. Again, my thanks to all of you for the opportunity to serve as President of this great organization. I believe that the Bar in Wyoming enjoys a good public relations image—contrary to the image of the profession throughout most of the rest of the United States. Hopefully you can all work to keep this faith with the citizens of this state.

My thanks again to Howell McDaniel, Bill Jones, and George Simonton for their assistance and help this last year. A final note of thanks to the Laramie County Bar for their help and participation in the annual meeting of 1981. And last, a special note of thanks to all the Committee Chairmen and members who contributed their time and effort to continue to make the Wyoming State Bar the strong and viable organization that it is today.

Sincerely yours,
CARL L. LATHROP

President Lathrop then called upon Justice John Raper for his report on the Wyoming State Bar Pattern Civil Jury Instructions Committee. Justice Raper thanked the members of the Committee for their hard work in the preparation of instructions for civil litigation. Justice Raper also thanked former Chief Justice Rodney M. Guthrie who acted as a reporter for the Committee. Justice Raper stated that instructions have been drafted to cover most areas of civil litigation. However, Justice Raper cautioned that the instructions are to be tailored for use in specific cases. Justice Raper also mentioned that the instructions are not approved by the Wyoming Supreme Court. The instructions are the work of the Pattern Civil Jury Instructions Committee and they purport to represent the law in the areas which they cover. Justice Raper recommended that the Pattern Civil Jury Instructions be published in a volume for sale to members of the Wyoming State Bar. Justice Raper recommended further that the Instructions be published in a loose leaf format to allow easy insertion of revised instructions.

President Lathrop then recognized Mr. Leonard Mayer, Inheritance Tax Administrator, Department of Revenue and Taxation, State of Wyoming. Mr. Mayer reported to members of the Wyoming State Bar that during the 1981 session of the Wyoming Legislature, a bill was introduced to repeal the Inheritance Tax Statutes of the State of Wyoming and to enact the "pick-up" statute. Mr. Mayer reported to members of the Wyoming State Bar that the adoption of the proposed bill would have resulted in revenue losses for the state of Wyoming in the amount of \$700,000 in fiscal year 1981, \$750,000 in fiscal year 1982, and \$800,000 in fiscal year 1983. Mr. Mayer urged members of the Wyoming State Bar to write to their respective senators and representatives in the Wyoming Legislature to urge the retention of the present system of inheritance taxation in the State of Wyoming.

President Carl L. Lathrop then recognized Mr. Peter Maxfield, Dean of the University of Wyoming College of Law, to give a report concerning the activities of the Legal Education Committee of the Wyoming State Bar. Mr. Maxfield reported that the Committee had met at the Law School in February, 1981. Following the meeting, the Legal Education Committee prepared a detailed report containing suggested improvements for the Law School. Mr. Maxfield informed the members of the Wyoming State Bar that the College of Law was taking steps to implement the changes suggested by the Wyoming State Bar Legal Education Committee.

President Lathrop then asked Dean Maxfield to give a report concerning the University of Wyoming College of Law. Mr. Maxfield's remarks concerning the College of Law are summarized below.

The College of Law graduated 63 seniors in May, 1981. Eighty-eight point eight percent of these graduates passed the Wyoming State Bar Examination in July, 1981. Of those who passed the bar examination, all but

13 are known to be employed. Of those employed, two-thirds have secured positions in the State of Wyoming.

The total enrollment of the College of Law now stands at 215 students distributed as follows: 77 first year students, 75 second year students, and 63 third year students. The College of Law received 466 applications for the 75 seats available in the Fall, 1981, first year class. The average LSAT score for the 466 applicants was 590 and the average grade point for the applicants was 3.35. There are 59 residents and 18 non-residents in the current first year class.

Mr. Joseph Geraud has returned to the faculty of the College of Law. Recently, Amax Corporation donated \$15,000 to the College of Law to establish a professorship in natural resources law. Mr. Geraud has been named as the Amax Professor. The College of Law now offers a three semester hour course in American Indian Law, a two semester hour course in Insurance Law, and a two semester hour course in Professional Responsibility. The College of Law recently received funding from the University of Wyoming to purchase the Lexis Computerized Legal Research System. First year students are now receiving training in the use of the Lexis System.

