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The Minutes the Annual of the Wyoming State Bar

Wyoming State Bar

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MINUTES
THE ANNUAL MEETING OF THE WYOMING STATE BAR

September 8, 9 and 10, 1960
Casper, Wyoming

The 1960 Annual Meeting of the Wyoming State Bar was called to order by President Charles M. Crowell at 9:00 a.m., September 8, 1960, in the American Theater in Casper, Wyoming. E. Thomas Rodda, Rector of St. Mark's Episcopal Church, Casper, Wyoming, gave the invocation.

At the conclusion of the invocation, President Crowell called upon Houston G. Williams, President of the Natrona County Bar Association, who welcomed all of the members of the Wyoming State Bar to the convention being held in Casper. At the conclusion of Mr. William's remarks, John P. Ilsley of Gillette, Wyoming, President-Elect of the Wyoming State Bar, responded to the welcoming address on behalf of the entire membership of the Bar.

President-Elect John P. Ilsley then called upon John T. Dixon of Powell, Wyoming, Secretary-Treasurer of the Wyoming State Bar, for treasurer's report which was read and was regularly moved, seconded and carried that the report be accepted and approved as read. President-Elect Ilsley then called for the reading of the minutes of the 1959 annual meeting held at Cheyenne, and upon motion, duly seconded and carried it was moved that the reading of the minutes of the 1959 annual convention be dispensed with.

President-Elect John P. Ilsley then introduced President Charles M. Crowell who reported to the members on the past year's activities of the Wyoming State Bar.

John P. Ilsley then turned the meeting back to President Charles M. Crowell who called upon Jerry Housel of Cody, Wyoming, to introduce the new members of the Bar who had been admitted since the last annual meeting. The following new members were introduced and were present:

Marvin L. Bishop III, Harold Costello, John G. Hanes, James T. Hays, D. Thomas Kidd, Robert C. Kelly, Thomas L. Lubnau, Silas R. Lyman, Richard R. Pickett, Thomas S. Smith and John Stanfield. Mr. Housel welcomed the new members to the association and he gave a brief history of their lives.

President Crowell then also welcomed the new members and announced that Jerry Giesler would not be in attendance at the convention as previously planned due to illness, but that E. A. "Ted" Hunt of Australia had graciously consented to fill in Mr. Giesler's portion of the program.

President Crowell then appointed the Resolutions Committee who were as follows:

James A. Zaring, Basin, Wyoming, Chairman; Edgar Herschler, Kemmerer, Wyoming; J. F. Mahoney, Casper, Wyoming; George P. Millett, Laramie, Wyoming; Edward T. Halsey, Newcastle, Wyoming. The meeting was then recessed for a short coffee break.

The meeting being called to order again by President Crowell drawing for books was then held with Robert L. Bath of Rock Springs receiving *Encyclopedia of Trial Practice* by Schwietzer, donated by Bender-Moss Company.

President Crowell then introduced E. George Rudolph, Chairman of the Corporations Committee, who in turn introduced Allen Carpenter of Cody, Wyoming, member of the said committee. Mr. Rudolph then conducted a discussion of the *Model Corporation Act and Proposed Constitutional Amendment* thereto. It was regularly moved, seconded and carried that the Wyoming State Bar approve the Model Corporation Act as prepared and presented by Rudolph and the proposed constitutional amendment pertaining thereto. President Crowell thanked Mr. Carpenter for the work done during the past year insofar as the Model Corporation Act was concerned.

After thanking Mr. Rudolph and Mr. Carpenter and the Committee for the work done on the Model Corporation Act during the year, there being no further business to come before the meeting, the same was recessed at 11:55 a.m. until 2:00 p.m. During the noon hour, the membership and their wives attended a luncheon held at the V. F. W. Club in Casper, Wyoming, where they were addressed by E. A. "Ted" Hunt of Sydney, Australia, who graciously consented to fill in for Jerry Geisler who was unable to attend due to illness.

President Crowell reconvened the meeting at 2:45 p.m. at the America Theater in Casper, Wyoming, and called upon Harold Bloomenthal of Laramie, Wyoming, who spoke to the membership on *The Securities Act Intra-State Exemption: Fact or Fiction?* Following Mr. Bloomenthal's talk there was a general question and answer session at the conclusion of which President Crowell thanked Mr. Bloomenthal for his very excellent talk.

