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## MINUTES OF THE ANNUAL MEETING OF THE WYOMING STATE BAR

*September 14, 15, 16, 1983  
Sheridan, Wyoming*

The 68th Annual Meeting of the Wyoming Bar Association and the 42nd Annual Meeting of the Integrated Bar of the State of Wyoming was called to order by President William R. Jones at 9:00 a.m. on September 16, 1983 at the Holiday Inn, Sheridan, Wyoming. Mr. Jones opened the meeting by asking for a motion from the floor to dispense with the reading of last year's minutes. The motion was received and seconded. The motion passed.

### REPORT OF THE PRESIDENT

Mr. Jones began his report by stating that it had been a great pleasure for him to serve as President of the Wyoming State Bar during the past year. Mr. Jones then gave a brief overview of some of the activities of the Wyoming State Bar during his tenure as President.

Mr. Jones indicated that one of the committees he had formed this past year was the Integrated Bar Status Study Committee. Mr. Jones formed this committee to investigate the possibility and propriety of an integrated bar purchasing a permanent headquarters. Since the Committee was recently formed, it is just beginning to gather information and data on integrated bars.

Mr. Jones then next spoke about the referral questionnaire which was circulated among the state's attorneys. Mr. Jones indicated that he thinks the referral system has been successful and well utilized by the people of the State of Wyoming. The referral service is operated by the executive Director of the Wyoming State Bar.

Mr. Jones indicated that when he attended the Nebraska State Bar Convention, he noticed that the Nebraska Bar Association publishes a series of pamphlets designed for the lay person concerning various legal topics, such as writing a will. Mr. Jones thought that preparation of such pamphlets to be used in the State of Wyoming was an excellent idea. Mr.

Jones indicated he had asked Ms. Senkewicz, the Executive Director, to look into such publication.

Mr. Jones then talked about the activities of the Grievance Committee. He noted that \$15 of each member's dues was automatically allocated to the Grievance Committee to assist it in the administration of its work. Mr. Jones also noted that during the past year the Officers and Commissioners had authorized an extra \$12,000 to be allocated to the Grievance Committee. Mr. Jones commended the members of the Grievance Committee for the time and dedication put into the work of that committee. Mr. Jones then personally recognized Mr. David Scott, chairman of the Continuing Legal Education Committee. Mr. Jones recognized that Mr. Scott's work has been excellent and he has been able to provide members of the Wyoming State Bar with outstanding C.L.E. programs.

Mr. Jones then noted that Mr. Jack Stanfield has been appointed to chair a new committee concerning the abuse of alcohol by attorneys in Wyoming.

Last, Mr. Jones thanked all the Officers, Commissioners and committee members for their work and dedication during his term as President. Mr. Jones concluded by personally recognizing and thanking Mr. Daniel E. White, the former Executive Director, for his outstanding service to the Wyoming State Bar.

Mr. Jones then called on Mr. George L. Simonton, the Secretary-Treasurer of the Wyoming State Bar. Mr. Simonton reported that according to an unaudited Fisher-Hines report, the Wyoming State Bar's cash reserve was in the neighborhood of \$231,000. There was also some \$49,000 maintained in the Client Security Fund.

Mr. Jones then called on Ms. Mary Elizabeth Senkewicz, Executive Director of the Wyoming State Bar, to deliver to the members of the Bar the results of the cash reserve survey. Ms. Senkewicz stated that in light of the poor response (108 responses from a total of 1,331 registered attorneys), the results of the cash reserve survey were inconclusive. Ms. Senkewicz did, however, report the following responses:

1. Would you favor expenditures of funds from the cash reserve for the purchase or construction of permanent headquarters for the Wyoming State Bar? 34 yes, 72 no.

2. Would you favor expenditure of funds from the cash reserve to hire additional personnel to increase the variety and sophistication of services offered by the Wyoming State Bar? 28 yes, 74 no.

3. Would you favor the use of the funds in the cash reserve for safe investments which would provide a return to defray operating expenses of the Bar? 76 yes, 29 no.

4. Would you favor a decrease in the current annual license fees paid to the Wyoming State Bar? 67 yes, 39 no.

5. Would you favor the use of the cash reserve to hire a full time or part time counsel who could investigate and prosecute matters before the Grievance Committee and advise the bar on legal matters? 34 yes, 69 no.