A University of Wyoming College of Law Team composed of Valerie Phifer, Tony Lopez, and Randall T. Cox, was the national winner of a mock trial competition sponsored by the American Trial Lawyers Association. In addition, a University of Wyoming College of Law Team composed of Joe Hallock and Becky Klemt was the regional winner of a client counselling competition sponsored by the American Bar Association.

The College of Law recently made application to establish a chapter of the Order of the Coif. The College of Law has been informed that it is presumptively qualified to have a chapter. Representatives of the Order of the Coif will inspect the College of Law in mid-October to make a final decision on the application. The College of Law will continue its efforts to increase the acquisitions budget for the law library in order to insure that the College of Law will continue to meet the accreditation standards of the American Bar Association.

Four new tuition scholarships have been established in the past year for students of the College of Law. Two of these tuition scholarships are in memory of Mr. George Guy and Mr. Alfred M. Pence, deceased members of the Wyoming State Bar. The Wyoming State Bar Grievance Committee, the State Board of Law Examiners of Wyoming, and the President of the Wyoming State Bar have appeared at the College of Law to meet with students during the past year.

The College of Law and the Wyoming State Bar Continuing Legal Education Committee have co-sponsored two Continuing Legal Education

programs on Law Office Management and Real Estate Development Law. The Continuing Legal Education Committee and the College of Law are co-sponsoring a program entitled, "Recent Developments" which will be held on October 23 and 24, 1981. A brunch for College of Law Alumni will be held on October 24, 1981, in conjunction with this CLE program.

Mr. Maxfield concluded his remarks by expressing his appreciation to the Wyoming State Bar and members of Wyoming's Judiciary for their assistance and participation in programs at the University of Wyoming College of Law.

President Carl L. Lathrop then asked Mr. Peter Maxfield to give a report concerning the activities of the Wyoming Trial Skills Institute. Mr. Maxfield reported that the Institute had sponsored an intensive two week program on Criminal Trial Advocacy Skills in July, 1981. Mr. Maxfield further announced that the Trial Skills Institute planned to sponsor two consecutive six day training programs during the summer of 1982. The first six day program will concern civil trial advocacy skills and the second six day program will cover criminal trial advocacy skills. Mr. Maxfield reported that members of the Wyoming State Bar would receive detailed registration information for these two training programs.

President Lathrop then recognized Mr. Thomas Lubnau, Chairman of the Wyoming State Bar President's Advisory Committee. Mr. Lubnau reported that the Committee had drafted proposed amendments for the by-laws of the Wyoming State Bar and for the rules of the Wyoming Supreme Court pertaining to the organization and government of the Wyoming State Bar. Mr. Lubnau commented that many of the changes were necessitated by the fact that the office of the Executive Director of the Wyoming State Bar had been created and that office had taken over many of the functions which were formerly delegated to the Secretary-Treasurer of the Wyoming State Bar. Mr. Lubnau then outlined other major changes which would occur if the proposed amendments were adopted. A proposed amendment to Rule 13(b) of the Bar organization and government rules would allow the Board of Bar Commissioners to act by conference call. A proposed change in Rule 7 of the Bar organization and government rules would require the Secretary-Treasurer to conduct an annual audit of the books and records of the Wyoming State Bar and to make a report of the same at the annual meeting. Proposed amendments to the Wyoming State Bar by-laws would reduce the number of standing committees to five and would delete the requirement that the Legislative and Law Reform Committee be composed of seven members. Another proposed amendment would allow the Officers and Commissioners of the Wyoming State Bar to be paid reasonable and necessary expenses incurred in the performance of their duties. Mr. Tom Lubnau then moved the approval of the report by the President's Advisory Committee. This motion was seconded by Mr. Stanley Lowe. After discussion, the motion carried.

President Lathrop then called upon Mr. Thomas Lubnau, Vice-Chairman of the Wyoming State Bar Grievance Committee. Mr. Lubnau reported that as of September 19, 1981, sixty-two grievances had been filed. Twenty-seven of those grievances were dismissed. Thirty-two grievances were pending before the Committee. Mr. Lubnau further reported that the Grievance Committee had issued two private reprimands, two informal admonitions, and two recommendations for public reprimand.

