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Minutes of the Annual Meeting of the Wyoming State Bar

Wyoming State Bar

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MINUTES OF THE ANNUAL MEETING OF THE
WYOMING STATE BAR

September 6, 7 and 8, 1962 — Worland, Wyoming

The 47th annual meeting of the Wyoming State Bar was called to order by President George P. Sawyer at 1:45 P.M., September 6, 1962, in the Kirby Theatre, Worland, Wyoming. The Reverend R. F. Goff, pastor of the Methodist Church of Worland, Wyoming, gave the invocation, after which the entire membership pledged allegiance to the flag of the United States of America.

The attendance drawing for the opening session was then held, with John Raper, Cheyenne, Wyoming, winning a one year's subscription to Shepard's Wyoming Reporter Citations. President Sawyer then presented Frank Heageny, Mayor of Worland, Wyoming, who cordially welcomed the Wyoming State Bar members to Worland for the 47th annual convention, extending the services and facilities of the City of Worland to both the members and their wives.

At the conclusion of Mayor Heageny's remarks, President Sawyer introduced Jerry W. Housel, Cody, Wyoming, Vice President of the Wyoming State Bar, who thanked Mayor Heageny and the residents of the City of Worland on behalf of the entire membership of the Wyoming State Bar for the very warm welcome the members and their wives received from the Mayor.

John T. Dixon, Powell, Wyoming, was then called upon for the annual Treasurer's report. Following Mr. Dixon's report, it was regularly moved, seconded and carried that the report be accepted and approved as read and spread at length in these minutes. At the conclusion of the Treasurer's report, upon motion duly seconded and carried, the reading of the minutes of the 1961 annual meeting held at Sheridan, Wyoming, was dispensed with, whereupon John T. Dixon turned the meeting over to George J. Millett, President-Elect of the Wyoming State Bar, who called upon President Sawyer for his annual report. At the conclusion of President Sawyer's report, it was regularly moved, seconded and carried that the report be accepted and that President Sawyer be commended for the very excellent job he has done on behalf of the Wyoming State Bar during the 1961-62 year.

President-Elect Millett turned the meeting back to President Sawyer, who called upon R. Brian Jarman, Assistant Superintendent of Continental Casualty Company, who talked to the membership on the advisability of lawyers' professional liability insurance. After thanking Mr. Jarman for his very pertinent remarks, President Sawyer called upon Frank J. Trelease, Dean of the Law School, University of Wyoming, Laramie, Wyoming, who in turn introduced the following new members of the Wyoming State Bar in attendance at the 47th annual meeting admitted

to membership subsequent to the annual meeting in 1961. The following new members were present and were introduced by Dean Trelase:

James P. Castberg — Powell, Wyoming
James G. Watt — Laramie, Wyoming
Bobbie J. Baker — Casper, Wyoming
Arthur F. Miller — Wheatland, Wyoming
Myron E. Saltmarsh — Sheridan, Wyoming
Robert B. Ranck — Jackson, Wyoming.

In making his introductions, Dean Trelase gave a brief biographical sketch of each of the new members, and at the conclusion of his remarks, President Sawyer welcomed them into membership in the Wyoming State Bar.

The next item of business was the appointment of the Resolutions Committee, and President Sawyer appointed the following named individuals on that Committee:

Tom Lubnau, Chairman — Gillette, Wyoming
Jack Stanfield — Laramie, Wyoming
Harry Thompson — Casper, Wyoming
Joe Maier — Torrington, Wyoming
Jack Langdon — Worland, Wyoming.

After appointment of the Resolutions Committee, President Sawyer called upon James A. Tilker, Cheyenne, Wyoming, who reported for the Public Relations Committee as its Chairman. At the conclusion of Mr. Tilker's remarks, it was regularly moved, seconded and carried that the report as read be accepted and approved.

President Sawyer then called upon Charles G. Kepler, Cody, Wyoming, Chairman of the Auditing Committee, who reported on behalf of that Committee.

