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## President's Annual Report

James O. Wilson

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## PRESIDENT'S ANNUAL REPORT

JAMES O. WILSON\*

To the Members of the Wyoming State Bar:

It is provided in the By-Laws of our organization that in the order of business at each annual meeting shall be, among other items, the reading of the minutes of the last preceding meeting unless dispensed with on motion, and immediately following that as Item 2 the impressively worded Address of the President. No mention is made that this item may be dispensed with, but I see no reason, after listening to some of my colleagues' remarks on the annual address, why this report of stewardship may not be written, incorporated by reference in the minutes, and for those who wish, mimeographed copies have been provided. I believe I have some constructive suggestive suggestions and urge the officers to read the same.

I feel, however, that there are one or two particular phases of work of the Bar which bear mentioning at this time, for they are the phases of work which I hope will be carried forward in the immediate future.

### CONTINUED LEGAL EDUCATION

For many years, particularly since the inception of the integrated bar, this organization has devoted much of the program at the annual meeting to this work, particularly in the fields of rules of procedure, trial procedure, pre-trial procedure, taxation, wills, trusts, and matters of general interest to the general practitioner. The primary difficulty encountered here in program planning is lack of time for presentation.

The Law School of the University of Wyoming has in the past two years undertaken winter clinics in the fields of rules of procedure and taxation. Both sessions were well attended and show the real interest of the practitioner in his never ending search for knowledge. The Law School is indeed to be congratulated for undertaking this work, and I hope it may continue. I hope, however, its work may be augmented and greater impetus given thereto.

Local bar associations, in particular the Natrona County Bar Association, have done excellent work in the field on continued legal education. I would hope, however, that much more can be done and that, in particular, the Wyoming State Bar will lead in carrying out this work.

In December, 1958, I had the privilege of joining with the presidents of all the other state bar associations, and the leaders in the field of continued legal education throughout the country at the Arden House Conference at the Harriman Home, 45 miles from New York City, now owned

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by Columbia University. The program was sponsored by the American Bar Association and American Law Institute, and the expenses of the conference were met by a grant from the adult education section of the Ford Foundation.

It was a hard-working group, an inspiring program, and one could not help but come away from the meeting determined to do more in this important field. Much credit is due Ross L. Malone, then president of the American Bar Association, Harrison Tweed, American Law Institute president, and the many others who led the work. One who contributed much to the discussion will be here with us, representing the Colorado Bar, Wm. Hedges Robinson. Mr. Robinson is the leader in the field of continued legal education in Colorado which has accomplished much and is doing an ever increasing amount of work in the field. I have asked Bill to briefly discuss the Arden House Conference and to outline his hopes and plans for interstate cooperation in continued legal education at this meeting, and I will not dwell further on the meeting except to insert in this written report a portion of the findings of the conference.

"American lawyers today are confronted with problems of vast and increasing complexity. No law school education can be expected to deal with all of these problems. A practicing lawyer has an obligation to continue his education throughout his professional life. This education not only must increase his professional competence but also better qualify him to meet his professional responsibilities to his clients and to the public.

"The organized bar has the primary obligation to make this continuing legal education available to the members of the profession. A generation ago the bar recognized its responsibility for the adequate education of law students. Today it recognizes a comparable responsibility for the continuing education of practicing lawyers.

"The bar must take stock of the existing resources for continuing education of practicing lawyers; it must formulate educational goals in this field; and it must determine the means to achieve them. This is the inquiry and the effort that the Conference has attempted to launch. . . .

"Programs for continuing education thus far have placed a major emphasis on professional competence and have not always given to professional responsibility the attention it should have. In the future these programs must also emphasize the professional responsibilities of the lawyer. They must help the lawyer to fulfill a wide range of professional responsibilities: to the courts, to the administration of justice, to law reform, to the law-making process, to his profession, and to the public. . . .