The attendance drawing was then held with Earl Dunlap of Gillette, Wyoming, receiving *Fraud Under Federal Tax Law* donated by Commerce Clearing House. At the conclusion of the drawing President Crowell recessed the meeting for a short coffee break.

At the conclusion of the coffee break the meeting was called back to order by President Crowell who introduced Carleton A. Lathrop of Cheyenne, Wyoming, moderator of the Title Examination and Proposed Curative Procedures panel. Mr. Lathrop in turn introduced the panel

members, William Swainson of Cheyenne, Wyoming, who presented the subject *Should Wyoming Adopt a Marketable Title Act?*, Oscar Hall of Rawlins, Wyoming, who spoke on *What Should be the Effect of a Mortgage Held by Husband and Wife on Real or Personal Property?*, Thomas Whitley of Newcastle, Wyoming, who talked on *Should a Standard be Adopted for Probate Proceedings in Another County?*, and Leonard Lang of Casper, Wyoming, who presented, *Is Issuance of Title Insurance Pursuant to Examination by other than a Wyoming Attorney Unauthorized Practice?* A question and answer session followed the panel presentation and at the conclusion of the question and answer session, there being no further business to come before the convention, the meeting was recessed until 9:30 a.m., September 9, 1960.

The members and their wives were entertained by the Trust Departments of the First National Bank and the Wyoming National Bank of Casper at the Riverside Club at the conclusion of the day's meetings.

On September 9, 1960 at 9:45 a.m. in the America Theater in Casper, Wyoming, President Crowell called the meeting to order.

President Crowell called upon Clarence A. Swainson, Cheyenne, Wyoming, Chairman, sub-committee on Blue Sky Law Revision. Mr. Swainson reported on behalf of that committee as to the suggested revisions in the Blue Sky Law recommended by the committee on basis of the past year's work, and presented the committee's recommendation that the Wyoming State Bar endorse the Uniform Securities Act as amended for presentation to the 1961 legislature. It was regularly moved, seconded and carried that the report and recommendations of the sub-committee on Blue Sky Law revision as presented by Mr. Swainson be endorsed, accepted and approved by the Wyoming State Bar.

After thanking Mr. Swainson and his committee for the work done during the past year, President Crowell called upon Lee S. Nebeker of Green River to give the report of the Necrology Committee. At the conclusion of Mr. Nebeker's report, it was regularly moved, seconded, and carried that the report be accepted and approved as read and spread upon the minutes of the meeting. At the conclusion of the necrology report the membership stood for a moment of silent prayer in memory of the departed members.

Next President Crowell introduced Frank J. Trelease, newly appointed Dean of the University Law School. Dean Trelease then outlined his plans for the law school for the coming years. President Crowell thanked Dean Trelease and the members of the faculty at the law school for the services performed by the law school for the state and the State Bar in past years.

The attendance drawing was then held with Joe Garst of Douglas,

Wyoming, winning *Cowdery's Legal Forms* donated by Brancroft-Whitney Company. A short coffee break was then called by President Crowell.

The meeting was reconvened by President Crowell at 11:05 and Elmer Scott of Worland, Wyoming, was introduced. Mr. Scott reported on behalf of the Revised Minimum Fee Schedule. At the conclusion of Mr. Scott's report it was regularly moved and seconded that the Revised Minimum Fee Schedule as presented by the Revision Committee be approved and accepted. It was then moved that the main motion be amended to permit the charging of a lesser hourly fee to be allowed by those members having less than five years experience in the practice of law. The question being put, the amendment to the motion was defeated and the main motion was carried as made. It was regularly moved, seconded and carried that the matter of extra charges for preparation of federal estate tax during probate be referred to a committee for further study. It was further moved, seconded and carried that a committee be appointed to investigate the hourly charge for closing real estate transactions as recommended by the Revision Committee and that a committee also be appointed to study the possibility of revising the probate fees. The appointment of the requested committees was then referred to President-Elect John P. Ilsley and the Board of Commissioners to be considered at their annual meeting.

President Crowell then introduced William T. Schwartz of Casper, Wyoming, Wyoming State Bar Trustee, of the Rocky Mountain Mineral Law Institute, who reported to the membership on the functioning of that organization during the past year. At the conclusion of Mr. Schwartz's remarks it was regularly moved, seconded and carried that the report of the Turstee be accepted and approved as read.