Following Mr. Kepler's report, President Sawyer then called upon R. R. Bostwick, member of the Continuing Legal Education Committee, who presented the report for the Committee in the absence of its Chairman, Maxwell E. Osborn. Following Mr. Bostwick's report, it was regularly moved, seconded and carried that the reports of the Auditing Committee and the Committee on Continuing Legal Education be accepted and approved as read.

President Sawyer recessed the meeting at 3:00 P.M. for ten minutes coffee break.

Following the coffee break, President Sawyer called upon Ross D. Copenhagen, Chairman of the Uniform Jury Instructions Committee, for the report of that Committee during the past year. In giving his report, Chairman Copenhagen recommended that the Committee be continued for another year and upon the conclusion of the report, it was regularly moved, seconded and carried that the same be accepted and approved as read and that the Uniform Jury Instructions Committee be continued for another year.

President Sawyer then introduced Paul Schuster, District Director of the Internal Revenue Service, Cheyenne, Wyoming, who spoke to the membership on the Internal Revenue Service's Proposed Conversion to A.D.P. After thanking Mr. Schuster for his address, President Sawyer recessed the convention at 4:40 P.M., until 9:00 A.M., Friday, September 7, 1962.

The Washakie County Bar Association and the Washakie Hotel and Motel Association concluded the day's activities by entertaining the members and their wives at a social hour held in the Elks Club.

On Friday morning the members of the Judiciary present at the convention, and the County Attorneys, enjoyed breakfast at the Wyoming Industrial Institute, following which both groups were accorded an opportunity for a tour of the Institute.

President Sawyer reconvened the 47th annual meeting at 9:10 A.M., when he presented William J. Bowe, Professor of Law, University of Colorado, Boulder, Colorado, who discussed estate planning and taxation for the remainder of the morning. During Professor Bowe's talk, a short recess was held, following which the Friday morning attendance drawing was held with Bob Burgess, Casper, Wyoming, winning the three-volume set of the *Model Business Corporation Act Annotated* donated by West Publishing Company.

Following the attendance drawing, Professor Bowe again continued with his discussion of estate planning and taxation, at the conclusion of which he answered question addressed to him from the floor. At the conclusion of the question and answer session, President Sawyer thanked Professor Bowe for his very excellent discussion of estate planning and taxation, and recessed the meeting at 11:55 A.M.

During the noon recess the members enjoyed a buffet lunch served at the Elks Lodge. The luncheon was held in honor of the Federal, Supreme Court and District Judges, and those Justices and Judges in attendance were introduced by President-Elect George J. Millett.

The wives of the members were delightfully entertained at a brunch at the Worland Country Club where they were welcomed by Mrs. Harold Joffe. Following the brunch, the rest of the afternoon was spent by the wives in playing golf, bridge, and in touring the Wyoming Industrial Institute.

President Sawyer reconvened the meeting in the Kirby Theatre on Friday, September 7, 1962, at 1:30 P.M., by introducing the Honorable Glenn Parker, Associate Justice of the Wyoming Supreme Court, who in turn presented the Honorable Harry S. Harnsberger and John J. McIntyre, Associate Justices. The three Judges then presented a very interesting, informative panel on appellate practice and procedure. Following the panel discussion, a question and answer session took place.

After thanking the members of the Supreme Court, President Sawyer introduced the Minor Courts Reform Committee Chairman, Stan Lowe, Rawlings, Wyoming. After giving the report of the Committee on Reformation of our Minor Courts System, a panel discussion ensued with Mr. Lowe as moderator and William Jones, Wheatland, and Richard A. Tobin, Casper, as panel members. At the conclusion of the panel discussion, Chairman Lowe moved the adoption of the report as given and recommend that the Minor Courts Reform Committee be continued for another year, requesting that a member of the Wyoming State Bar from each County be appointed to serve on the Committee. It was regularly moved, seconded and carried that the report as given by Chairman Lowe be accepted and approved as read. President Sawyer then recessed the meeting for a ten minute coffee break at 3:10 P.M.

