

1982

Committee Reports

Wyoming State Bar

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University of Wyoming

College of Law

LAND AND WATER LAW REVIEW

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COMMITTEE REPORTS

REPORT OF THE NECROLOGY COMMITTEE

Five members of the Wyoming State Bar died during the past year. The Wyoming State Bar is deeply saddened by the loss of the following named persons. They will be remembered as respected practitioners of the legal profession.

FRANK P. HILL

Frank P. Hill was born on March 6, 1918 on a ranch near Laramie Peak, Wyoming. He attended the University of Wyoming and graduated from the College of Law in 1947. Mr. Hill was a veteran of World War II and the Korean War. During World War II, he flew bomber missions in the European Theatre of operations. During the Korean War, he served as a legal officer for Maxwell Air Force Base in Alabama. Mr. Hill moved to Riverton in 1953 and practiced in that community until his death. Mr. Hill died on November 19, 1980.

ROBERT B. SMAHA

Robert B. Smaha was born on September 12, 1931, in Grand Island, Nebraska. He attended the University of Nebraska and was a veteran of the Korean War. Mr. Smaha graduated from the University of Wyoming College of Law in 1966 and was admitted to the Wyoming State Bar in the same year. He practiced in various Wyoming communities following his admission to the Bar. In 1978, Mr. Smaha opened his practice in Story, Wyoming, and resided there until his death on March 26, 1981.

FRED J. McDERMOTT

Fred J. McDermott was born on December 4, 1919 in Douglas, Wyoming. He attended Glendo High School and was awarded a scholarship to the University of Wyoming. He graduated from the University of Wyoming College of Law with a perfect scholastic record in 1942 and was admitted to the Wyoming State Bar in the same year. Following service in World War II, Mr. McDermott practiced law in Casper until 1971. At that time he moved to Laramie and resided there until his death on March 1, 1981.

ROBERT N. CHAFFIN

Robert N. Chaffin was born on July 13, 1905 in Avalon, Missouri. He attended Park College Academy and Park College in Parkville, Missouri, and the University of Washington. Mr. Chaffin

served in the U.S. Army during World War II. He graduated from the University of Wyoming College of Law in 1947 and was admitted to the Wyoming State Bar in the same year. In 1948, he established the firm of Chaffin and Maier in Torrington. He served as U.S. Attorney for the District of Wyoming from 1961 to 1969. Mr. Chaffin retired in 1974 and resided in Torrington until his death on October 7, 1981.

CECIL K. HUGHES

Cecil K. Hughes was born on July 5, 1923 in Moorcroft, Wyoming. He served in the U.S. Army in the European Theatre in World War II. He attended the University of Wyoming and graduated from the College of Law in 1951. Mr. Hughes served as an attorney for the U.S. Postal Department from 1951 to 1956. In 1956 he returned to Sundance and associated with Otis Reynolds in the practice of law. Mr. Hughes practiced in Sundance until his death on October 10, 1981.

Respectfully submitted,
RICHARD PICKETT, Chairman

REPORT OF CLIENTS' SECURITY FUND COMMITTEE

The committee had no matters to consider this past year although one matter has now been forwarded to the undersigned for consideration by the committee. Otherwise, there have been no reports nor applications submitted to the committee necessitating any meetings or actions since the creation of the committee, which was pursuant to an order of the Supreme Court of Wyoming, dated September 18, 1972, as Rule 22 of the Wyoming State Bar Rules.

The members appointed to the committee in September 1980, and the balance of their respective terms, are as follows;

Members	Unexpired Term	District
Suellen L. Davidson Cheyenne	1 year	First
Kermit C. Brown Rawlins	Expires	Second
Henry Lee Harris Evanston	Expires	Third
Thomas C. Toner Sheridan	2 years	Fourth
Robert A. Gish Basin	Expires	Fifth
Mark L. Hughes Sundance	1 year	Sixth
Robert M. Shively Casper	2 years	Seventh

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William H. Vines Wheatland	2 years	Eighth
Richard D. Gist Lander	2 years	Ninth

The monies in the Clients' Security Fund are maintained by the Executive Director-Secretary of the Wyoming State Bar, and are on deposit as shown in the accounting below. There are two accounts:

Guaranty Federal Savings & Loan — Casper Money market no. 9100128, acquired on 4-1-80, matures on 9-29-81, for 12.524% interest	\$26,323.46
Provident Federal Savings & Loan — Casper Money market no. 52908 (2937) at 15.894% interest, matures on 2-17-82.	<u>11,898.40</u>
	\$38,221.86

The balance in the fund as of September 3, 1980 was \$33,094.81.

Respectfully submitted,
ROBERT M. SHIVELY
Chairman

**REPORT OF THE STATE BOARD OF
CONTINUING LEGAL EDUCATION**

This is in response to your request for a written report of the activities of the Wyoming State Board of Continuing Legal Education. The program has been in effect for approximately three years, and we hope most of the basic problems have been worked out. The primary function of the State Board at this time is to determine accreditation of both attorneys and programs and to enforce the program in accordance with the rules of the Supreme Court and the rules as adopted by the Board. When the Board was first established by the Supreme Court, we were authorized to collect \$5.00 per attorney for each submission reporting accredited hours. We found that the fees being charged greatly exceeded the expenses incurred by the Board, so during the year 1980 and again in 1981, it was determined to waive those fees. Financially as of August 31, 1981, the Board has on deposit with the Equality State Bank, Cheyenne, Wyoming the sum of \$9,367.12. The expenses for the calendar year 1980 amounted to \$840.35 which included \$174.55 for postage and \$148.50 for stationery and other miscellaneous items. The remaining expenditures represent travel expenses by the members of the State Board.

We have only had minor problems with the enforcement of the program. As of August 1, 1981, we found that there were approximately 55 in-

state attorneys who were delinquent for the calendar year 1980. In checking with those attorneys, we discovered that approximately 30 of them had completed their required accredited hours for 1980 but had simply not reported them. All of the attorneys who, from our records, were delinquent for the calendar year 1980 were notified in accordance with our rules and the rules of the Supreme Court, and as of the date of the bar convention, there were 22 who had not acquired the mandatory number of accredited hours. Of that number, 21 were granted a thirty-day extension to attend the bar convention and one attorney was turned over to the Wyoming Supreme Court for such further disciplinary action as the Court deems appropriate. Officially, we had turned two names over to the Supreme Court; however, upon receiving notice of that action, one of the attorneys immediately called and advised that he had accumulated the required number of hours, but he had not responded to our warning notifications. I would assume that by this time, that attorney has contacted the Supreme Court and advised them of his compliance.