6. Would you favor expenditure of funds from the cash reserve for any of the following purposes?

- A. T.V. or radio public relations programs. 40 yes, 54 no.
- B. Additional C.L.E. programs. 65 yes, 32 no.
- C. Law related education. 33 yes, 56 no.
- D. Funding for legal services for low income persons. 39 yes, 54 no.
- E. Improvements in Bar Newsletter. 27 yes, 68 no.
- F. Legislative reform and lobbying. 43 yes, 53 no.

Of those who favored the construction or purchase of permanent headquarters for the Wyoming State Bar, 17 indicated that the Bar should be located in Cheyenne, while 8 thought it should be located in Casper. There were scattered votes for other locations throughout the state.

Mr. Jones then opened the floor for discussion of travel expenses of the Commissioners of the Wyoming State Bar. Mr. Jones explained that the practice in the past has been to allow each Commissioner approximately \$1,000 to attend the Western States Bar Conference. If a Commissioner elected to utilize this \$1,000 and attend the Western States Bar Conference, he or she was not eligible to be reimbursed for travel expenses relating to attending Officers and Commissioners meetings. Mr. Jerry Housel stated that he did not like the idea of Commissioners being reimbursed \$1,000 each to attend the Western States Bar Conference. Other individuals stated that they thought attending the conference was a valuable experience. Mr. Jones explained that the effect of the practice was to limit reimbursement to any Commissioner for any given year to \$1,000. The actual amount, however, is up to discretion of the board. It was moved and seconded that the present practice leaving the expenditure of such funds to the discretion of the Board be continued. After discussion this motion was carried.

Mr. Jones then called on Mr. Jack Stanfield to make a presentation concerning the change in the peremptory challenge rule. Mr. Stanfield opened his presentation by moving that the following resolution be adopted:

**BE IT RESOLVED** by the Wyoming State Bar at its 1983 annual meeting that the Permanent Rules Committee of the Wyoming State Bar and the Wyoming Supreme Court are hereby urged and requested as follows:

1. To promptly rescind and withdraw the March 10, 1983 amendment of Rule 40.1 (b) of the Wyoming Rules of Civil Procedure and Rule 23 (d) of the Wyoming Rules of Criminal Procedure dealing with the disqualification of district judges; and
2. To promptly reinstate the previous provisions of said Rules allowing for the peremptory disqualification of district judges; and

3. To consider available methods for dealing with any inappropriate use of such peremptory disqualification motions for purposes of delay on the basis of the requirements of Rule 11 of the Wyoming Rules of Civil Procedure and which may include referral of any such complaints to the Grievance Committee of the Wyoming State Bar.

Mr. Stanfield then began his presentation by outlining the history of the peremptory challenge rule. Mr. Stanfield thought that the change in the rule was not given adequate consideration by the Supreme Court. The amendment of the rule has ruptured relations between the bench and bar in the State of Wyoming, Mr. Stanfield said.

Mr. Stanfield noted that most other states and the federal courts do not have a peremptory challenge. However, he noted that Wyoming is a unique state. We have a small Bar, and we have small towns. Everyone knows the judge. Mr. Stanfield alleged that the amendment in the rule was an attempt to use a New York solution to handle a Wyoming problem.

Mr. Stanfield noted that the new rule is in effect for a trial period. Mr. Stanfield does not think that the new rule is going to work and therefore he sees no reason for maintaining it. Mr. Stanfield also noted that if the peremptory challenge is used for delay, that is a matter which should properly be brought before the Grievance Committee.

Chief Justice John J. Rooney was invited by Mr. Jones to address the issue. The Chief Justice first attacked the results of the peremptory challenge survey which had been conducted by the Wyoming State Bar and distributed in the Wyoming Lawyer. The Chief Justice noted that only a couple hundred out of 1331 total attorneys responded.

The Chief Justice then related the primary reason for the Supreme Court's action. First, the Chief Justice insisted that there was a problem and that the challenge was being used for delay. The Chief Justice indicated that in his estimation it was a real problem and did not involve just a few judges. The Chief Justice indicated that he could document this allegation.

The Chief Justice indicated that one of the main problems with having a peremptory challenge was how the challenge would be utilized in a multiple party situation. It was in this context of dealing with the multiple party situation that the Supreme Court decided to amend the rule of its own accord. The Chief Justice indicated that the Supreme Court followed its usual procedure in amending the rule; the Chief Justice indicated that the Supreme Court does not ask the Bar's advice in everything relating to rule changes in the Supreme Court.