The 47th annual meeting of the Wyoming State Bar was reconvened at 3:20 P.M. by President Sawyer, who introduced E. Byron Hirst, Cheyenne, Wyoming, moderator of the unauthorized practice of law by realtors panel. Moderator Hirst in turn introduced W. N. Barnard, President of Wyoming Association of Realtors, Lon Phillips, Chairman, Board of Realtors, William T. Schwartz, Casper, Wyoming, and Stanley K. Hathaway, Torrington, Wyoming, panel members.

At the conclusion of the panel discussion and the question and answer session, moderator Hirst presented to the group a statement of principles of the Wyoming State Bar and Realtors' Association of Wyoming, and moved its adoption. The motion, as amended, was carried, and the following statement of principle was adopted by the Wyoming State Bar:

WYOMING STATE BAR-REALTORS' ASSOCIATION OF WYOMING
STATEMENT OF PRINCIPLE

The purpose of this agreement is to protect the interests of the people of Wyoming in real estate transactions at minimum expense. The opinion of the lawyer as to validity of title is necessary for the protection of every buyer; however, the usual real estate transaction requiring only the filing in of blanks of proper standard forms under the supervision of an experienced and qualified realtor does not require further participation of an attorney. Where a real estate transaction departs from the routine and ordinary, the parties should be represented by counsel for their own protection, and, the real estate broker is not licensed nor legally qualified to give the necessary advice or prepare the necessary forms. Therefore, the following principles hereby are agreed to:

ARTICLE I

1. The realtor shall not practice law or give legal advice directly or indirectly; he shall not act as a public conveyancer, nor draft or prepare wills or other legal instruments, nor give advice or opinions as to the legal instruments, nor give advice or opinions as to the legal effect of legal instruments, nor give opinions concerning the validity of title to real estate; and he shall not prevent or discourage any party to a real estate transaction from employing the services of a lawyer.

2. The realtor shall not undertake to draw or prepare documents fixing and defining the legal rights of parties to a transaction. However, when acting as a broker, a realtor may use a listing agreement, standard purchase offer acceptance and receipt, provided that such forms shall first have been approved and promulgated for such use by the lawyer-realtor joint committee. Other forms may be filled in and executed in the presence of the realtor provided they shall have first been prepared or approved in writing by the lawyer for one of parties thereto. In filling out standard forms, the realtor shall not attempt to create estates for life, or in remainder, or any other limited or conditional estate, or any trust, or any other form of conveyance than a direct present conveyance to be effective upon delivery.

2. The realtor shall not participate in the lawyer's fees.

ARTICLE II

4. No lawyer in rendering professional service should for any reason other than in the interest of or for the protection of his client express an opinion discouraging the consummation of a real estate transaction, where the parties have been brought together by the real estate broker.

5. The lawyer shall not participate in the realtor's commissions.

6. A lawyer who engages in business activities ordinarily undertaken by a realtor shall qualify under the Real Estate License Acts in states having them when his business activities are such that qualification would be required if he were not a lawyer.

7. The lawyer-realtor joint committee shall consist of three lawyers appointed by the President of the Wyoming State Bar and three realtors appointed by the President of the Realtors' Association of Wyoming.

8. The lawyer-realtor joint committee shall seek to have the two associations:

- (a) Engage in common effort to simplify laws and procedure governing real estate transactions and to reduce the cost thereof;
- (b) Eliminate detrimental practices arising in connection with real estate transactions;
- (c) Maintain a constant exchange of information concerning any practices on the part of their members which may be detrimental to the public or to the members of either association.

9. The lawyer-realtor joint committee shall consider any controversies referred to it and shall seek to settle and dispose of the same. If five or more members of the lawyer-realtor joint committee shall so decide, a written complaint or charge against any wrongdoer shall be filed with the proper disciplinary authority, that is, the Supreme Court of the State of Wyoming or the Wyoming Real Estate Board.