In the past, the Board has been quite lenient in accepting late filing of accredited hours, however, this is the last year that late filings will be accepted without a reasonable excuse under the rules. Accredited hours for the year 1981 must be filed with the Executive Director's office by February 15, 1982. For those who have not complied, a warning letter will be sent at that time. Further, the Board intends to meet on February 15, 1982, to review the rules and perhaps streamline them based upon the experience we have had to date.

Respectfully submitted,
RICHARD E. DAY
Chairman

REPORT OF ADVISORY COMMITTEE TO COOPERATE WITH THE AMERICAN BAR ASSOCIATION

I am pleased to advise that the newly created Advisory Committee to Cooperate with the American Bar Association was organized last year shortly after the annual meeting. We were advised that the principal role of the committee was to be available to work with the American Bar Association and to stimulate membership in that body. Your chairman of this committee is already the Wyoming state membership representative for the American Bar Association, and consequently the promotion of ABA membership by this committee was well coordinated with the ABA's membership activities themselves.

This committee stands ready and remains available at all times to coordinate and assist the Wyoming State Bar and its officers in any and all cooperative activities with the American Bar Association.

Respectfully submitted,
R. STANLEY LOWE
Chairman

REPORT OF THE LEGAL EDUCATION COMMITTEE

The following constitutes the report of the Legal Education Committee to the 1981 Meeting of the Wyoming State Bar.

1. The members of this Committee are the Honorable Richard Thomas, Mr. William R. Vines, Mr. George W. Hopper, Mr. Charles J. Kepler, and, ex officio, all bar officers and commissioners, together with the undersigned chairman.

2. Members of this Committee met at the University of Wyoming Law School on 13 February 1981, and the following items were acted on:

(a) The Committee again recommended to the Bar Examiners that they provide the President of the Board of Law Examiners or one of the members of the Board to speak to the law school students during the school year and prior to the giving of the next bar exam. The Bar Examiners did in fact appear and speak as requested.

(b) The Committee again recommended to the President of the Wyoming State Bar that he schedule an appearance to speak to the students at the law school regarding participation in bar activities. The President of the Bar, Mr. Lathrop, agreed to this request, but scheduling difficulties were encountered.

(c) The Committee continued its program of providing bar consultants to faculty members on request. The Committee and your chairman again express their gratitude to the members of the bar who have unfailingly responded whenever a request has been made for their assistance to members of the faculty under this program.

(d) The Committee heard the report of Dean Maxfield with regard to the following areas:

(1) Budget requests for computer research facilities to be made available at the law school. The Dean is considering either Lexis or Westlaw;

(2) The Dean has suggested that an acquisition allowance of \$420,000 should be made in the biennium budget of 1982-84. This would provide an additional fifteen percent of the previous budget year for inflation factors. It was pointed out that the median acquisition for law schools for the 1979-80 year was \$193,475 and the Wyoming Law School budget for that year was \$92,000, which placed Wyoming fifth from the bottom of ABA approved law schools;

(3) The administration also is seeking in its upcoming budget additional funds for the addition of one full faculty member.

After discussion of the Dean's report on budget activities, the Committee offered its services in the budget process, wherever they may be called on either at the administrative level at the university before the Board, or at the legislative level at the next budget session.

(e) The Committee, through its chairman, and with the Dean of the Law School, has prepared plans for further implementation of the Law School Enrichment Fund solicitation, in an effort to keep it in an ongoing and annual contribution basis. These funds again were utilized to the extent available by the administration of the law school to provide travel for students to regional and national competitions, in which the University of Wyoming Law School teams have again distinguished themselves; travel for clinical course work by the students and student attendance at ABA meetings.

(f) As mentioned in last year's report, your chairman served on a committee for the implementation of a new trial practice institute which was held this past summer at the University of Wyoming Law School.

(g) The Committee met with the faculty of the law school to discuss many of the above projects and then met again with a representative group of students at the law school and considered criticisms and questions dealing with the administration, the faculty, and course content as raised by the students. After such discussion, there was then submitted to the Dean the recommendations and suggestions which were deemed appropriate by the Committee, which had been raised by the students.

(h) The Committee further met at a social hour following the formal meeting at the law school with all members of the law school student body being invited. This social period provides a very worthwhile get-together for the members of the Committee, including the officers and commissioners of the State Bar, to meet with the students in an informal atmosphere and to visit with them outside the formal constraints of a structured meeting.

I believe, in conclusion, that the meetings of this Committee with students and faculty of the law school go a long way toward establishing a forum for exchange of views, questions and ideas between the students and members of the Wyoming State Bar. It encourages attendance and participation of students and law school faculty at bar conventions and other functions, and keeps the bar advised of the progress and needs of the law school. I believe that the Committee, for these reasons, continues to serve a useful purpose for the bar and that a similar committee continue to be appointed in future years.

Respectfully submitted,
JOSEPH F. MAIER
Chairman

**REPORT OF THE WYOMING STATE BAR COMMITTEE
ON THE MENTALLY DISABLED**

The members of this committee are: James Allison, Roberta Coates, Gloria Monroe, Alvin Wiederspahn, Ellen Crowley, Chairman.

Pursuant to the recommendation of this Committee, the Wyoming State Bar contributed \$500 toward the publication by the Developmental Disabilities Protection and Advocacy System, Inc., of "Handbook of Educational Rights for the Developmentally Disabled", written by Kenneth S. Lieb. The handbook was published in September, 1980. Attached is a copy of the acknowledgment by the P & A System expressing its appreciation for this financial assistance and a copy of the Table of Contents. Five hundred copies were printed and only about one hundred copies are now available at the office of the Developmental Disabilities Protection and Advocacy System, 508 Hynds Building, Cheyenne, Wyoming. In addition to general statewide distribution, copies of the handbook have been given to the county libraries in the State, the State Law Library, Wyoming State Bar Office of the Executive Director-Secretary, and the Wind River Reservation for its Tribal Resource Center.

In February, 1981, the Committee received a copy of the resolution of the Commission on the Mentally Disabled adopted by the American Bar Association. The resolution urged states to enact laws calling for limited guardianship, where appropriate, to assist persons of diminished capacity to live with maximum self-sufficiency in the general community. The 1981 Wyoming State Legislature passed the Limited Guardianship Bill sponsored by Alvin Wiederspahn and Ellen Crowley. (W.S. 3-2-501)

The Committee renews its recommendation that it be funded in the amount of approximately \$80.00 for the purchase of the three volume book "Legal Rights of Mentally Disabled Persons" published by the Practicing Law Institute, and for the purchase of subscriptions to "Amicus" and to the "Mental Disability Law Reporter". The committee recommends that these materials be given to the State Law Library for state-wide reference sources.

Respectfully submitted,
ELLEN CROWLEY
Chairman

REPORT OF THE COMMITTEE ON WYOMING COURTS

The Committee on Wyoming Courts herewith submits its report.