President Lathrop then called upon Mr. George Simonton, Secretary-Treasurer, Wyoming State Bar for a financial report. Mr. Simonton reported that as of August 31, 1981, the Wyoming State Bar had assets in the amount of \$217,379. Mr. Simonton further reported that during fiscal year 1980-1981 the Wyoming State Bar had revenues as of August 31, 1981, in the amount of \$155,155. Mr. Simonton further reported that during fiscal year 1980-1981 the Wyoming State Bar had expended in its operations as of August 31, 1981, the sum of \$109,033.

President Lathrop then called upon Mr. R. Stanley Lowe, Attorney at Law, Casper, Wyoming, for a report concerning the activities of the House of Delegates of the American Bar Association and the activities of the Committee on Wyoming Courts. Mr. Lowe reported that 1981 was the 20th anniversary of the efforts of the Wyoming State Bar to improve the court system in the State of Wyoming. Mr. Lowe reported that the State of Wyoming has enacted and implemented many of the standards of court reform which have been proposed over the years by the American Bar Association. Mr. Lowe noted that the Wyoming Legislature during its 1981 session passed a greater number of court reform bills than in any previous session. In this regard, Mr. Lowe gave special thanks to those members of the Wyoming State Bar who serve in the Wyoming Legislature: Senator Rex Arney, Senator David Nicholas, Representative Ellen Crowley, Representative Walter Urbigkit, and Representative Alvin Wiederspahn. Mr. Lowe then detailed the various court reform measures which were passed during the 1981 session of the Wyoming Legislature. Mr. Lowe mentioned state financing for the County Court System; placing County Court Judges under the system of judicial selection and retention which applies to other members of Wyoming's Judiciary; raising salaries for judges at all three levels of Wyoming's Judicial System; and providing better retirement and pension plans for Supreme Court Justices and District Court Judges. In addition, Mr. Lowe mentioned that the Wyoming Legislature had doubled salaries for Justices of the Peace, enacted a bill providing for a system of District Attorneys, and provided statutory definitions for municipal courts. Mr. Lowe then urged members of the Wyoming State Bar to support the establishment of County Court systems in those counties which are not presently required to have such systems. Mr. Lowe then introduced the following resolution. The resolution was seconded by Mr. James O. Wilson. After discussion, the resolution was carried.

RESOLUTION I

BE IT RESOLVED that the Wyoming State Bar:

- (1) Reaffirms its support of the county court system;
- (2) Endorses the concept of state financing of all county courts, both mandatory and optional; and
- (3) Urges all non-mandatory counties which presently do not have county courts to evaluate objectively the desirability of establishing such courts and moving to do so with reasonable speed where deemed appropriate.

President Lathrop then recognized Mr. Charles G. Kepler, Attorney at Law, Cody, Wyoming, for a report concerning the activities of the Uniform Laws Commission. Mr. Kepler first mentioned that Mr. David Carmichael, Attorney at Law, Cheyenne, Wyoming, and Mr. Wade Brorby, Attorney at Law, Gillette, Wyoming, served on the Uniform Laws Commission with him. Mr. Kepler described the operations of the Uniform Laws Commission as a two-phase process. The first phase consists of drafting, evaluating, and recommending uniform laws and amendments to uniform laws to the various state legislatures. The second phase involves the process of working within the various state legislatures to have the recommended uniform laws adopted. Mr. Kepler mentioned that the Uniform Laws Commission needs the assistance of the Wyoming State Bar in the process of having uniform laws passed by the Wyoming Legislature. Mr. Kepler recommended that the Wyoming Legislature adopt the Uniform Extradition and Rendition Act, the Uniform Unclaimed Property Act, the Uniform Conservation Easement Act, and the recommended amendments to Article Nine of the Uniform Commercial Code.

President Lathrop then reported to the members of the Bar concerning the activities of the Fee Arbitration Committee. Mr. Lathrop mentioned that the Fee Arbitration Committee was in the process of organizing its functions. Mr. Lathrop also mentioned that a few vacancies on the Board would have to be filled by appointment by the incoming president of the Wyoming State Bar.

President Lathrop then recognized Mr. Robert Jerry Hand, Attorney at Law, Casper, Wyoming, President of the Wyoming State Bar Foundation. Mr. Hand urged members of the Bar to support the Wyoming State Bar Foundation and suggested that the Foundation be made a named beneficiary in wills prepared by Wyoming lawyers.