10. The lawyer-realtor joint committee shall meet not less than quarterly.

In concluding the Friday afternoon session, President Sawyer introduced the panel on practice of law in Wyoming in corporate form, composed of Oliver W. Steadman, Cody, Wyoming, moderator, and E. Byron Hirst, Cheyenne, Wyoming, and Alan K. Simpson, Cody, Wyoming, members. The panel discussed the advisability and tax advantage of Wyoming lawyers incorporating to practice law, and following the question and

answer session, President Sawyer, after thanking the panel members for the time and effort expended on the subject of corporate practice, recessed the meeting until 9:00 A.M., Saturday, September 8, 1962.

In concluding the day's events, the members and their wives were delightfully entertained at a social hour hosted by the Fifth Judicial District Bar Association held at the Elks Club, following which the entire group repaired to the City Auditorium in Worland for a smorgasboard dinner.

President Sawyer reconvened the 47th annual meeting of the Wyoming State Bar at 9:00 A.M., Saturday, September 8, 1962. The first item of business was the attendance drawing for the morning with Sally Steadman, Cody, Wyoming, winning a two-volume set of *Anderson's Uniform Commercial Code* donated by Lawyers' Coop.

President Sawyer then introduced Clarence G. Johnson, Presiding Officer of the panel on products liability, from San Francisco, California, and panel members, John H. Finger and James Barton Phelps, also of San Francisco, California, reminding the membership that the Wyoming State Bar was indeed fortunate to have such a panel, especially in view of the highly unseasonal and inclement weather invading Wyoming at that time.

Following the panel's presentation on products liability and the question and answer session, President Sawyer announced that due to the fact that Walter E. Craig, President-Elect of the American Bar Association, the featured speaker at the noon luncheon, would be unable to be present at the convention, Lewis F. Powell, Jr., member of the Board of Governors to the American Bar Association, had graciously consented to be the speaker at the noon luncheon, and that the remainder of the morning would be filled with committee reports. President Sawyer then called upon D. N. Sherard, Wheatland, Wyoming, Chairman of the Committee on Legislation and Law Reform, who reported on behalf of that Committee. At the conclusion of Mr. Sherard's report, it was regularly moved, seconded and carried that the report be accepted and approved as read.

President Sawyer then called upon Edward E. Murane, Casper, Wyoming, member of the Board of Governors of the American Bar Association for the Tenth Circuit, who reported to the membership on the activities of the Board of Governors and the American Bar Association during the past year. Following Mr. Murane's report, President Sawyer introduced Dean Frank J. Trelease of the Law School of the University of Wyoming, Laramie, Wyoming, who reported on the activities of the College of Law, noting the very fine evaluation given to the University Law School by a representative of the American Bar Association who inspected the Law School on behalf of the A.B.A.

Thomas Morgan, Gillette, Wyoming, Chairman of the Scholarship Fund Committee, was next introduced by President Sawyer. Mr. Morgan, at the conclusion of his report, recommended that the Wyoming State Bar

establish a scholarship fund for students attending the University Law School and recommended that the matter be referred to the Commissioners for final decision. It was regularly moved, seconded and carried that Mr. Morgan's report be accepted and approved as read, and that the matter of the scholarship fund be referred to the Board of Commissioners for final decision.

There being no further business to come before the morning session, President Sawyer recessed the meeting at 12:00 o'clock noon.

Members adjourned to the Elks Club for luncheon, during which they were addressed by Walter E. Craig, President-Elect, American Bar Association, who had just arrived at the meeting in spite of the inclement weather conditions existing. President-Elect Craig's talk "The Basis of a Free Society and the Contribution of the Legal Profession" was highly received by the members. The wives of the members were also entertained at a luncheon held at the Washakie Hotel the following of which the remainder of the afternoon was spent in playing bridge.

President Sawyer reconvened the meeting at 2:00 P.M., by holding the attendance drawing. Bob Bullock, Casper, Wyoming, received Federal Tax of 1962 and Uniform Commercial Code of 1958, Official Text, donated by the Commercial Clearing House, Inc.