The 1981 Legislative Session was a significant one in that the long-sought legislation to provide state funding of county courts finally won ap-

proval. Other important measures were adopted as well in that session, but none has the significance equal to the state funding legislation. Here is a brief summary of each of the bills that won approval.

Senate Enrolled Act 63 was the omnibus county court's bill. It provided for state financing, expanded statewide the judicial selection process for county judges and raised county judges' salaries.

Senate Enrolled Act 39 was the critically important legislation that created two tiers of county court commissioners to provide non-lawyer commissioners in outlying rural areas to handle petty offenses and relieve people from traveling into the county seat for routine matters.

House Enrolled Act 56 was the ingenious compromise inserted into the judicial retirement law to provide benefits for widows of judges at no extra cost to the state. Under this plan, a retiring judge will make an election for either what is called a full or half joint and survivor benefit which will pay him reduced monthly service retirement benefits during his lifetime and a similar benefit for his surviving spouse.

Senate Enrolled Act 24 provided for judicial retirement at age 55 with a minimum of 12 years judicial service.

Senate Enrolled Act 30 was the bill that increased judicial salaries. Supreme Court justices were set at \$63,500 and district court judges were fixed at \$61,000.

Senate Enrolled Act 69 effectively doubled the salaries of justices of the peace.

Senate Enrolled Act 35 increased court reporting fees.

House Enrolled Act 63 cleaned up the statutes dealing with municipal courts and for the first time settled the question of what we call those courts.

House Enrolled Act 23 was the district attorneys' bill making mandatory those kinds of prosecutors in Laramie and Natrona Counties, full-time county attorneys in counties below the population level of those two counties, and part-time prosecutors in the four counties that have less than 9,000 population.

Counterbalancing this good news is some that is not so optimistic. We need to be alert and watchful in future budget sessions when appropriations are considered for the county courts under the new law. Some language stuck into Senate Enrolled Act 63, as it was on its way through the House, makes it discretionary with the state to budget monies for optional county courts in the non-mandatory counties. It is imperative that

the optional counties get their state funding on a regular basis as well as the mandatory counties. We urge, therefore, that members of the Wyoming State Bar communicate with their legislators and encourage them to support state financing on a regular basis for all county courts.

This will become increasingly important in the not too distant future. It is anticipated that because of the availability of state financing, many counties not required by law to have county courts will soon exercise their rights under the option provisions. If we are to obtain a modern statewide county court system, therefore, this option step should be encouraged, and the best way to do it is to ensure funding will be granted on a regular biennial basis.

Respectfully submitted,
R. STANLEY LOWE
Chairman

REPORT OF THE ETHICS COMMITTEE

The 1980-81 Ethics Committee of the Wyoming State Bar has reviewed various technical amendments to the *Model Code of Professional Responsibility* adopted by the American Bar Association since January 1, 1977. However, at this time, the Committee does not recommend that the Wyoming State Bar recommend to the Supreme Court of Wyoming the adoption of those technical amendments. The reason for not recommending adoption of these technical amendments is the fact that apparently the American Bar Association will, in the near future, accept or reject Model Rules of Professional Conduct put forth by the American Bar Association's Kutak Commission. It was felt by the Committee if the Kutak Commission's report is adopted by the American Bar Association, this Committee would then have the responsibility to meet and decide whether it is advisable to recommend to the Wyoming State Bar adoption of the new Code or to look at some other alternate Code for the State of Wyoming.

Respectfully submitted,
HORACE M. MacMILLAN, II
Chairman

REPORT OF THE PATTERN CIVIL JURY INSTRUCTIONS COMMITTEE

This is my report of the activities and accomplishments of the Civil Jury Instructions Committee of the Wyoming State Bar for the year 1980-1981. The members are, in addition to myself, Rodney M. Guthrie, Justice Retired; J. Reuel Armstrong, District Judge, Retired; Joseph F. Maier,

District Judge; Kim D. Cannon; Greg Greenlee; Terry Mackey; and, John Stanfield.

Since my last report, dated August 11, 1980, and the 1980 meeting of the Wyoming State Bar, the committee met in full two-day sessions during the months of October and December, 1980, February, April and June, 1981. During the interim between meetings, Justice Guthrie, as reporter for the committee, worked substantially full time in drafting and redrafting forms of instructions, with use notes and comments. He was assisted to a considerable extent during these periods between meetings by Judge Armstrong, on a volunteer basis.

Stenographic and clerical assistance was furnished by the Supreme Court, as was use of its word processing and duplicating equipment, along with paper and supplies. Travel expenses for out-of-town members of the committee were paid by the Wyoming State Bar; all meetings of the committee were held in Cheyenne because of the need for personnel and facilities located in the Supreme Court Building during the course of the sessions.

The committee has completed and approved the work it set out to accomplish during the past year—to have a book of pattern jury instructions for use in civil cases available for consideration of the Wyoming State Bar, through its officers, in such form that a decision can be made as to format, publication and distribution. There has been furnished to Dan White one copy for each officer and commissioner of the Wyoming State Bar. It is anticipated that he will make distribution. By way of suggestion, the committee believes any publication decided upon should be loose-leaf, to allow for changes and additions. I would be glad to confer in this regard.

The Foreword to the volume explains the committee's approach and recommended use of the work by the bench and bar. There is a table of contents and index to fourteen sections covering: General Instructions, Evidence, Negligence, Measure of Damages—Personal, Measure of Damages—Property, Wrongful Death, Motor Vehicles—Traffic, Agency—Partnership, Liability of Possessors of Land; Comparative Negligence, Products Liability, Duty of Manufacturer and Seller, Warranties—Express and Implied, and Malpractice.

We particularly wanted to cover eminent domain but abandoned that section because the Legislature enacted what is known as the "Wyoming Eminent Domain Act," ch. 174, Session Laws of Wyoming, 1981, which may substantially change Wyoming jurisprudence in that area. We just did not have time to digest and do the original research which must be done. We expect that there will be judicial experience with the Act as well as some independent research which will be helpful for future consideration in creation of instructions to cover the subject.

We are certain that some of the sections will be helped by future enlargement and supplementation as the Wyoming Supreme Court deals with subjects in which there were no decisions for guidance. We know that the entire spectrum of possible jury instructions has not been embraced, but we at this point want the bench and bar to have the benefit of the work as far as we have been able to go in a reasonably perfected and usable stage. For example, we would like to include sections covering such subjects as will contests, fraud and deceit, indemnity, contracts and sales.

Some of the members of the committee feel burned out by work they have done over the past several years not only on these instructions but on the Wyoming Pattern Jury Instructions, Criminal, and may welcome relief from further committee effort in developing more instructions and future updating of the current effort. Some may wish to continue. The committee certainly urges that the work not be abandoned at this point and recommends the appointment of a committee to continue the effort. However, when consideration is given to such appointments, any present member should be contacted before reappointment to determine whether he wishes to continue.