Next President Crowell introduced Harry Henderson of Cheyenne, Wyoming, the Wyoming State Bar Delegate to the Interstate Bar Council Meeting held in Hawaii during the past year. Mr. Henderson gave a very serious and detailed report on the *Activities of the Interstate Bar Council*, and urged that the Wyoming State Bar seriously consider including the Interstate Bar Council Meeting in its budget for future years. President Crowell thanked Mr. Henderson for his very excellent report showing his great attention to the matters brought before the Interstate Bar Council Meeting and there being no further business to be brought before the meeting, recessed the same until 2:00 p.m., September 9, 1960.

During the noon recess the lawyers were entertained at luncheon held in the Crystal Room of the Gladstone Hotel held in Casper with George P. Sawyer, Vice President, presiding. The membership was addressed by the Honorable Keith Thompson, United States Representative from Wyoming, and at the conclusion of Congressman Thompson's re-

marks, Vice President Sawyer introduced the Supreme and District Court Judges and all past Presidents of the Wyoming State Bar in attendance.

The wives of the membership of the Wyoming Bar Association were also entertained at a luncheon held at the Casper Country Club with Mrs. Houston J. Williams presiding. Following the luncheon the remainder of the afternoon was devoted to a style show and bridge.

President Charles M. Crowell reconvened the meeting at 2:00 p.m. in the America Theater in Casper, Wyoming. The remainder of the afternoon was then devoted to a panel discussion of the New Approach to the Use of Demonstrative Evidence in the Trial of Personal Injury Actions. The Panel Members were:

Thurman Arnold of Washington, D. C., Judge Presiding; Leo S. Karlin of Chicago, Illinois, President of NACCA; and John C. Shepherd of St. Louis, Missouri, Chairman of the Medico-Legal Committee, Junior Bar Conference. Following the conclusion of the talks by panel members a question and answer session followed at the conclusion of which President Crowell thanked the panel members for their participation in the Annual State Bar Meeting and then recessed the meeting at 5:00 p.m. until 9:30 Saturday, September 10, 1960.

At 7:30 p.m., September 9, 1960, the members, their wives and guests attended the Annual Banquet of the Wyoming State Bar held at the V.F.W. Club in Casper, Wyoming. Preceding the banquet the Wyoming State Bar was entertained at a very enjoyable Social Hour with the Ohio Oil Company acting as host. President Charles M. Crowell presided during the evening and presented plaques to all those lawyers who had served fifty years or more as members of the Bar, a majority of which served as members of the Wyoming Bar. The group was also favored with a very entertaining and highly educational talk by Judge Thurman Arnold of Washington, D.C. Dancing to the music of Howard Fordham's Dixieland Band concluded the evening's entertainment.

President Charles M. Crowell opened the meeting at 9:00 a.m., September 10, 1960, in the America Theater in Casper, Wyoming. President Crowell then called upon James A. Barrett, Lusk, Wyoming, Chairman of The Bill of Rights Committee and, at the conclusion of Mr. Barrett's report, introduced John Sullivan of Laramie, Wyoming, Chairman of the Legislative Committee who reported on behalf of that committee.

The President then called upon Jerry Housel of Cody, Wyoming, Chairman of the Legal Education Committee. Mr. Housel detailed the Legal Education Committee's activities during 1959-60.

At the conclusion of Mr. Housel's report, President Crowell called upon Robert A. Burgess of Casper, who reported on behalf of the Public Relations Committee. Chairman Burgess informed the membership

that the Public Relations Committee had secured thirty minutes of free TV time immediately following the Sunday afternoon pro-football games through the courtesy of KTWO TV, Casper. President Crowell thanked Mr. Burgess and the committee for their work and stated that many favorable comments had been received on the activities of the committee and its programs during the year.

President Crowell then called upon Byron Hirst, Cheyenne, Chairman of the Unauthorized Practice of Law Committee who reported on behalf of that committee. Mr. Hirst also gave a report on behalf of the Special Committee on Inter-Professional Relations whose recommendations on expert's fees were adopted. The President then called upon Alfred M. Pence of Laramie, Chairman of the Uniform Commercial Code Committee. Mr. Pence reported to the membership on the past progress of the committee towards the adoption of the Uniform Commercial Code and the proposed plans aimed at the final adoption of the Code by the Wyoming Legislature.