President Sawyer then called upon Donald E. Jones of Torrington, Wyoming, Chairman of the Junior Bar Conference, who reported on behalf of that Committee with the recommendation that the Jr. Bar Committee be continued for another year. At the conclusion of Mr. Jones' report, it was regularly moved, seconded and carried that the Junior Bar Committee be continued for another year.

After thanking Mr. Jones, President Sawyer called upon Joseph B. Sullivan, Douglas, Wyoming, who reported as a member of the Clients' Security Fund Committee with the recommendation that the Committee be continued for the ensuing year. It was regularly moved, seconded and carried that Mr. Sullivan's report be accepted and approved as read and that the Clients' Security Fund Committee be continued for the 1962-63 year.

At the conclusion of Mr. Sullivan's report, President Sawyer called upon Lewis F. Powell, Jr., of the Board of Governors to the American Bar Association, who spoke to the membership on "Bar Economics—How To Improve Them." After thanking Mr. Powell for his very fine address and for his perseverance in arriving at Worland over adverse weather conditions, called upon Bob Bowman, Lovell, Wyoming, member of the Necrology Committee, who reported on behalf of Clarence A. Brimmer, Jr., Chairman of the Necrology Committee, who was unable to attend, due to illness. Following Mr. Bowman's report, the members stood for a moment of prayer in memory of the following departed members:

Frank A. Barret —Lusk, Wyoming
Harold H. Healy — Casper, Wyoming
Noel Morgan — Worland, Wyoming
Walter A. Muir — Greeley, Colorado
Tom Rickard — San Diego, California
E. Keith Thompson — Cheyenne, Wyoming
R. Dwight Wallace — Evanston, Wyoming
Clarence W. Cook —Evanston, Wyoming.

It was duly moved, seconded and carried, that the report be approved and accepted as read and spread upon the minutes of the meeting.

President Sawyer then called upon John D. Flitner, Chairman of the Bill of Rights Committee, who reported for the Bill of Rights Committee, following which William P. Drew reported as Chairman of the Lawyer Referral Committee, recommending that Lawyer Referral be handled on a local level. It was regularly moved, seconded and carried that the reports of the Bill of Rights Committee and Lawyer Referral Committee be accepted and approved as read and Dean Trelease then reported as Chairman of the Permanent Rules Committee, following which it was regularly moved, seconded and carried that the report be accepted and approved as read.

After thanking Dean Trelease for his report, President Sawyer called upon Thomas Lubnau of Gillette, Wyoming, Chairman of the Resolutions Committee, who reported on behalf of that Committee. At the conclusion of the report, passage of the following resolutions was duly moved, second and carried.

WHEREAS, the members of the Wyoming State Bar are privileged to have enjoyed the hospitality of the Washakie County Bar Association and the wives of the members thereof, the Washakie Hotel and Motel Association, Fifth Judicial District Bar Association, Pacific Power and Light Company, the City of Worland, the Washakie Hotel and Washakie Grill, Fremont Beverages, First National Bank, Stockgrowers State Bank, Read's Drug, Graham's Drug, Glenn Trucking and the Worland Chamber of Commerce during the 47th annual meeting of the Wyoming State Bar at Worland, Wyoming, held on September 6-8, 1962, 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 8th day of September, 1962, 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 Washakie County Bar Association and their wives, the Washakie Hotel and Washakie Grill, Fremont Beverages, First National Bank, Stockgrowers State Bank, Read's Drug, Graham's Drug, Glenn Trucking, Worland Chamber of Commerce, the Washakie Hotel and Motel Association, Fifth Judicial District Bar Association, Pacific Power and Light Company and the City of Worland, and to all others who have contributed to the friendly and courteous treatment that has been extended to the Bar and the member 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 therein named.