On behalf of the committee, I wish to note their appreciation for having been accorded an opportunity to serve. It has been a challenging and tremendously rewarding experience.

Respectfully submitted,
JOHN F. RAPER, Justice
Chairman

REPORT OF THE LEGISLATIVE AND LAW REFORM COMMITTEE

This letter will constitute the requested report of the Legislative and Law Reform Committee of the Wyoming State Bar. This Committee held its first meeting on the 5th of December, 1980, to prepare for a general membership meeting of the Wyoming State Bar on the 6th of December, 1980. The Committee established its position on numerous bills which had been prefiled with the 1981 Legislative Session.

The general membership meeting held on the 6th of December was for the purpose of allowing the general membership of the Wyoming State Bar to voice its opinion and discuss with this Committee specific bills and issues affecting the legal profession in the 1981 Legislative Session. Notice of the meeting was sent to all active members of the Wyoming State Bar but, unfortunately, the attendance was disappointing.

The primary area of discussion during the general membership meeting on the 6th of December focused on numerous judiciary bills. Specifically, the County Court legislation and State funding of the County Court system, as well as Justices of the Peace, commanded a good portion of the discussion. The Committee supported the efforts to obtain State funding of the various County Courts, as well as increases in salaries for County Court judges and Justices of the Peace. The membership attending the December 6, 1980, meeting voted, however, to oppose State funding of the Clerks of District Courts throughout the State.

Discussion was also had on the Technical Corrections Act to the Wyoming Probate Code. Unanimous support for this legislation was given by the general membership.

Judge Joseph Maier reported on behalf of the Legal Education Committee of the Bar that the College of Law at the University of Wyoming is in need of additional funding for an additional full-time faculty position and for funding for a computerized legal research system. As a position of support to the Law School, the membership attending the December 6, 1980, meeting resolved to offer its support to the College of Law at the University in efforts to obtain additional funding for these various purposes.

Mr. David Carmichael reported on the activities of the Uniform Law Commission during the past year. Discussion was had on several specific Uniform Laws and positions established in the event of introduction of legislation on these various acts during the 1981 Legislative Session.

While other specific bills were considered with the general membership on December 6th, the only other item of discussion which generated significant dialogue was the State funding of a full-time District Attorney position in the various districts throughout the State. The position of the Bar through its general membership attending was that the Bar support the concept of a State funded system of District Attorneys on the condition that the office of District Attorney be established as a partisan elective office and that the salary of the District Attorney be commensurate with the office of District Judge.

Following this general membership meeting, the Legislative and Law Reform Committee did remain active throughout the Wyoming Legislative Session of 1981. During the Session, support was given to the legislation which increased salaries for the Judiciary. Additionally, many bills affecting the legal profession were monitored and of particular interest was a bill attempting to establish a licensing procedure for para-legals. This bill died in committee, but it is anticipated that future sessions will consider the issue of licensing para-legals.

Much has not been stated in this report concerning sub-committees of the Legislative and Law Reform Committee and work undertaken by them as well as omission of numerous other specific bills upon which the Bar took a position and appeared at the Session to voice those opinions. I believe that such detail is beyond the purpose of this report.

In conclusion, it is my observation that the Committee serves a real purpose to the Bar and that consideration of legislation for the general sessions of legislature is a necessary function of the State Bar Association. The Committee certainly would be benefitted by greater involvement by the general membership and consideration in the future to this aspect of the Committee's work should be studied.

Respectfully submitted,
PAUL J. HICKEY
Chairman

REPORT OF STATE BAR DELEGATE TO THE ABA HOUSE OF DELEGATES

The House of Delegates met during the 103rd annual meeting of the American Bar Association in New Orleans, Louisiana on August 11 and 12, 1981. Wyoming was represented in the House of Delegates by R. Stanley Lowe, as Assembly delegate, and Jerry W. Housel, the American Bar delegate from Wyoming and myself as the Wyoming Bar delegate. The assembly as a whole was addressed by Vice President Bush, Attorney General French Smith and Secretary of State Alexander Haig. It was, and is, a privilege to be your delegate to such a fine association.

Certain amendments were made to the Constitution, the Bylaws, and the Rules of Procedure of the House of Delegates, many of them housekeeping. One important amendment to the Constitution was the authorization for delegates to the House of Delegates from the judiciary, which provides for delegates from the Appellate Judges Conference, the National Conference of Special Court Judges, The National Conference of Federal Trial Judges, and the Conference of Administrative Law Judges.

Goals for the American Bar have been discussed for several years, and this year, upon recommendation of the Board of Governors, the House approved the following resolution:

RESOLVED, that the following goals are adopted as the goals of the American Bar Association:

GOAL 1: To promote improvements in the American system of justice.

GOAL 2: To improve the delivery of legal services.

GOAL 3: To provide leadership in the improvement of the law.

GOAL 4: To increase understanding of the legal system.

GOAL 5: To assure the highest standards of professional competence and ethical conduct.

GOAL 6: To serve as the national representative of the legal profession.

GOAL 7: To enhance the professional growth of the members.

As a major step in support of these goals, the Board of Governors reported to the House that the Board had approved a resolution in support of the Legal Services Corporation, and it was resolved that the American Bar Association reaffirm support of the Legal Services Corporation and strongly urged its continuation with adequate funding.

The Board of Governors also reported to the House that it has authorized a special committee on relocation to employ a space design firm and a construction consultant to provide appropriate services related to the Association's relocation to the Chicago campus of Northwestern University.

An action that was particularly timely and which spurred some debate was a resolution wherein the House of Delegates concurred with the Assembly in adopting the following resolution:

RESOLVED, that the American Bar Association supports the recent action of the President of the United States in upholding the laws of the United States in the recent strike of federally employed air traffic controllers.

The following officers were elected by the House of Delegates for the term specified in the Constitution: As President-elect: Morris Harrell, Dallas, Texas; as secretary: F. William McCalpin, St. Louis, Missouri; as treasurer: Arthur W. Liebold, Jr., Washington D.C. The incoming president of the American Bar Association is David R. Brink, of Minnesota, who succeeds William Reece Smith, Jr. of Florida.

Bert H. Early, the Executive Director of the American Bar Association for the last 17 years, elected to retire, and a resolution was adopted saluting Bert H. Early for his services and expressing the Bar's profound appreciation. The successor to Bert Early is a fellow westerner, Tom Gonser of Idaho, formerly general counsel of Boise Cascade Corporation.