"In the last analysis, the responsibility for this entire program in each state rests with the organized bar of the state. In most states it will be desirable for the state bar association to coordinate the activities of the organized bar, the law schools and other special groups concerned with

the education of practicing lawyers. The autonomy of local groups and independent organizations should not be impaired, but their efforts should be encouraged and strengthened. . . ."

I will not take the time of this meeting to read this portion of the report, but to outline to you what I would like to see done by this organization.

1. The establishment of a panel of lawyers, four or five in number, who will prepare themselves in a field of law of general interest to the general practitioner; the panel to travel to four or five communities in Wyoming where those interested lawyers will assemble at selected places and time to listen to the panel discussion and join therein. A sample of this work will be presented in the oil and gas panel at this meeting. If the work succeeds, other panels can be developed in the future. We are handicapped by distance, comparatively small number of members of the bar and lack of funds; but I believe the lawyers of Wyoming will welcome the opportunity to join in furthering their legal knowledge in fields of law they have forgotten, in which there have been many changes and new techniques.

2. Cooperation with adjoining states in interstate meetings devoted to continued legal education. As I have stated, Mr. Robinson will discuss this problem more fully, but this program should be especially welcome because of the opportunity to hear leading lawyers who are specialists in their fields in other states. This Bar, in turn, can offer an opportunity for the lawyers of other states in hearing specialists from Wyoming develop a particular theme of work.

3. Establishment of a program of aid to the newly admitted lawyer. In several states, particularly Florida, those lawyers just admitted to the bar are brought together in the Supreme Court for an induction ceremony. Our Supreme Court has already established this program. I think we can go further, however, and aid the young lawyer in a two or three day indoctrination program. The established practitioner can appear at such a program and help indoctrinate the young lawyer, introduction to the Courts, the county offices, presentation of programs on subjects and problems which the young lawyer is apt to encounter immediately in the first months of practice. I believe the lawyers recently admitted to practice can aid immeasurably in carrying forward this program. It has real merit and would do much in assisting the neophyte in establishing himself and helping to avoid the many and common pitfalls into which he is apt to fall.

4. Increased activity should be encouraged by the local county bars. I realize that several of the bars are stressing this important work, but more can be accomplished. I urge bar presidents to appoint the committees on continued legal education to study the problem, develop programs and strengthen their associations in this field where state bar activities are unable to reach them.

The facets of the field of legal education are many and varied. Those who aid and participate in the work must be dedicated. It has, however, been proven throughout the nation that those who participate know they must go forward in their never ending search for knowledge in the aid to their clients and in becoming informed in the constant changes in the law.

The ABA and ALI are eager to give assistance gained from long years of experience, both in a local and national level. I believe we should take advantage of it.

#### AMERICAN BAR AND INTER-BAR ACTIVITY

As you undoubtedly know it has been the practice for the Wyoming State Bar to send the president and president-elect to the American Bar Association meeting and to the Mid-Year Conference of State Bar Presidents. For the past two years the presidents have not attended the Association's meeting immediately preceding the Annual State Bar meeting, and the presidents-elect have been the official representatives. I believe this was due to the fact that there is not only much last minute detail for our annual meeting to be attended to, but also some consideration was taken as to the need for the expense. It would indeed be a grave mistake not to have the president-elect attend this important meeting and also to have the two representatives attend the mid-winter meeting, for it is primarily here where the plans, thoughts and ideas for developing the State Bar are obtained. I am not suggesting that the president not attend the meeting if he desires to do so, but perhaps some thought might be given to giving the president of the Junior Bar some assistance in attending an American Bar Association meeting. The Association meetings have much to offer in constructive ideas and studies into many legal specialties. There is an ever increasing number of Wyoming lawyers and judges attending the ABA. I urge as many of you as possible to go to one of these meetings at an early date. This organization, in my opinion, has done more to raise the standard of the American lawyer than any other organization or program. It is entitled to your support.