President Lathrop then recognized Mr. Michael J. Sullivan, Attorney at Law, Casper, Wyoming, who is the Chairman of the State Board of Law Examiners of Wyoming. Mr. Sullivan stated that in February, 1981, the Wyoming Bar Examination had been administered to 26 applicants and that 15 of those applicants were successful. In July, 1981, the Wyoming Bar Examination was administered to 83 applicants and 68 of those ap-

plicants were successful. The State Board of Law Examiners has adopted a requirement that from and after July, 1981, all applicants for admission to the Wyoming State Bar with Examination will be required to take the Multistate Professional Responsibility Examination. Mr. Sullivan added that the MSPRE was added to the Wyoming Bar Examination in order to foster a review and detailed study of the ethical standards of the legal profession and was not intended to be an exclusionary block. Mr. Sullivan concluded his remarks by expressing his appreciation to Mr. Charles G. Kepler, Attorney at Law, Cody, Wyoming, for his years of service to the State Board of Law Examiners.

President Lathrop then recognized Mr. David A. Scott, Attorney at Law, Casper, Wyoming, for a report on the Wyoming State Bar Continuing Legal Education Committee. Mr. Scott reported that over the years his Committee had made profits on the various continuing legal education programs which it had sponsored. Therefore, the Committee had a credit balance of approximately \$7800. Mr. Scott advised members of the Bar that future continuing legal education programs sponsored by his Committee will be deliberately underpriced in order that the surplus can be used in the promotion of continuing legal education activities.

President Lathrop then recognized Mr. Richard E. Day, Attorney at Law, Casper, Wyoming, for a report concerning the activities of the Wyoming State Board of Continuing Legal Education. Mr. Day reported that the State Board of Continuing Legal Education is in the process of reviewing the accreditation standards which it had previously adopted. Mr. Day further reported that as of the end of August, 1981, 860 lawyers practicing within the State of Wyoming were in compliance with the requirements of the Rules of the Wyoming Supreme Court pertaining to Continuing Legal Education. Mr. Day further reported that approximately 26 members of the Wyoming State Bar had been granted extensions of time in which to complete the 1980 CLE requirements and two members of the Wyoming State Bar had been referred to the Wyoming Supreme Court for disciplinary action for failure to comply with the 1980 CLE requirements. Mr. Day further reported that in February, 1982, warning letters will be sent to those members of the Wyoming State Bar who are delinquent under the 1981 CLE requirements. Mr. Day also reported that the CLE registration fee has been suspended for the 1981-1982 fiscal year.

President Lathrop then recognized Mr. Richard Dumbrill, Attorney at Law, Newcastle, Wyoming, for a report on the Wyoming State Bar Unauthorized Practice of Law Committee. Mr. Dumbrill reported that the Unauthorized Practice of Law Committee had two meetings to consider complaints of unauthorized practice. Mr. Dumbrill stated that the Committee had adopted an informal procedure in order to handle these complaints. First, the Committee will investigate complaints of unauthorized practice of law. In this regard Mr. Dumbrill mentioned that the Wyoming State Bar had authorized the Unauthorized Practice of Law Committee to hire

investigators where necessary. Following the investigation, the Committee will write a cease and desist letter to the offending party. If the unauthorized practice continues after receipt of the cease and desist letter, the Committee will refer the matter to the appropriate County Attorney for injunctive proceedings.

President Lathrop reported that the Officers and Commissioners of the Wyoming State Bar had authorized him to write letters to members of Wyoming's congressional delegation urging them to support continued funding for the Legal Services Corporation.

President Lathrop then announced that the Fourth Judicial District Bar had adopted a resolution objecting to the present format of publication of the Wyoming Statutes and urging that the legislature of Wyoming be requested to take appropriate action to provide a well indexed, accessible, and suitably cross-referenced set of Wyoming Statutes. Mr. Wade Brorby, Attorney at Law, Gillette, Wyoming, moved that the Wyoming State Bar adopt the resolution passed by the Fourth Judicial District Bar. The motion was seconded. After discussion, the motion carried and the following resolution was adopted.