The Chief Justice indicated that the Supreme Court will look at the rule again in December. The Chief Justice said that he wanted particular situations documented of how the attorneys are hurt by the rule change. The Chief Justice also indicated that one of the main problems in his estimation was the multiple party situation. He encouraged the Bar to study the

problem and come up with an alternative effectively dealing with the multiple party situation.

Mr. Jones then opened the floor for comments on the peremptory challenge rule. The comments from the floor by the attorneys were all in favor of the old rule. Mr. Gregory C. Dyekman indicated that he spoke for the Defense Lawyers Association which gave its unanimous support to the motion by Mr. Stanfield.

The Honorable Robert R. Rose, Jr., then offered an amendment to Mr. Stanfield's motion. He moved that the motion be amended to provide for the formation of a joint committee of the Wyoming State Bar and the Supreme Court to study the problems of multiple parties and delay and any other problem that might be associated with the peremptory challenge rule. The amendment to the motion was seconded, and after discussion, the amendment carried unanimously. The motion as amended then carried unanimously.

Mr. Jones then called upon Mr. Leonard Mayer, the Inheritance Tax Commissioner. Mr. Mayer's presentation included changes in the federal law and how those changes affected the filing of federal estate tax statements.

Mr. Jones then called on Dean Peter Maxfield of the University of Wyoming College of Law to make a presentation on the state of the Law School. Dean Maxfield stated that the latest available statistics from the American Bar Association were those from the fall of 1982. Dean Maxfield discussed enrollment, faculty salaries, student-faculty ratio, the state of the library, the installation of Lexis and Westlaw into the law school library, placements, changes in curriculum, and the addition of new faculty at the College of Law. Dean Maxfield also discussed the favorable results achieved by the College of Law graduates on the past bar examinations. Dean Maxfield thanked the Wyoming State Bar membership for sponsoring two tuition scholarships at the College of Law. Dean Maxfield was also enthusiastic about the Western Trial Advocacy Institute's presentation of a C.L.E. program at the College of Law. Dean Maxfield announced that the Supreme Court will sit in session again at the law school. Dean Maxfield closed his address by thanking the President, Mr. William R. Jones; Mr. Daniel E. White, the former Executive Director of the Wyoming State Bar; and Judge Joseph F. Maier, chairman of the Legal Education Committee.

Mr. Jones then called upon Mr. Murray Jenrich, of Bridgford, Holcomb, Jenrich Inc., Sheridan, Wyoming. Mr. Jenrich outlined the legal malpractice insurance available for members of the Wyoming State Bar from his company.

Mr. Jones then called upon various committee chairpersons to give oral committee reports. All written committee reports are submitted at the end of the minutes of the meeting. Mr. Jones then permitted the entertainment of resolutions. Mr. Stan Lowe brought to the attention of the membership that there was an amendment, entitled the Beckwith Amendment, being

discussed at the American Bar Association which would drastically alter the composition of the House of Delegates, much to the disadvantage of small Western states like Wyoming. Mr. Jerry Housel moved that the Wyoming State Bar inform the American Bar Association that the Wyoming State Bar favors the present system of nomination to the House of Delegates and strenuously opposes the Beckwith Amendment. The motion was seconded by Mr. Howell McDaniel. After discussion the motion passed unanimously.

Mr. William Schwartz then moved, which motion was seconded, that the Wyoming State Bar thank Mr. Stan Lowe for all the work he has done in regards to the American Bar Association. This motion passed unanimously.

Mr. Dennis M. Kirven, the Bar Commissioner for the Fourth Judicial District, presented the following resolution on behalf of the Fourth Judicial District Bar Association:

BE IT RESOLVED that the District Bar of the Fourth Judicial District recommends to the Officers and Commissioners of the Wyoming State Bar that the current cash reserve held by the Wyoming State Bar not be used or expended for construction of a bar center or other headquarters for the Wyoming State Bar other than the leasing of the necessary facilities for bar functions. The motion was seconded. After discussion the motion failed.