President Crowell then called upon Paul Godfrey, Cheyenne, Chairman of the Committee to Co-operate with the American Bar Association, for that committee's report.

Following Mr. Godfrey's report, President Crowell reported to the membership on behalf of the Legislative Aid Committee in the absence of A. G. McClintock, Cheyenne, Wyoming, Chairman of that committee. The President informed the membership that the committee had recommended that it be disbanded for the 1961 Legislature and it was regularly moved, second and carried that the report and recommendation of the Legislative Aid Committee be accepted and approved as read and that the Legislative Aid Committee be disbanded.

Following the report of the Legislative Aid Committee, President Crowell introduced Clarence A. Brimmer, Jr., Rawlins, Chairman of the Wyoming Publication Committee and following the adoption of this report the attendance drawing was held with Harry A. Schwartz of Sheridan receiving a one year subscription to either *Shepherd's Pacific* or *Wyoming Citor*.

President Crowell then announced that the Junior Bar Association had held a meeting on September 9, 1960, and the officers elected for the following year were:

George Hopper, President; Tom Lubnau, Vice-President, and James T. Daley, Secretary-Treasurer.

President Crowell then called upon Jack F. Lewis, Powell, Wyoming, Chairman of the Auditing Committee, for that committee's report. Following the Auditing Committee's report, he called upon James A. Zaring, Basin, Chairman of the Resolutions Committee, who reported on behalf

of that committee. At the conclusion of the report the passage of the following resolutions was moved, seconded and carried:

RESOLUTION

WHEREAS, the members of the Wyoming State Bar are privileged to have enjoyed the hospitality of the Natrona County Bar Association and the wives of the members thereof, the City of Casper, the Veterans of Foreign Wars Post No. 991, of Casper, The First National Bank of Casper, The Ohio Oil Company and the Consolidated Royalty Oil Company during the 45th Annual Meeting of the Wyoming State Bar at Casper, Wyoming, held on September 7-10, 1960, and

WHEREAS, the members of the Wyoming State Bar are desirous of expressing their appreciation, thanks and gratitude to all who have made the meeting so successful and memorable;

NOW THEREFORE, BE IT RESOLVED that the Wyoming State Bar in session duly assembled on the 10th day of September, 1960, does hereby extend and express the appreciation, thanks and gratitude of all of its members and their wives who have attended the said annual meeting, to the members of the Natrona County Bar Association and their wives, the City of Casper, Wyoming, the Veterans of Foreign Wars Post No. 991, of Casper, the First National Bank of Casper, the Wyoming National Bank of Casper, the Ohio Oil Company, the Consolidated Royalty Oil Company, the Rialto Theatres Inc., and to all others who have contributed to the friendly and courteous treatment that has been extended to the Bar and the members thereof in attendance at said meeting, and

BE IT FURTHER RESOLVED that the Secretary-Treasurer of the Wyoming State Bar send copies of this Resolution to the parties herein named.

RESOLUTION

WHEREAS, the Wyoming State Bar has been fortunate in having the following outstanding men from outside the Wyoming State Bar speak to the members at their various meetings, to-wit: E. A. "Ted" Hunt, Sydney, Australia; Leo S. Karlin, Chicago, Ill.; President National Association of Compensation Claimants Attorneys; John C. Shepherd, St. Louis, Mo., Chairman, Medico-Legal Committee, Junior Bar Conference; Honorable Thurman Arnold, Washington, D. C., and

WHEREAS, the Wyoming State Bar is greatly appreciative to all of its members who have contributed to the successful conclusion of this 45th Annual Meeting;

NOW THEREFORE BE IT RESOLVED that the Wyoming State Bar extend its thanks and appreciation to the distinguished gentlemen above named and to each and all of its members in attendance their contribution to and participation in this meeting.

RESOLUTION

WHEREAS, the Supreme Court of the State of Wyoming has since the creation of the State of Wyoming consisted of a three-man court, and

WHEREAS, the decisions rendered by this Court have been recognized by the courts throughout the United States for their clarity, logic and legal soundness, and

WHEREAS, the present members of the Court, consisting of Chief Justice Fred H. Blume, Justice Glenn Parker and Justice Harry S. Harns-

berger, have carried out the traditions of the Court with their profound learned decisions, and.