After the most spirited debate of the annual meeting, the House of Delegates amended the law school accreditation standards to allow

religious schools to adopt admissions and hiring policies that "directly relate" to their religious affiliation. The move cleared the way for the provisional accreditation of Oral Roberts University's two-year-old O. W. Coburn School of Law. Standard 211 of the ABA Standards for the Approval of Law Schools, which among other things provides that law schools shall not discriminate in hiring or admissions on the basis of race, color, religion or national origin or sex, contains the additional proviso that, "(d) Nothing herein shall be construed to prevent a law school from having a religious affiliation and purpose and adopting policies of admission and employment that directly relate to such affiliation and purpose so long as notice of such policies has been provided to applicants, students, faculty and employees."

The Oral Roberts School had been denied approval by the ABA accreditation committee last May and had sued the ABA, claiming that its First Amendment rights had been violated. A Federal District Judge in Chicago agreed, and his order had been stayed until the House of Delegates could meet. After the approval of the amendment by the House, presumably the lawsuit is moot.

Respectfully submitted,
WILLIAM T. SCHWARTZ

REPORT OF THE LAW SCHOOL

For the Law School, academic year 1980-81 proved to be successful in terms of our programs and activities, exciting in terms of our challenges and opportunities, gratifying in terms of our progress.

At this time in the 1981-82 year, our enrollment is 215 students with seventy-seven in the first year, seventy-five in the second year, and sixty-three in the third year. Applications for the current first year class numbered 466, with 129 for the 55 resident seats and 337 for the 20 non-resident seats. The mean LSAT for that class is 590, the mean undergraduate G.P.A. is 3.34. One-third of the first year students are women. The second year class suffered normal attrition for various reasons; however, we admitted several very fine resident students transferring after their first year from other law schools.

Sixty-three students graduated from the Law School this spring of 1981. Fifty-four took the Wyoming Bar examination; and 88.8% of these passed and were admitted to the Wyoming State Bar. At least fifty-two of the graduates are employed in law related positions. All but several of these are located in Wyoming. The employment status of most of the remaining eleven is unknown. Being very proud of our graduates and confident of their potential, we are deeply gratified by the interest of the Bar members in them. We will strive to make the interviewing and employment

process more convenient for prospective employers. Associate Dean George Gould and I are anxious to assist in any way possible in these efforts.

Our academic program has developed some in the past year with the addition of courses in American Indian law and insurance law as well as the splitting of the course in public land law into mining law and public land law. Our clinical and professional skills courses are growing more active each year because of the support given them by all segments of Wyoming's Bench and Bar. Because of funding provided by former University President Ed Jennings, the Law School has obtained a limited subscription in LEXIS, a computer assisted legal research system. The students at all levels are now obtaining training in its use. The focus for future development of the academic program lies in the legal writing and professional skills areas with particular emphasis on the former.

This past academic year teams of students again participated in the ABA sponsored client counseling competition and the ATLA sponsored mock trial competition at both the regional and national levels. The latter team consisting of Randall T. Cox, Tony A. Lopez, and Valerie H. Phifer won both the regional and the national ATLA trial competitions. The team of Joseph E. Hallock and Becky N. Klemt won the regionals in the ABA client counseling competition.

The State Bar and the Law School have been active in organizing and sponsoring several CLE programs. The State County Attorneys' Association in conjunction with the Law School sponsored a program during the fall of 1980. With the strong support of Governor Ed Herschler and President Ed Jennings and with the assistance of and encouragement from the Wyoming State Bar, the Law School sponsored an intensive program under the direction of Professor G. Joseph Cardine this past summer on criminal trial advocacy. The Bar/Law School committee overseeing this program has decided to offer a similar program during the summer of 1982. It will consist of two six-day sessions, one of which will involve civil trial advocacy and the other criminal trial advocacy. We welcome and strongly encourage the Bar's use of the Law School facilities and resources for these purposes.

The faculty has been very active this past year in C.L.E., law reform activities, and scholarly work. Several books and treatises were published during the past year; others are in various stages of completion; and numerous articles were published in the *Land and Water Law Review* and other scholarly journals.

The Amax Foundation has generously created the Amax Foundation Professorship in Natural Resources Law at the Law School. Due to his many and substantial contributions to this field of law, Professor Joseph R. Geraud has been named to this position. Also this past year four new nam-

ed scholarships were created: The George F. Guy Memorial Scholarship, the Alfred M. Pence Memorial Scholarship, and the Nelson E. Tamplin Memorial Scholarships. Retired Justice Archie G. McClintock established a student assistance fund to be used primarily for student financial emergencies. The Law School Enrichment Fund continues to make possible vital activities which could not otherwise occur, particularly student travel for professional skills competitions. The State Bar Foundation offers very exciting promise for substantial enhancement of the Law School program. We are deeply grateful to all for this support.

The Legislative budget request for the Law School will focus on the library. With the requested increases, our acquisition budget will move above the minimum level necessary for accreditation to one competitive with that of most other law schools in the region. The Law School is also requesting a faculty position which will be used to bolster our legal writing and professional skills programs.

This past year, the factor providing tremendous vitality to the Law School program has been the generous involvement of numerous members of Wyoming's Bench and Bar in all phases of Law School activities. Much appreciation is due members of the Bar Legal Education Committee, the Bar Commissioners, and Bar officers, particularly President Carl L. Lathrop and Judge Joseph F. Maier. To maintain the quality of our program and to continue to improve, the support and involvement of everyone is essential.

Respectfully submitted,
PETER C. MAXFIELD
Dean

REPORT OF THE WYOMING STATE BAR FOUNDATION STUDY COMMITTEE

This will serve as a report regarding the activities of the Wyoming State Bar Foundation. Since my report of July 21, 1980 to Mr. Lubnau, the Certificate of Incorporation has been executed and filed with the office of the Secretary of State of the State of Wyoming. The By-Laws have been adopted stating that the corporation's affairs will be governed by a Board of Directors consisting of seven members, which shall include three current officers of the Wyoming State Bar and four other persons who are members of the Foundation. Members shall constitute any citizen, both corporate and individual, of the United States by making an application and the payment of a \$25.00 membership fee. The bulk of the drafting responsibilities for the Articles and the By-Laws fell upon the shoulders of Perry Dray. Rather than to set forth the By-Laws in detail in this report I am attaching a copy for your easy reference. Also attached you will find a copy of the filed Certificate of Incorporation because it was necessary for the incor-

porators to make certain changes from the draft attached to my report last year.

Following the filing an organizational meeting was held in Cheyenne and directors and officers were elected for the ensuing year. Those persons serving on the Board of Directors are as follows: Howell C. McDaniel, Jr.; William T. Schwartz; George L. Simonton; Roy Stoddard, Jr.; Carl L. Lathrop; George Hopper; Michael Wass; W. Perry Dray and Robert Jerry Hand. The following officers were selected: Robert Jerry Hand, President; William T. Schwartz, Vice-President; W. Perry Dray, Secretary-Treasurer; and Daniel E. White, Assistant Secretary-Treasurer.