RESOLUTION II

WHEREAS, the District Bar of the Fourth Judicial District of the State of Wyoming, at its regular annual meeting held August 28, 1981, conducted a general discussion concerning the Wyoming Statutes and agreed that the index provided for the Statutes is inadequate in content and cross referencing, and

WHEREAS, strong objection was made to the binding system and the method of replacement of amended statutes owing to the greatly increased potential for error in the updating of the existing system,

NOW THEREFORE BE IT HEREBY RESOLVED that the District Bar of the Fourth Judicial District of the State of Wyoming recommend to the Wyoming State Bar that action be taken and a Resolution be directed to the Legislature of the State of Wyoming requesting that appropriate action be taken to provide a well indexed, accessible, and suitably cross referenced set of Wyoming Statutes,

BE IT FURTHER RESOLVED that consideration be given to utilizing a format consisting of completely loose-leaf volumes as is presently available for Volume 2A of the Statutes, and

BE IT FURTHER RESOLVED that the Legislature be urged to add, at least in a consulting capacity, members of the Bar and of the Bench for advisory purposes to the Legislative Service Office for the purpose of working together with that office in its function of compiling and revising the Statutes.

ADOPTED unanimously August 28, 1981.

DAVID B. KENNEDY
District Bar Commissioner

President Lathrop then recognized Ms. Roberta Coates, Attorney at Law, Cheyenne, Wyoming. Ms. Coates stated that approximately 100 members of the Wyoming State Bar are women and that women lawyers face unique problems in the practice of law. Ms. Coates noted that at the present time there was no mechanism within the organizational structure of the Wyoming State Bar to address the unique problems facing women lawyers. Ms. Coates therefore proposed the following resolution:

RESOLUTION III

WHEREAS, there should be a committee to encourage the participation of women attorneys in the Wyoming State Bar,

NOW THEREFORE BE IT HEREBY RESOLVED that the President of the Wyoming State Bar be directed to appoint a special advisory committee on women in the Wyoming State Bar.

Ms. Coates' motion to adopt this resolution was seconded and after discussion, the motion carried.

President Lathrop then opened the floor for nominations for the office of President Elect of the Wyoming State Bar. Mr. Houston G. Williams, Attorney at Law, Casper, Wyoming, moved the nomination of William R. Jones for the office of President Elect. Mr. R. Stanley Lowe, Attorney at Law, Casper, Wyoming, moved that nominations cease and that a unanimous ballot be cast for Mr. William R. Jones by the Secretary of the Wyoming State Bar. Mr. Thomas Morgan, Attorney at Law, Gillette, Wyoming, seconded Mr. Lowe's motion. After discussion, this motion carried.

President Lathrop then opened the floor for nominations for the office of Vice-President of the Wyoming State Bar. Mr. David A. Scott, Attorney at Law, Casper, Wyoming, nominated Harry Lee Harris for the office of Vice-President. Mr. Harry Leimback, Attorney at Law, Casper, Wyoming, seconded the nomination. Mr. John Ilsley, Attorney at Law, Sheridan, Wyoming, moved that nominations cease and that a unanimous ballot be cast for Mr. Harris by the Secretary of the Wyoming State Bar. This motion was seconded and after discussion, the motion carried.

President Lathrop then opened the floor for nominations for the office of Secretary-Treasurer of the Wyoming State Bar. The name of George L. Simonton was placed in nomination for the office of Secretary-Treasurer. This nomination was seconded. It was moved and seconded that nominations cease and that a unanimous ballot be cast for Mr. Simonton by the Secretary of the Wyoming State Bar. This motion was seconded. After further discussion, the motion carried.

It was then moved and seconded that the 1981 annual business meeting of the Wyoming State Bar be adjourned. After discussion, this motion carried.

Respectfully submitted,
DANIEL E. WHITE
Executive Director-Secretary

On Thursday, September 17, 1981, Robert R. Rose, Jr., Chief Justice of the Wyoming Supreme Court, delivered an address to the Bar Association entitled "A Crisis of Trust." The address is printed below in its entirety.

**ADDRESS TO THE BAR OF ROBERT R. ROSE, JR.
Chief Justice, Wyoming Supreme Court**

I am grateful, President Lathrop, for your invitation to address the Wyoming State Bar Association. It is an honor that I doubt I deserve and one that I thought would not come to me.

I am grateful for many reasons, not the least of which is the opportunity that your invitation affords me to compliment the lawyers of this great Bar Association.

I compliment you, Ladies and Gentlemen, for the high standards of your professional excellence as that excellence is compared with your contemporaries in other bar associations throughout the country. I am proud in this, my forty-first year of membership, to boast that I am, and for all those years have been, a part of this great organization.

