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MINUTES OF THE ANNUAL MEETING OF THE WYOMING STATE BAR

*SEPTEMBER 19, 20, 21, 1984
JACKSON HOLE, WYOMING*

The 69th Annual Meeting of the Wyoming Bar Association and the 43rd Annual Meeting of the Integrated Bar of the State of Wyoming was called to order by President Harry L. Harris at 9:00 a.m. on September 21, 1984 at the Americana Snow King Resort, Jackson Hole, Wyoming. Mr. Harris 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. Harris began his report by thanking everyone for giving him the opportunity to serve as President of the Wyoming State Bar, and stating that it had been a great pleasure for him to so serve. Mr. Harris also stated that the Bar is growing bigger and bigger all the time, and that anyone who wishes to serve as President in the future must be prepared to devote a lot of time to the job. Mr. Harris then gave a brief overview of some of the activities of the Wyoming State Bar during his tenure as President.

Mr. Harris began with a discussion of the peremptory disqualification rule. Mr. Harris noted that the issue had taken up quite a bit of time at last year's annual meeting. He stated that the Bar, through the efforts of the Bench/Bar Relations Committee, had been able to effect a compromise solution. The new peremptory disqualification rule will take effect on October 31, 1984.

Mr. Harris then discussed the issue of the Bar's cash reserves. Mr. Harris explained that the Officers and Commissioners had been, and still were exploring several possibilities regarding the expenditure of such funds. Such possibilities include the purchase or construction of new property, or the hiring of additional personnel to assist, in particular, the

Grievance Committee and the Continuing Legal Education Committee. Mr. Harris noted that there was an item later on in the agenda relating to the purchase of property.

Mr. Harris noted that throughout the year, he had heard comments with regard to the authority of the Grievance Committee to act in the fashion it does, and also comments with regard to the legal status of the Wyoming State Bar as an integrated Bar. It was the recommendation of the President that the Bar not alter the current dues structure of the Wyoming State Bar.

Mr. Harris then called on Mr. George Simonton to deliver the report of the Secretary-Treasurer. Mr. George Simonton reported that the Wyoming State Bar had unrestricted cash balances of approximately \$268,000.00. Mr. Simonton also reported that the Wyoming State Bar had restricted cash balances of approximately \$48,000.00. Mr. Simonton explained that these restricted funds are set aside for the Client's Security Fund. It was moved and seconded that the report of the Secretary-Treasurer be accepted. The motion passed.

Mr. Harris then called on Ms. Mary Elizabeth Senkewicz to give the report of the Necrology Committee. Ms. Senkewicz' report is located in written form at the end of these minutes with the other committee reports. It was also noticed that one of the deceased, Mr. Grabill, had an extensive library which his family was anxious to sell.

Mr. Harris then called on Mr. George Simonton to make a report regarding IOLTA. Mr. Simonton reported that IOLTA, that is, the concept of Interest on Lawyers' Trust Accounts, was gaining recognition throughout the United States. Mr. Simonton reported that 22 states have adopted some sort of IOLTA program. Most of these programs are voluntary; however, a few states have mandatory programs. Also, most of these programs are adopted by the Supreme Courts; again, a few states have programs that were adopted by the Legislature.

Mr. Simonton explained that the idea behind IOLTA was to use funds that would otherwise be idle to generate interest for charitable projects. Funds that would be used are those which are so nominal in amount or to be held for such a short period of time that it is imprudent to invest them for a particular client. Mr. Simonton explained that if a particular client had a very large trust fund which the lawyer would normally invest for the particular client, the lawyer would still invest that money for the particular client. The IOLTA concept applies only to those funds which would normally be sitting idle and not generating any interest for anyone in a lawyer's trust account.

Mr. Simonton explained that in states that have adopted an IOLTA program, the main beneficiaries of these funds are legal services, scholarship programs for law students, and programs which improve the administration of justice. Mr. Simonton closed his presentation by stating that

he would recommend that the President appoint a committee to study this concept in depth and have a recommendation for the Bar at next year's annual meeting.

Mr. Harris then called on Mr. Eric Alden, Chairman of the Unauthorized Practice of Law Committee. Mr. Alden explained that when he was appointed Chairman of the Unauthorized Practice of Law Committee last year, he had anticipated that he would not have much work to do. He stated that he had been mistaken since the Committee received several complaints regarding potential unauthorized practices of law. In investigating these cases, and deciding that perhaps some of them needed to be prosecuted, Mr. Alden and his colleagues discovered that there was no procedural vehicle in place within the Wyoming Statutes or Rules which explicitly authorized the Committee to prosecute the unauthorized practice of law. Therefore, Mr. Alden and his colleagues looked into the statutes of other states which have such procedural vehicles in place and have written a set of proposed rules which they will present to the Supreme Court in the near future. Mr. Alden stated that if any member of the Bar wished to review the rules and make any comments relative thereto, that the member should contact one of the members of the Unauthorized Practice of Law Committee or the Executive Director of the Bar to obtain a copy of the proposed rules.