The contribution campaign was kicked off by a letter mailed to all members of the Wyoming State Bar in May, 1981. To the date of this report over sixty contributions have been received and the funds received have been deposited in an interest bearing checking account at the Rocky Mountain Federal Savings and Loan Association in Cheyenne, Wyoming. The balance in the account on August 12, 1981 was \$3,901.89.

Respectfully submitted,
ROBERT JERRY HAND
Chairman

REPORT OF THE COMMITTEE ON RESOLUTION OF FEE DISPUTES

The rule for the resolution of fee disputes was approved for the second time by the membership of the Wyoming State Bar during the 1980 convention. After the rule was submitted to the Supreme Court of Wyoming for adoption, members of the Court had questions concerning certain sections of the rule, and after slight modification the rule was adopted by order of the Court dated May 21, 1981, and became effective August 18, 1981.

Due to recent adoption of the rule no cases have been considered by the Committee. It is understood that the Grievance Committee may have several cases to refer to the Committee and information concerning the rule shall be made available to the public.

Respectfully submitted,
TIMOTHY J. BOMMER
Chairman

REPORT OF THE PRESIDENT'S ADVISORY COMMITTEE

At the request of President Lathrop, the President's Advisory Committee reviewed the Rules of the Organization and Government of the State

Bar, as well as the by-laws. The purpose of the review was to update the rules and by-laws to reflect changes that have occurred in the organization and government of the state bar since 1955. Upon completion of its review the committee concluded there is a flexible and working framework within which the state bar operates.

As a result, most of the changes recommended by the committee are largely housekeeping matters, and the committee was able to delete one rule. Rules 3, 5, 13 and 15, as well as Section 4, Article I and Section 4, Article II, of the by-laws contain amendments substituting the term executive-director for secretary-treasurer. With the hiring of a permanent executive-director-secretary in 1977, most of the duties formerly performed by the secretary-treasurer are now performed by our executive-director. Since the proposed amendments include references to the executive-director, the amendment to Rule 12 provides for the employment of an executive-director to serve at the pleasure of the board of commissioners.

It should be noted that no change has been recommended to Rule 6, and the office of secretary-treasurer has been retained. The reason that the office of secretary-treasurer has not been eliminated is that Rule 7 provides that the secretary-treasurer cause an annual audit of the books and records of the state bar to be made and that he report the result of the same at the annual meeting.

Proposed Rule 3 provides that once retired or honorary status is bestowed upon a member of the bar the retired or honorary member must resume the practice of law in addition to the payment of annual dues.

The committee has recommended that the title to Rule 9 be amended to include the duties of the commissioners, and the first paragraph of former Rule 13, providing that the commissioner in each district shall be the president of his judicial district bar association and that he assist in the collection of license fees, be added as part of this rule.

Speaking of Rule 13, the committee recommends that the remaining portion of the rule be repealed since this rule required a commissioner to investigate complaints of unethical or unprofessional conduct. This function has been taken over by the Grievance Committee with the adoption of the code of professional responsibility and now is surplusage.

The amendment to Rule 11 allows the board of commissioners to act by way of conference calls in lieu of an actual meeting.

The amendment to Rule 15 provides that the board of commissioners shall direct the disbursements of funds rather than vesting that power in the secretary-treasurer. This is the practice that is presently being carried on by the board.

With respect to the by-laws, the committee has recommended that the standing committees of the state bar be reduced from seven (7) to five (5). The standing committee for the bill of rights and corporation law have not been functioning for the past few years, and it is recommended that these committees be abolished. Most of the changes remaining in Section 1, Article I of the by-laws are merely housekeeping matters. It should be noted, however, that no person appointed to a standing committee after September 1, 1981 shall be permitted to serve more than two (2) consecutive terms. The original by-laws contained this provision. However, it has not been closely adhered to in recent years. The committee felt that the change should be carried forward to allow rotation of participation among the various members of the bar. The committee has deleted a requirement of seven (7) members from the Legislature and Law Reform Committee to allow more flexibility with the board of commissioners. The original concept of seven (7) members was to provide membership from each of the judicial districts, however, the number of judicial districts has been increased to nine (9). In the past there were many more members of the Wyoming State Bar in the legislature. It was the informal practice to have those members, who are members of the legislature, also be members of the legislative committee. In recent years there have been fewer members of the bar who are also members of the legislature. The committee felt that trying to obtain nine (9) members on a committee representing each of the judicial districts might be hard to achieve.

The change to Section 2, Article II of the by-laws deleted the reading of addresses and papers as part of the business meeting of the annual state bar. With the adoption of the mandatory continuing legal education rule it has been the practice to provide a legal education program prior to the commencement of the business meeting, and the committee felt that this section of the by-laws is now superfluous.

Section 3 of Article II contains a recommended change that the officers and committees of the state bar be allowed reasonable expenses necessarily incurred in the performance of their duties in lieu of actual expenses. A survey of the committees of the state bar reveal that very few members ask for reimbursement of expenses. The only request for expenses are to reflect appropriations needed to cover some specific project. Other than providing for the reimbursement of expenses for the president, the only other expense item in recent years has been for travel for the commissioners. The commissioners have actually been waiving any travel expense, and in lieu thereof, have been obtaining an appropriation to attend a national bar conference. The committee felt that this practice by the commissioners should be encouraged, and this is the reason for the recommended change.

Section 4, Article II of the by-laws contains a proposed amendment allowing for the payment of a salary to the executive-director and others employed by the state bar. This merely reflects present practice.

The committee also made a survey of the standing and special committees of the bar. It determined that the present committees which seem to function most effectively are those which schedule regular meetings at least once a year on a date set well in advance so as to enable members to plan to attend. One observation is that communications between the committee chairman and the board of commissioners could be improved.

With respect to the Committee on the ABA Standards of Criminal Justice it is recommended that the standards be drafted in final form and adopted. The need for the committee would then cease.

The advisory committee also recommends that the Committee for Mentally and Physically Disabled be abolished, unless a program of continuing objectives is established.

During the past year, a proposal for the establishment of a tax section of bar has been received. Such a section was attempted in past years but the movement lost its impetus. Rather than establishing such a section, the committee suggests that a special committee on tax be appointed to recommend CLE programs and to provide a forum to obtain items of interest for publication in the *Wyoming Lawyer*. If the efforts of such a committee gain momentum within the membership of the bar, then the board could consider whether a separate section is justified.

The committee felt one final observation was worthy of comment. It has been noted that in the past certain districts throughout the state lack representation on the board of commissioners, because the individuals elected by their respective districts consistently fail to attend meetings of the board. Our bar has grown in recent years to the extent that its business entails many tens of thousands of dollars. Many of the concerns of the bar often are felt in the daily practice in the offices of its members, but without a representative to carry the expressions of its members to the officers and commissioners decisions are often made without knowledge or a feeling of a local concern. This committee feels that each district should evaluate the selection process of its commissioners with the aim that its concerns are heard both in the meetings of the board and at meetings of the membership.