I come here today, in response to your invitation, to do two things.

The first is to report upon the condition of your courts, and the second is to share with you some thoughts having to do with a crisis of trust that I find to exist with respect to our profession.

REPORT ON THE COURTS

The attention of the lawyers and judges is constantly directed to the speed and quality with which justice is dispensed in the court systems of America. This is our overriding concern because we know the system will fail if it does not produce speedy-quality justice for those who find it necessary to call upon the judicial process for the resolution of their disputes.

We do not have the backlog or quality-of-justice problem in Wyoming that is plaguing the state and federal court systems nationally.

District Courts

Comparing the first six months of 1980 with the same period in 1981, there were 6,759 civil and criminal dispositions in Wyoming's district courts this year, which is a 27% increase over the same six months of last year. The number of pending cases declined by nearly 10% in the first six months of 1981 as compared to the same period last year.

The district judges in this state, while greatly overburdened by all national standards, are doing a magnificent job of keeping their dockets cur-

rent and the quality of their decision-making high. The County Court system is beginning to evidence its favorable impact by relieving the district courts of a significant part of their heavy workload.

I urge all counties—where it is at all feasible—to consider the adoption of the County Court judicial system. It is the least expensive and most expeditious way to relieve the district courts of their heavy burden of increased litigation and, at the same time, to dispatch quality judicial service in the arena where the great majority of litigants go for the resolution of their conflicts.

The Justices of the Peace and Municipal Court judges are constantly enhancing their legal education and are doing their usual able and efficient job in the people's courts of this state.

Supreme Court

The output of the Wyoming Supreme Court for the first six months of 1981 as compared to that of 1980 is indeed encouraging:

SIX-MONTH STATISTICS

	1981	1980	Change
Appeals Filed.....	90	85	+ 6%
Appeals Disposed of.....	109	96	+14%
Opinions Published.....	81	62	+30%

It pleases me to report to you that your Supreme Court has no backlog. Every case that was argued in August has been assigned to the justices and, except for those August assignments, no justice is holding an appeal that has been assigned to him for an opinion that is either not published or circulated in judges' copy among the various members of the court. I would suspect that this is the first time since the territorial court was organized in the year 1870 that this statement could be made.

By way of parenthetical comparison, the Chief Justice of the Oklahoma Supreme Court told me last month at the Conference of Chief Justices, that Oklahoma had a 700 case backlog.

I therefore take great pleasure in complimenting my brother and sister judicial officers in this state—those on the municipal courts, the justices of the peace courts, the county courts, the district courts, and the Supreme Court, for having your dockets and work assignments so current—and for producing a first-rate judicial work product.

CRISIS OF TRUST—LAWYERS

Even though our court system is progressing in a way which—when compared to other state and federal court systems—can be thought about

as satisfactory, both the courts and the lawyers face a massive public relations challenge.

Our profession is—as you know—being subjected to heavy criticism. In some cases, bitter acrimonious criticism. There is an atmosphere abroad which feels like it says that the people do not trust judges—lawyers—and law enforcement any more. *That is dangerous!!*

Fault-finding comes from many quarters—from the mouth of the Chief Justice of the United States Supreme Court, who charges bench and bar with areas of incompetency, to the news media and the people themselves, who accuse us of all manner of ineffectiveness, indiscretion and irregularity.

LAWYERS CRITICIZED

In a recent ABC News Harris survey, when asked to list institutions in which the participants had “high confidence”—in other words, institutions which they *trust*—law firms finished last on a list of 13, below Congress, below the press, and below labor unions.

It is said that the level of judicial and lawyer competence is too low. It is said that people distrust us because they and we ourselves recognize an incompetence factor. In the April, 1980 issue of the ABA Journal, William Reece Smith, then President of the American Bar Association, described lawyers as being involved in a crisis of competency, and draws the conclusion that underneath all current recommendations for improvement—particularly the activities to improve trial skills—“is the assumption that there are serious deficiencies in professional performance.”