It has also been the practice for the president to attend the annual meetings of the Colorado and Utah Bar Associations and for us in turn to enjoy the pleasure of inviting the presidents of these neighboring states' associations to our meetings. This year we were invited to the meetings of the Montana and South Dakota Bar Associations; and, although I could not attend, Charlie Crowell did attend the latter meeting. Much can be obtained from the exchange of thoughts and ideas and in seeing how other associations present their meetings. Certainly this inter-bar activity should be increased wherever possible.

My wife and I also attended the Judicial Conference of the Tenth Judicial Circuit Court of the United States held in Santa Fe, New Mexico. This too is a very stimulating and worthwhile meeting.

## OFFICERS, COMMISSIONERS AND COMMITTEES

I would like to take this opportunity of thanking the officers, commissioners, and committees for all of their willing assistance and help throughout the year. Whenever I have called upon them for advice or assistance, it has always been immediately forthcoming.

Charlie Crowell, I believe, has the proper idea in mind in appointing the committees at the time of the annual meeting for this will eliminate a time lag of at least a month. Much of the work of the Bar must be accomplished through the committees, and yet they seldom have an opportunity to meet, and most of their work must be done through correspondence. This is ordinarily satisfactory, at least in preliminary stages; but for effective development of such programs as are contemplated by the corporation and commercial code committees some means must be devised for bringing them together and defraying the cost of their expenses. This can be done on a limited scale by the Wyoming State Bar, but our funds will not permit more than one or two meetings. As our Bar develops, undoubtedly ways will be found to carry forward important phases of work as shown by the continued and untiring efforts of the Rules Committee.

It is my belief that we may soon come to the use of section committee programs at our meeting. Many state bar meetings, patterned after the American Bar Association, do much of their work through panels. Colorado is an example of this, and at their 1958 meeting they had sections on real estate, probate and trust, taxation, mineral law, water, and negligence law. Our association may not yet be large enough to attempt this, but I believe it is worth consideration and certainly is a method of getting more members interested in the fields of their specialties.

It would be impossible for me to set forth in this report all of the work of the various committees, but I would like to mention a few.

The Legislative Committee conducted the biennial meeting of the Wyoming State Bar in January of this year. The members present directed that we sponsor some bills and abandon the support of others. Under the able leadership of Vincent Ross and his committee and the able support of Clarence Swainson of the Uniform Laws Commission, the following bills were enacted which had the support of the Bar:

Uniform Act for Simplicity of Fiduciary, Security Transfers  
 Chapter 169—Session Laws of Wyoming—1959  
 Uniform Estate Tax Apportionment Act  
 Chapter 171—Session Laws of Wyoming—1959  
 Facsimile Seals and Signatures—Public Officials  
 Chapter 34—Session Laws of Wyoming—1959  
 Uniform Arbitration Act  
 Chapter 116—Session Laws of Wyoming—1959  
 Nomination Petitions for Judges

Chapter 101—Session Laws of Wyoming—1959  
Designation of District Judges in Districts Having More Than  
One Judge  
Chapter 103—Session Laws of Wyoming—1959  
Non-Partisan Election of Judiciary  
Chapter 167—Session Laws of Wyoming—1959  
Uniform Commercial Code—Study of by Interim Committee  
Chapter 187—Session Laws of Wyoming—1959  
Permissive Use of Certified Mail for Registered Mail  
Chapter 73—Session Laws of Wyoming—1959.

The Supreme Court has suggested that some method be devised of reviewing the decisions of the Court, taking suggestions contained therein relative to shortcomings or omissions in statutory law and presenting such matters to the legislature for their consideration. The latter assignment is not too burdensome, but a review of all of the cases might be a real piece of work. Certainly the matter has merit.

Let me again urge upon the members to make notes of possible errors, defects, or statutory changes as they come upon them and present them to the legislative committee in due course. This is an easy thing to forget to do but is of real help in eliminating glaring errors in our laws.