The recommendations of this committee are merely proposals to the board. In other words, changes in the by-laws rest with the board, subject to the approval of the Supreme Court pursuant to Rule 12. Revisions to the rules are the prerogative of the Court and the board can only make recommendations. Both bodies are, however, receptive to the comments of the members.

Respectfully submitted,
THOMAS E. LUBNAU
Chairman

REPORT OF THE JUDICIAL PLANNING COMMITTEE

This letter is in response to yours of July 31st requesting a report on the Judicial Planning Committee for the year 1980-1981. Appointed by the Supreme Court and chaired by the Chief Justice, the committee's membership includes judges of the several levels of court, a clerk of court, a prosecuting attorney, the State Public Defender, two legislators, private attorneys, and non-lawyers interested in court improvement. A current membership list is attached. Its functions are to identify the most critical problems in the administration of justice in Wyoming and develop programs or proposals for dealing with them.

The committee was active in 1980 on the preparation of a program for state funding of various levels of courts. The principles behind the program were that the administration of justice is a function of state, rather than local government and that the state already controlled the courts' jurisdiction and operation with statutes and court rules. Following from those ideas, the committee concluded that the state, not the counties, should bear the responsibility of funding those courts. It reviewed statutes and practices from other states, contacted representatives of interested groups around the State, and prepared a three-part proposal for state funding. One part covered county courts, another covered the clerk of district court offices, and the third covered facilities for the district and county courts. The proposals for funding were geared to encourage court improvement as well: state funding of county courts would encourage the counties to establish them as a replacement for JP courts, and the facilities payments by the state would be geared to reflect how complete and effective the space used by the courts was. The 1981 Legislature passed one of the measures, the one for funding the county courts.

The Judicial Planning Committee has also worked on other projects. It has discussed juror orientation, possible re-districting, and other topics. Currently the committee is pursuing an evaluation of the county courts.

In its role as allocator of federal LEAA funds in the courts, the Judicial Planning Committee's work has declined as the flow of federal funds has diminished. The committee used most of the 1980 funds to establish a pilot program in computer-assisted transcription which, if successful, would produce very speedy production of transcripts by the court reporters in district court. That project got underway in mid-1981, so no results will be available for a few months. The committee has also used a good deal of federal funds to support continuing legal education—sending district judges and limited jurisdiction court judges to national seminars.

The Judicial Planning Committee fills an important function for our judicial system. It includes representatives of all interested groups and levels of court and seeks to get contributions from various persons in discussions for an improved administration of justice. No other committee

focusing on the courts is so representative or broad-based. I look forward to continued activity by the committee.

Respectfully submitted,
ROBERT R. ROSE, JR.
Chief Justice
Chairman

REPORT OF THE PERMANENT RULES COMMITTEE

In response to the request of Dan White, I am submitting a brief written report concerning the activities of the Permanent Rules Committee. This Committee met on August 9, 1980, in Casper, at which meeting the entire membership was in attendance. At that meeting, the Committee elected the undersigned as Chairman and Mr. William Bon as Vice-Chairman. The Committee also agreed that it should attempt to meet on a more frequent basis and specifically plan to meet whenever possible at the annual Bar convention.

The Committee also adopted a resolution encouraging input from practicing lawyers, judges and law professors from time to time on proposed new rules and rule changes. The intent of the resolution was to encourage communication and comment from members of the profession.

The Committee considered a proposal to amend W.R.C.P. 47(a) and W.R.Cr.P. 25(a) on voir dire of juries by adopting the language found in F.R.C.P. 47(a). The Committee recommended against the proposed change by a vote of four against, two in favor of the change and one abstention.

The Committee considered a proposal to amend W.R.C.P. 68, on offers of judgment, by adding a sentence to the effect that the offeror would pay costs of the offeree in the event that the offeree recovered a judgment in excess of the amount of the offer. The Committee voted against this proposed change by a vote of six to one.

The Committee considered a proposal to amend W.R.C.P. 51 relating to the time that requests for jury instructions were to be submitted. The proposed change was recommended by unanimous vote of the Committee. The Committee met on September 4, 1980, at Jackson during the Wyoming Bar Convention. At this meeting only four members of the Committee were in attendance. The Committee recommended amendment of W.R.C.P. 71.1 by adding to subdivision (e) the phrase, "after the questions previously mentioned have been heard and determined."

At this meeting of September 4th, the Committee also recommended various changes in the W.R.C.P. in accordance with recently adopted changes in the F.R.C.P., relating primarily to discovery.

After reporting these recommendations of the Committee to the Supreme Court, the Wyoming Supreme Court on November 6, 1980, entered an Order amending the Wyoming Rules of Civil Procedure in the areas recommended by the Committee.

The Committee submitted to the members of the bar, by publication in "The Wyoming Lawyer", a proposal to shorten up the time in which preemptory challenges of a judge may be exercised. Only six members of the bar responded to this proposal. The Committee has not yet taken final action on any recommendation in that regard.

The Committee met on June 26, 1981, in Casper to consider possible amendment of the rules relating to simplified and limited discovery as recently adopted by the Colorado Supreme Court. Since only four members of the Committee were present at this meeting, action was delayed on pending rule change recommendations until the next meeting to be held at the 1981 Annual State Bar Meeting.

In addition to the undersigned chairman, the Committee is composed of the Honorable George P. Sawyer, Mr. William S. Bon, Mr. David Carmichael, Mr. Donald E. Jones, Mr. Gerald L. Spence, and Mr. Christopher Mueller, Member and Recorder.

Respectfully submitted,
JOSEPH F. MAIER
Chairman

REPORT OF GOVERNOR'S PROBATE STATUTE STUDY COMMITTEE

Governor Ed Herschler appointed the committee on April 26, 1977. The original membership of the committee was made up of three practicing lawyers, three trust officers, a former clerk of a district court, two people from senior citizens organizations and a member of the Wyoming Taxpayers' Association.

Since the creation of the committee, it has met more than 60 times. Through the efforts of the committee, and with the help of Governor Herschler, Senator Rex Arney and the Legislative Service Office, the Wyoming Legislature enacted legislation resulting in the Revised Probate Code of 1980.

Subsequently, the Legislature has passed technical amendments acts, which have refined the wording in some of the provisions and sections of the statutes.

All of the sections of the Wyoming Statutes covering probate matters have been studied and reviewed by the committee, except the sections

covering Trusts and Guardianships. The committee is still working with those sections. Hopefully, these sections will be ready to present to the Legislature prior to its next session.