Relevant to these criticisms, I am happy to report to you that, with your support by resolution in last year’s meeting, together with the support of Governor Herschler, President Jennings, Dean Maxfield of the Wyoming University Law School, and the Wyoming University Board of Trustees, the Wyoming University College of Law hosted the Western Trial Advocacy Institute this past summer. In this two-week, eight-hour-a-day, peer-critiqued seminar—instructed by trial lawyers—46 prosecution and defense lawyers were trained in the nuts-and-bolts aspects of criminal trial practice. That is to say—they were trained in the techniques of opening statement, closing argument, voir dire, direct examination, cross examination, record protection, and client interview. They were trained in the underlying and basic requisite of the trial arena—the *art of communication*. They were—in other words—taught *how to try a criminal case*.

Thank you for your support. The Institute was a resounding success. It will, I hope one day be enlarged to include the civil trial, and then enlarged to include all aspects of lawyering skills, including effective legal writing—how to gather the facts necessary to trial—how to marshal the

facts and the law necessary to appeal—how to counsel—to negotiate, together with the many other basic practitioner skills that law schools simply do not now have the time to teach in their regular curriculum.

THE CRISIS OF TRUST—JUDGES

The crisis of trust in which our profession finds itself certainly does not begin and end with lawyers. The courts also stand accused.

Nationally, judges are criticized for being arbitrary—for being too slow—for impeding the process with great backlogs—with being too cavalier and unscholarly—for being too dogmatic—dictatorial—and lacking in understanding. It is said that the milk of human kindness no longer courses through the veins of the American judiciary.

It is charged that judges do not communicate with those they judge—that they are afraid to come out from behind their dictatorial judicial attitudes, and to once again speak the plain, understandable language of the people—speak such language as people can relate to, language that lends itself to communication—soft language—language that is not frightening.

It is said that we are afraid to discard our defensive weaponry—the big words, the black robe, and the high bench—long enough for us to communicate in a way that says we *care* about the people—*care* about their problems—*care* about their discouragements and their heartaches.

Judges in this country—all of us—in all places within the court system—must strip away the plastic veneer of our prejudices—our authoritarianism—our preformed (or uninformed) impressions of what is “right and wrong,” “good or bad.” Speaking symbolically, we who judge must be willing to sit down in the living rooms of the people once in a while, and communicate with them in a way that really permits us to better understand one another.

Learned Hand once said:

“Here I am, an old man in a long night gown, making muffled noises at people who may be no worse than I am.”

And there *are* too many of us who make muffled noises at those whom we confront—afraid to reacquaint ourselves with the real world—the world where people live and love and hope and hate, and where—according to forces with which too many of us have become calloused and unfamiliar—they cry—and even die.

I do not want to be such a judge, and I would hope that my brothers and sisters who are judges in the Wyoming court system will not want to find themselves labeled in this manner.

I do not want to be the old man in a long night gown making the muffled noises of self-defense—afraid to meet and communicate with those who are affected by my judgments and who are certainly no worse and (if the facts were known) are, no doubt, better than I am.

On Tuesday of this week, we of the Wyoming judiciary assembled in an organizational meeting of the Wyoming Judicial Council. We will use the Council as a place where all judicial officers in the state—municipal judges, justices of the peace, county judges, district judges, and Supreme Court justices will gather together not only to enhance the common interests of the judges but, more importantly, to seek and find ways whereby the courts can strengthen and reinforce the historical trust relationship that has so long existed between the public and the judiciary of Wyoming.

It seems to me that Wyoming lawyers and judges must reassess their role in the system as the system itself finds a more secure place in the bosom of the community. The “crisis of competency” of which President Smith spoke is only one aspect of the crisis of trust of which I speak. The cold, hard fact of the matter is that the public no longer trusts the legal profession as it once did. We must re-establish that trust. Without public trust, the judicial system, as we know it, cannot survive.

It matters little how competent we become in our professional functions, if those whom we judge and whom we represent no longer have faith in us—do not believe in us—do not respect us.

In addition to improving our competency and our scholarship, lawyers and judges must return to the business of more intimately and enthusiastically participating in the affairs of this country, where our historical roles of leadership were first asserted. I speak of participation in the community affairs—the churches—the school boards—the town councils—legislatures—the clubs and organizations where our fellow citizens gather and work with and for each other’s welfare. We must, I think, return to those places where the citizenry can observe and reassess us as men and women of good will—available and anxious to serve the needs of the community, the state and—thus—the country.

We must once again sell ourselves and our profession in the human and ordinary terms that the lay man and woman can understand. If they cannot understand us, they will not trust us.