Mr. Harris then called on Mr. Stanley Lowe, the Chairman of the Committee on Wyoming Courts. Mr. Lowe reported that his Committee felt it was important to complete the work of expanding the county court system and offered the following resolution:

RESOLVED, the Wyoming State Bar reaffirms its earlier endorsement of the county court system and its expansion statewide and urges that the system be implemented in the remaining eleven counties of the state either through actions of the boards of county commissioners in those counties in conformity with existing law or by legislation expanding the system statewide.

Mr. Lowe explained that this resolution was carefully worded so that it did not mandate that each county have a county judge; but rather, it allowed those counties which could not afford or did not have the work to support a full time county judge to combine districts so that one county court might serve several counties.

It was moved and seconded that the resolution be adopted, and the motion carried.

Mr. Harris then described the features of the group professional liability insurance plan which had recently been endorsed by the Officers and Commissioners and which would be presented to the members of the Bar. Mr. Harris explained that it was his belief the premiums being offered by this plan were competitive with or lower than the current premiums being paid by attorneys throughout the State of Wyoming.

Mr. Harris explained that the insurance program is called "The Bar Plan." This plan is currently in use in the State of Missouri, and a similar

plan has been in use in the State of Wisconsin for several years. The company administering the program is Rollins Burdick Hunter of St. Louis, Missouri. Rollins Burdick Hunter would utilize a local insurance agency, Barnard Insurance in Casper. Mr. Harris stated that because of the relatively low number of attorneys involved, the St. Louis company felt that the only prudent way to effectuate this plan would be to use one local insurance agency. Mr. Harris explained that the program is a claims-made program. Prior acts are also included as part of the general coverage and no extra surcharge is levied for prior acts. Mr. Harris stated that the members of the Bar would be receiving information on this policy sometime in December and that the program would become effective on January 1, 1985.

The next item on the agenda was the purchase of property by the Wyoming State Bar to house the Wyoming State Bar offices. The members of the Bar present at the meeting were given a handout which described the property involved. Mr. Harris explained that he had appointed a committee consisting of Mr. Vincent Ross, Mr. Carl Lathrop and Ms. Mary Elizabeth Senkewicz to investigate alternative housing sites for the Wyoming State Bar Offices. Mr. Harris explained that it was the opinion of the Committee that it would be a prudent financial move for the Bar to invest in a piece of property rather than pay high rental rates. It was moved and seconded that the Committee be commended for its work and that the Bar purchase the building.

Mr. Tom Jones then spoke against the motion. Mr. Jones felt that the more appropriate way for the Bar to reduce its excess cash revenues was to reduce dues. Mr. Jones also stated that he was of the opinion that the rental rates in Cheyenne would be coming down as soon as the move of all the state offices into the Herschler Building was complete.

Mr. Wade Brorby then spoke against the motion. In reviewing the information, he noted that maintenance costs were not included. He also expressed his opinion that in a depressed real estate market the purchase price was too high. Also, he noted that the building had no handicapped facilities.

Ms. Caroyl Williamson of Southeast Legal Services stated that Legal Services would be willing to provide information to the Bar regarding its need for funds and that some excess capital funds could be used in that fashion.

Mr. Robert Brown also spoke against the motion.

Mr. Howell McDaniel spoke in favor of the motion. Mr. McDaniel stated that he wanted the members of the Bar to understand that the current Board was not acting in a quick and unthinking manner; but rather, the issue of whether to purchase property for the offices of the Wyoming State Bar, and indeed the issue of moving the offices of the Wyoming State Bar out of its current location in the Hynds Building had been discussed for a number of years. Mr. McDaniel thought it would be a prudent investment for the Bar.

Mr. David Scott, Commissioner from the Seventh Judicial District, also spoke to further edify the Bar membership concerning the thoughts of the Officers and Commissioners with respect to this matter.

The question was called. Mr. Harris called for a vote on the motion. The motion was defeated.

Mr. Harris then called on Ms. Senkewicz to read the resolution which was submitted on behalf of the District Bar for the Fourth Judicial District. The resolution was as follows:

RESOLVED, that the Wyoming State Bar request the Supreme Court to eliminate all Wyoming State Bar dues until surplus funds held by the Wyoming State Bar have been expended.

It was moved and seconded that the motion be accepted.