WHEREAS, by constitutional amendment the electors of the State of Wyoming have added a fourth member to the said Court to assist in rendering the decisions of the highest court of our State and relieve the present Court of its heavy case load burden;

NOW THEREFORE BE IT RESOLVED that at this time, as the era of the three-man Supreme Court of the State of Wyoming comes to an end and as we enter into a new era of a four man Supreme Court of the State of Wyoming, the Wyoming State Bar, assembled at Casper, Wyoming this 10th day of September, 1960, go on record as commending the said Chief Justice Fred H. Blume, Justice Glenn Parker, and Justice Harry S. Harnsberger for their legal and learned decisions and opinions that have been rendered with dispatch, despite the pressures and burdens of the large number of cases requiring their consideration and determination.

RESOLUTION

WHEREAS, Canon 2 of the Canons of Professional Ethics of the American Bar Association reads in part as follows:

"It is the duty of the Bar to endeavor to prevent political considerations from outweighing judicial fitness in the selections of Judges. It should protest earnestly and actively against the appointment or election of those who are unsuitable for the Bench . . ." and

WHEREAS, the general public relies upon the opinions and advice of lawyers in the selection of Judges and pursuant to said Canon 2 it is the duty of individual lawyers to inform and advise the electorates with respect to the selection of Judges;

NOW THEREFORE BE IT RESOLVED by the Wyoming State Bar that its members as individuals be, and they hereby are urged to inform the public concerning the qualifications and fitness of candidates for the bench to assist laymen generally in the selection of the most able and best qualified candidates for judicial offices.

RESOLUTION

RESOLVED, that the President of the Wyoming State Bar appoint a committee to study alternative plans and methods of selection of Judges of the District Court and the Supreme Court of the State of Wyoming and to report such committees' findings, conclusions and recommendations to the legislative meeting of the Wyoming State Bar in January, 1961.

Respectfully submitted,
RESOLUTIONS COMMITTEE, 1960
JAMES A. ZARING, Chairman
EDWARD S. HALSEY
E. J. HERSCHLER
GEORGE J. MILLETT
J. F. MAHONEY.

President Crowell then asked Alfred M. Pence to once again come to the rostrum to report as the Wyoming State Bar Delegate to the House of Delegates of the American Bar Association. Mr. Pence was then followed by Edward E. Murane of Casper, Wyoming, the American Bar Association Delegate from Wyoming and member of the Board of

Governors who reported on the activities of the House of Delegates during the past year, informing the membership of the special emphasis and attention given to the Connolly Amendment by that body.

At the conclusion of the reports by Mr. Murane and Mr. Pence, President Crowell introduced Frank J. Trelease, Laramie, Wyoming, who reported on behalf of the Permanent Rules Committee.

The Honorable Glenn Parker, Justice, Supreme Court, was then introduced by President Crowell and Judge Parker addressed the membership on "The Use of the State Library." Justice Parker also substituted for Justice Harry S. Harnsberger who was unable to be present at the session due to illness and addressed the membership on Justice Harnsberger's topic, "Post Conviction Statutes." At the conclusion of his remarks Justice Parker, on behalf of Justice Harnsberger, recommended that a five-man committee composed of the attorney general, two county attorneys and two defense attorneys be appointed to investigate and study the post conviction problem. It was regularly moved, seconded and carried that Justice Harnsberger's recommendation be accepted and that the suggested committee be appointed. President Crowell then referred the appointment of the committee to the officers and commissioners of the Wyoming State Bar.

President Crowell then expressed his thanks to all the committees and their chairmen for the tremendous amount of work done during the past year and it was thereupon regularly moved, seconded and unanimously carried that all committees be commended for the work expended and that all committee reports be accepted and approved as read.

Election of officers then followed and it was regularly moved, seconded and carried that the rules be suspended and the following named individuals be elected by acclamation:

George P. Sawyer, President-Elect
George J. Millet, Vice President
John T. Dixon, Secretary-Treasurer.

Alfred M. Pence was named as Wyoming State Bar Delegate to the House of Delegates of the American Bar Association.

There being no further business to come before the meeting the same was adjourned at 12:45 p.m., Saturday, September 10, 1960.

Respectfully submitted,

John T. Dixon
Secretary-Treasurer