We were directed at the last meeting to establish a Legislative Aid Committee. Such a committee was appointed, but after careful consideration the four men so appointed felt the time before convening of the legislature would not permit adequate study of the problems involved. This important piece of work should be continued, but it must first be determined if the legislature desires our services and secondly in what manner our services should be utilized.

We cannot and must not be accused of influencing the course of legislation. I believe, however, the profession should do everything possible to expedite this committee work.

The Corporation and Commercial Code Committees have been working on the tremendous problem of securing consideration of these uniform laws. Many members of the Bar and of other professions affected by the law are still opposed to consideration of changes, but I believe we must thoroughly explore the fields before shutting our eyes to changes. Jack Gage, our Secretary of State, has requested that the Bar also give assistance in reviewing, with the idea of constructive changes, our Blue Sky Law. The Commissioners have assigned this additional work to the Corporation Committee.

Law Day, under the very able guidance of Harry Thompson, was an outstanding success in this, its second year of life. I hope it has many more and that it will become a national observance. Time will not permit outlining all that the Committee, Commissioners, and lawyers in general did in bringing the program to the people.

The Committee on Unauthorized Practice of Law has been active in attempting to secure approval of codes and agreements concerning relationship between the legal profession and other professions and groups. Byron Hirst will report on this phase of work of his committee. It is a task which will not be immediately completed but which should not be forgotten. There are those groups which are constantly encroaching into the practice of law. We must be increasingly vigilant in our efforts to prevent this.

I have suggested that we give some aid to the Junior Bar by possible financial aid to their president in attending the American Bar. They have been given a part in this program. I urge that further assistance be given them wherever possible and whenever they request it. I know that as individual lawyers our Bar has always been helpful. We can give them aid as an organization, and they can do much in strengthening our association particularly in the field of continued legal education. They are actually just starting, but their potential is great.

#### GENERAL SUGGESTIONS

I believe an annual report should not only outline briefly what has been accomplished but also to outline suggestions to the membership which are made to the president, with the thought that some action may come of it, even though the outgoing administration has not accomplished the suggestion.

There is a constantly recurring request by the lawyers that the Supreme Court library may be made available at periods of time other than regular hours. I think we all realize the problem involved. Expense primarily, loss of books, possible lack of interest. Is it worth considering?

Immediate publication without headnotes, in mimeograph form, of the decisions of our Supreme Court for delivery to our membership. This expense could probably not be borne by the Bar, but it is an idea often thought of in the past which should again be worked on if and only if, the members would use them.

This year there was no preliminary delivery of the galley sheets of the 1959 Session Laws, and there was a lag of several weeks before the Session Laws were made available. This was perhaps my fault in not attempting at an earlier period to arrange for this mailing. It is a serious matter for lawyers to counsel on laws which are in effect without knowledge of their content or existence.

A concerted effort was made to eliminate from our rolls the names of those few who failed to pay their dues. I am a firm believer in the Integrated Bar; I consider it absolutely essential; and all must pay for the great privilege given us as lawyers. My appreciation to the Supreme Court and the District Courts for their help in accomplishing this unpleasant but necessary task.



Dwight Wallace attended the Interstate Bar Council of the western states in Salt Lake City as the official representative of this Bar. Those of us who have attended those meetings know the importance of the Council. Much of the growing strength of the state and local bar associations can be attributed to the work of this and similar councils. This year they meet in Hawaii, and we may not be represented. If anyone can attend the meeting in February 1960, please advise us, and we will give you further details.

My sincere thanks to the Cheyenne attorneys and their wives who have worked so hard to make this meeting a success. Their names are on the program. My particular thanks to Paul Godfrey for serving as general chairman. When Paul accepted, many of my worries ceased.

I am deeply grateful for the opportunity you have given me of serving you. It is one of the highest honors ever received by me. There are many programs I had hoped of accomplishment which I failed to carry out. There are some who feel that I should have carried on certain activities which I did not believe we should undertake. With the growth of our great Bar some of these programs and many others I know will be accomplished by my successors.