Mr. Tom Jones rose to offer an amendment to the motion. Mr. Jones moved to amend the resolution to reduce the Wyoming State Bar dues to \$100.00 for those members of the Bar in practice over 5 years and to \$50.00 for those members of the State Bar who are in practice for less than five years or a non-resident of the State, until the excess capital funds have been reduced to \$100,000.00. After discussion, the motion to amend the main motion carried.

The main motion was therefore on the floor. After further discussion, the question was called. Mr. Harris called for a vote. The motion was defeated.

Mr. Harris again called on Ms. Senkewicz, this time to present the resolution which had been submitted by the Park County Bar Association. The resolution read as follows:

BE IT RESOLVED by the Park County Bar Association in regular meeting assembled at Cody, Wyoming this 6th day of March, 1984:

1. That the Continuing Legal Education now carried on by the Wyoming State Bar has proved to be necessary and valuable;
2. That in some instances the Continuing Legal Education program has proven to be unnecessarily burdensome and unduly expensive;
3. That the requirements ought now to be modified in such a way that any member of the Wyoming State Bar who attends the annual meeting thereof, including all of the continuing legal education presentations given thereat, will have satisfied in full the annual requirements of the Wyoming State Bar with respect to CLE;
4. That those who are unable to attend the annual meeting of the Wyoming State Bar or who choose not to attend the CLE presentations at the annual meeting shall not be required to do so and

shall always be free to complete the CLE requirements as they shall decide;

5. That, if necessary to comply with this policy, the Wyoming State Bar increase to 15 hours the course presentations and symposiums presented at the annual meeting.

6. That this resolution, when adopted, shall be spread on the minutes of this meeting and the Secretary shall be instructed to forward a copy thereof to the President of the Wyoming State Bar to be placed on the agenda of the annual meeting in 1984.

After the resolution was read, Mr. John Housel stated that it had been the thought of the Park County Bar Association that these extra credits could perhaps be offered on an optional basis. Ms. Senkewicz also noted that under current CLE regulations, a local Bar Association may sponsor six hours of CLE a year through video tapes. After further discussion, the motion was defeated.

Mr. Harris asked if there were any miscellaneous items of business to discuss. Mr. Jerry Housel then spoke about the activities of the American Bar Association. Mr. Harris thanked Mr. Housel and the other ABA delegates and representatives for the vast amount of work those individuals have contributed to the American Bar Association on behalf of the Wyoming State Bar.

Mr. Harris then recognized Mr. George Rudolph. Mr. Rudolph spoke about the state of the Law School. Mr. Rudolph explained that he was Acting Dean of the Law School for the current semester because Dean Peter Maxfield was on a leave of absence and was teaching for one semester at the University of Kansas School of Law. Mr. Rudolph also noted that there had been a lot of talk among the members of the Bar concerning the situation regarding the professors at the University of Wyoming College of Law. Mr. Rudolph stated that two professors had resigned, and that five had taken a leave of absence. To fill this vacuum, the Law School had hired four full time visiting professors, and four part time teachers.

Mr. Rudolph noted that there was a problem with University salaries. Mr. Rudolph explained that when he became Dean in 1971 the salaries at the University of Wyoming College of Law were fifth from the bottom nationwide. By the school year 1982-83, law school salaries at the University of Wyoming were in the upper one-third nationwide. Hence, there has been progress. However, there have been no normal or expected raises for the younger people who are moving up the academic ladder. Without that increased salary and incentive, the Law School loses some very good younger professors.

Mr. Rudolph noted that the Legislature has been supportive when funds have been available. He is hopeful that the Legislature will become supportive again in the future. Mr. Rudolph is also hopeful that most of the people who have taken a leave of absence will return.

In conclusion, Mr. Rudolph stated, in the long view the Law School salaries really have advanced over the past 15 years and we should not become terribly discouraged by this current slight setback.

The last item on the agenda was the election of officers. Mr. Harris called on Ms. Secnkewicz to submit to the membership the names of the people in nomination for elected office. Ms. Senkewicz reported that Mr. James L. Hettinger was nominated for the office of President-Elect, that Mr. William S. Bon was nominated for the Office of Vice-President, and that Mr. George L. Simonton was nominated for the office of Secretary-Treasurer. Mr. Stan Lowe moved, and Mr. Howell McDaniel seconded, that the membership waive the rules regarding formal election and accept the slate submitted by Ms. Senkewicz to be elected by acclamation. The motion carried, and the slate was elected by acclamation.

Mr. Harris then introduced the new Officers to the Bar membership. It was then moved and seconded that the annual business meeting of the Wyoming State Bar for 1984 be adjourned. The motion carried.

Respectfully submitted,
MARY ELIZABETH SENKEWICZ
Executive Director