Mr. Kirven then presented a second resolution on behalf of the Fourth Judicial District Bar Association:

BE IT RESOLVED, that the Wyoming State Bar study the feasibility of using the cash reserve, together with assessments from members, to fund a self-insuring professional liability program for practitioners in the State of Wyoming. The motion was seconded, and after discussion, the motion was defeated.

Mr. Hope Harden moved that the following resolution be adopted. The motion was seconded by Mr. Kim Cannon:

WHEREAS the Wyoming State Bar at its regular meeting in September, 1973, (see Land and Water Law Review, 1974 Volume IX, No. 1 at p.284) by resolution recognized the profession's responsibility to provide services to those unable to pay a fee as set forth in the Canons of Judicial Ethics and in the Code of Professional Responsibility and that such services could best be provided in Wyoming through staffed Legal Aid Offices, and

WHEREAS, such services have heretofore been provided through three federally funded Legal Aid programs located in Cheyenne, Casper and Fort Washakie, and

WHEREAS the staffed Legal Aid programs have, in the past two years, suffered substantial cuts in funding which have severely limited the program's ability to meet the needs of the needy, and

WHEREAS the staffed Legal Aid programs are in dire need of assistance from the private bar by way of donations of both professional services and cash to make up in part the lost resources, and

WHEREAS ethical consideration twenty-five of Canon Two of the Code of Professional Responsibility places the duty on each member of the private bar to participate in serving the needy;

NOW, THEREFORE BE IT RESOLVED that each individual member of the Wyoming State Bar should participate on a voluntary basis in the delivery of professional legal services to the needy of Wyoming and that a reasonable level of participation is an annual donation of at least 15 hours of professional services (20 minutes per week) or annual donation of \$300 to one of the staffed Legal Aid programs;

AND BE IT FURTHER RESOLVED, that the Wyoming Bar Association Legal Aid Services Committee report be approved and that the Wyoming Bar Commissioners take such action as is reasonably appropriate to aid in the accomplishments of the goals and objectives set forth therein.

After discussion, the motion failed.

Mr. Daniel E. White then moved that the following resolution be adopted. The motion was seconded by Mr. Hope Harden:

WHEREAS the Officers and Commissioners of the Wyoming State Bar have sought guidance from the general membership regarding the use of the cash reserve presently held by the Wyoming State Bar, and

WHEREAS the three Legal Services offices in Wyoming have been subjected to a twenty-five percent funding cut since 1982 and further reductions in funding and resources are anticipated,

THEREFORE, BE IT RESOLVED the Officers and Commissioners of the Wyoming State Bar be directed to adopt a written long range plan for the use of the cash reserve and that serious consideration be given to the expenditure of a certain portion of this fund to defray operating costs of the three Wyoming Legal Services offices.

After discussion, the motion carried.

The following motion was made by Mr. Bruce Badley: Move, that in order to insure better communications between the Bench and Bar that the



president of the Wyoming State Bar requests that the Chief Justice of the Wyoming Supreme Court provide that three members of the Wyoming State Bar will be invited to attend all meetings of the Wyoming Judicial Council and the Wyoming Judicial Conference, and that if that invitation is extended, that the President of the Bar appoint a three member committee from the Bar to serve staggered three year terms on that committee.

The motion was seconded, and after discussion, passed unanimously.

Mr. Henry Burgess then moved that the following resolution be adopted:

BE IT RESOLVED by the Wyoming State Bar at its 1983 state meeting that those judges who did not require attendance in their courts of Wyoming attorneys during the Wyoming State Bar meeting be commended for allowing attorneys an opportunity to participate in continuing legal education, to give attention to, and continue, an awareness of the problems of the legal profession and the Judiciary.

BE IT FURTHER RESOLVED that a copy of the Resolution be delivered to each member of the Wyoming State Judiciary and the judges of the United States District Courts of Wyoming.

The motion was seconded, and after discussion, the motion passed unanimously.

Mr. Jones then informed the membership the following individuals had been nominated for the following offices: Mr. Thomas S. Smith for the office of President-Elect; Mr. James L. Hettinger for the office of Vice-President; and Mr. George L. Simonton for the office of Secretary-Treasurer. Mr. Charles Crowell then moved that nominations be closed and the minutes reflect that the election of these officers was unanimous. The motion was seconded and passed unanimously. It was then moved and seconded that the meeting be adjourned. The motion passed unanimously.

Respectfully submitted,  
MARY ELIZABETH SENKEWICZ  
Executive Director