Ladies and Gentleman, and guests of the Wyoming Bar Association, there is a crisis of trust in this country with respect to the legal profession.

As we weather this crisis of trust together, join with me in a rededication of ourselves as lawyers and judges, to the affairs of our home communities, the state, and the country at large. Join with me in an effort to

make our great profession—the judicial branch of the government—understood and respected as it historically has been and, with our united effort, once again will be. Join with me in a humble, common effort to return the judges' bench and the practice of law to the profession's original purpose—the speedy, equitable, and even-handed resolution of our civil disputes and criminal controversies.

Let the people of Wyoming see these things being accomplished by lawyers and judges who are friends and neighbors, so that, once more, we may enjoy the high level of trust and respect that we once knew and that this great profession deserves.

FIFTY YEAR AWARDS

George W. Bird

George W. Bird was born on January 14, 1907, near Bishop Auckland, County Durham, England. When Mr. Bird was a young man, his family migrated to Roundup, Montana, and resided there until 1920. The Bird family lived in Winton, Wyoming, from 1920 to 1921. In 1921 Mr. Bird and his family moved to Rock Springs, Wyoming. Mr. Bird graduated from Rock Springs High School in 1925. He attended the University of Wyoming from 1925 until 1931. Mr. Bird received his Bachelor of Arts degree in 1930 and his juris doctorate in 1931. Mr. Bird was admitted to practice in 1931 and has practiced law in the city of Rock Springs since that date. During World War II Mr. Bird worked an afternoon shift in the machine shop of the Union Pacific Coal Company at Reliance, Wyoming. During the war years, he also served as Explosives Licensing Agent for the Department of the Interior in and for Sweetwater County. Mr. Bird was appointed District Court Commissioner by District Judge V. J. Tidball on October 7, 1947, and has served in that capacity since that date. Mr. Bird served as Bar Commissioner for the second judicial district for one year from 1956 to 1957. Mr. Bird also served fifteen years as an alternate police judge for the City of Rock Springs. Mr. Bird also served as deputy county and prosecuting attorney for the County of Sweetwater. Mr. Bird is a member of the International Association of Lions Clubs and has held several offices in that organization. Mr. Bird has also been active in the Rock Springs chapter of the International Red Cross.

Rodney M. Guthrie

Justice Rodney M. Guthrie was born on June 10, 1908, on a ranch two miles north of Moorcroft, Crook County, Wyoming. He attended grade school and high school in Moorcroft, Wyoming, and graduated from high school in May, 1926. He attended the University of Wyoming from 1926 to 1931. Justice Guthrie graduated from the University of Wyoming College of Law in 1931 and was admitted to the Wyoming State Bar in the same year. In November, 1932 Justice Guthrie was elected as county and prosecuting attorney for Crook County, Wyoming. He served in this position

until January, 1937. During this period of time Guthrie resided in Sundance, Wyoming, and maintained a private practice in that community until 1937. In 1937 he moved to Newcastle, Wyoming, and engaged in the private practice of law in the firm of Raymond and Guthrie until 1958. On August 5, 1958, Guthrie was appointed to the bench of the sixth judicial district and served as a district judge for that district until December 31, 1971. On January 1, 1972 Guthrie was appointed to the Wyoming Supreme Court. In November, 1972 Guthrie was elected to serve a six year term. From January 22, 1975 to December 31, 1978, Guthrie served as Chief Justice of the Wyoming Supreme Court. Chief Justice Guthrie retired from the Wyoming Supreme Court on December 31, 1978. Chief Justice Guthrie was chairman of the Wyoming Judicial Conference from 1960 to 1961 and again from 1971 to 1972.

Harold M. Johnson

Harold M. Johnson was born in Rawlins, Wyoming, on July 30, 1907. He graduated from the University of Wyoming College of Law in 1931 and practiced in Rawlins continuously from December 2, 1931, to the present time. Harold M. Johnson served in the House of Representatives of the Wyoming Legislature in 1935. Mr. Johnson served on the Board of Trustees of the University of Wyoming from 1941 to 1947 and on the Wyoming State Highway Commission from 1963 to 1969. Mr. Johnson has also served as a trustee for Memorial Hospital of Carbon County from 1970 to 1976 and he has been a director of the Rawlins National Bank since 1938. Mr. Johnson has been active in service clubs and community organizations throughout the period of his practice in Rawlins, Wyoming.