The present membership of the committee, and their addresses are as follows:

1. Rex O. Arney (practicing attorney and State Senator)
P. O. Box 6288, Sheridan, Wyoming 82801
2. Richard M. Baker (former trust officer)
President, Wyoming Student Loan Corporation
5420 Yellowstone Road, Cheyenne, Wyoming 82001
3. Mrs. Ida May Carmin (former Clerk of the District Court)
520 South 5th Street, Douglas, Wyoming 82633
4. Ross D. Copenhaver (practicing attorney)
P. O. Box 839, Powell, Wyoming 82435
5. Eugene Engrav, C.P.A.
P. O. Box 1088, Cheyenne, Wyoming 82001
6. Dr. Russell I. Hammond (retired professor)
816 South 17th Street, Laramie, Wyoming 82070
7. Leonard S. Mayer (Inheritance Tax Administrator)
Department of Revenue and Taxation
2200 Carey Avenue, Cheyenne, Wyoming 82002
8. Howell C. McDaniel, Jr. (practicing attorney)
500 The Wyoming Building, Casper, Wyoming 82601
9. Roy Stoddard, Jr. (practicing attorney)
P. O. Box 952, Cheyenne, Wyoming 82001
10. Bruce N. Willoughby (former trust officer and now a
practicing attorney)
135 North Ash Street, Casper, Wyoming 82601
11. Robert J. Wyatt (member of the Wyoming State Bar)
Trust Office, Bank of Commerce
P. O. Box 2007, Sheridan, Wyoming 82801

The committee meets each month, usually in Cheyenne, Douglas or Casper, and invites comments and suggestions.

The meetings of the committee are open to all interested parties, especially attorneys, trust officers and C.P.A.'s.

Respectfully submitted,
HOWELL C. McDANIEL, JR.
Chairman

REPORT OF THE UNAUTHORIZED PRACTICE OF LAW COMMITTEE

During this first year of its existence, this Committee held one formal meeting in Casper to consider and act on a complaint and one conference call meeting to consider another matter. During our first formal meeting, we established an informal procedure to follow in handling complaints. It will be our policy to investigate any complaint; then, if a violation is thought to exist, a cease and desist warning letter will be sent. If the activity persists, the committee will seek a show cause order from the appropriate District Court through the local county attorney.

Two formal complaints have been investigated. The unauthorized practice was apparently terminated in the first instance after receipt of the cease and desist letter. The second is still under investigation and we are watching actions taken in neighboring states against the alleged offender.

We feel there may be a need for more formal procedures and clarification of this committee's role in enforcing the state statutes. We intend to investigate these problems more fully in the future.

Respectfully submitted,
RICHARD S. DUMBRILL
Chairman

REPORT OF COMMISSIONERS ON UNIFORM STATE LAWS

The ninety-second annual meeting of the National Conference of Commissioners on Uniform State Laws was held in New Orleans, Louisiana, July 31st through August 7th of this year. All three of Wyoming's Commissioners, Wade Brorby, David H. Carmichael, and Charles G. Kepler, were in attendance.

The 1981 annual meeting of the Conference adopted, and approved for enactment by the several states, the Uniform Conservation Easement Act, the Uniform Unclaimed Property Act, the Model Real Estate Cooperative Act, and the Model State Administrative Procedure Act.

The Uniform Conservation Easement Act should be of particular interest to the State of Wyoming. In brief, this Act enables durable restrictions and affirmative obligations to be attached to real property to protect natural and historic resources. Under the conditions spelled out in the Act, the restrictions and obligations are immune from certain common law impediments which otherwise might be raised. The Act maximizes the freedom of the creators of the transaction to impose restrictions on the use of land and improvements in order to protect them, and it allows a similar latitude to impose affirmative duties for the same purpose. Because of the large number of "Open Space Easements" which have been created in recent years in this state, it would appear this Uniform Act should be of value since it facilitates and simplifies the creation of such easements.

The Uniform Unclaimed Property Act was drafted in response to conflicting legislation among the various states and to clarify the particular state entitled to unclaimed intangible property. Basically, the Act provides that unclaimed intangible property belongs to the state of last known address of the owner, rather than the state of the holder. It is believed that the Act would be of particular value to a state such as Wyoming.

There are many provisions in the Model State Administrative Procedure Act that should be of interest in Wyoming. The Model Real Estate Cooperative Act follows the format of the Uniform Condominium Act.

The objective of the National Conference is to promote uniformity in the laws among the several states on subjects where uniformity is desirable and practicable. The Conference 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 debates similar to that encountered at the legislative level. By and large the end product is superior.

Wyoming has been a member of the Conference since 1915 and has benefitted substantially from the availability of the uniform and model acts. Wyoming's three Commissioners are appointed by the governor and, although representatives of the executive branch, cooperate closely with the Wyoming Bar Association.

Your present Commissioners would be most appreciative if the Wyoming State Bar would appoint one or more committees to work with the Commissioners on introducing specific uniform legislation, such as the amendments to Article 9 of the Uniform Commercial Code.

Respectfully submitted,
CHARLES G. KEPLER
Chairman

TREASURER'S REPORT**Wyoming State Bar****Balance Sheet****August 31, 1981****Assets**

Cash—checking—American National Bank.....	\$ 12,268
Cash—checking—First Wyoming Bank.....	21,104
Cash—savings	1,092
Cash—Liquid Capital Fund.....	144,693
Restricted cash—certificates of deposit (Note C).....	<u>38,222</u>
	<u><u>\$217,379</u></u>

Liabilities and Fund Balance

Amounts withheld from employees and payroll taxes.....	\$ 210
Convention receipts held in escrow.....	<u>18,739</u>
	18,949

FUND BALANCES:

Unrestricted	160,208
Restricted	<u>38,222</u>
	<u><u>\$217,379</u></u>

Wyoming State Bar**Statement of Revenues and Expenses
and Changes in Fund Balance****For the Eleven Months Ending August 31, 1981**

	Budget Year Ended Sept. 30, 1981	Unrestricted Funds	Restricted Funds
REVENUES:			
Annual fees..	\$114,325	\$121,529	\$ —
Interest.....	9,000	24,033	5,127
Miscellaneous	<u>5,000</u>	<u>9,593</u>	<u>—</u>
	128,325	155,155	5,127
EXPENSES:			
General and administrative	<u>128,325</u>	<u>109,033</u>	<u>—</u>
EXCESS OF REVENUES OVER EXPENSES	\$ —	46,122	5,127
FUND BALANCE:			
Oct. 1, 1980..		<u>114,086</u>	<u>33,095</u>
Aug. 31, 1981		<u><u>\$160,208</u></u>	<u><u>\$ 38,222</u></u>

Respectfully submitted,
GEORGE L. SIMONTON
Treasurer