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, towit: Paul Schuster, District Director of Internal Revenue Service, Cheyenne, Wyoming; William J. Bowe, Professor of Law, University of Colorado; W. N. Barnard, President of Wyoming Association of Realtors; Don Phillips, Chairman, Cheyenne Board of Realtors; Clarence G. Johnson, John H. Finger and Hames Barton Phelps of the California Bar; Lewis F. Powell, Jr., member of the Board of Governors of the American Bar Association, A. Pratt Kesler and Calvin W. Rawlings of the Utah Bar, and Walter E. Craig, President-Elect, American Bar Association, and

WHEREAS, the Wyoming State Bar is greatly appreciative to all of its members who have contributed to the successful conclusion of this 47th 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.

WHEREAS, the Honorable Fred H. Blume, Chief Justice of the Supreme Court of the State of Wyoming, has announced his retirement; and

WHEREAS, Chief Justice Blume has served the State of Wyoming for a period of nearly 42 years, ably and conscientiously as a member of the Supreme Court of the State of Wyoming, and

WHEREAS, Chief Justice Blume has established an impeccable record of sound and imparital justice while on said bench; and has longer continuous tenure as an Appellate Justice than any other Jurist in the United States; and

WHEREAS, the opinions of Chief Justice Blume have long been recognized for their clarity and soundness of legal principles; and

WHEREAS, Chief Justice Blume has devoted 63 years of his life to the legal profession; and

WHEREAS, we, the members of the Wyoming State Bar, wish to express our appreciation for the long and faithful service and our high regard for the able administration of justice rendered by Chief Justice Blume;

NOW, THEREFORE, BE IT RESOLVED that we hereby express our sincere appreciation and high regard for Chief Justice Fred H. Blume, and pay tribute to and honor him.

WHEREAS, the Wyoming State Bar is always alert to the promotion and the efficiency of justice in our State; and

WHEREAS, our present minor Court system at both the city-town and county levels was designed for the horse and buggy era; and

WHEREAS, many beneficial, economical and administrative changes could be ascertained through a study of our present need in this branch of our government;

NOW, THEREFORE, BE IT RESOLVED that the President appoint a committee of members of the Wyoming State Bar, representative of each county, to study and make recommendations to the Legislative Meeting of this Bar to be held in Cheyenne in January, 1963, and at the next annual meeting of the Bar.

BE IT FURTHER RESOLVED that it is the sense of this convention herein assembled that the recommendations contained in the Minor Courts Committee Report relative to amending the Wyoming Constitution for Legislative establishment of Minor Courts be adopted and approved in principle.

WHEREAS, the West Publishing Company did, during the year 1962, gratuitously publish and distribute to the members of the Wyoming State Bar a Minimum Fee Schedule; and

WHEREAS, the Wyoming State Bar is extremely appreciative of this service by the West Publishing Company;

NOW, THEREFORE, BE IT RESOLVED that the Wyoming State Bar extend its thanks and appreciation to the West Publishing Company for the complimentary printing of said Minimum Fee Schedule.

WHEREAS, 28 U.S.C. § 1346 (a) (2) (popularly known as the Tucker Act) limits the jurisdiction of the United States District Courts in contract actions against the United States to claims of \$10,000 and less, notwithstanding other grants of unlimited jurisdiction to such courts in tax refund and tort claim actions against the United States; and

WHEREAS, this jurisdictional limitations is burdensome to lawyers and litigants in that it requires larger claims to be tried in the Court of Claims in Washington, D.C., rather than in the forum of the claimant's residence or in the forum where the contract may have been executed; and

WHEREAS, a specialized tribunal has not been found to be necessary or desirable to determine government liability in non-contract actions or in contract actions involving claims of \$10,000 or less; and

WHEREAS, recent enlargements in the federal judiciary should permit these claims to be tried expeditiously in district courts if claimants could elect to bring them in such courts rather than in the Court of Claims;

NOW, THEREFORE, BE IT RESOLVED by the Wyoming State Bar, in session duly assembled on the 8th day of September, 1962;

(1) That the Wyoming State Bar memorialize the Congress of the United States to remove all monetary limitations upon the jurisdictions of the district courts in civil actions against the United States; and

(2) That copies of this resolution be sent to Senators Hickey and McGee; Representative Harrison; and to the Honorable Alfred P. Murrah, Chief Justice, Tenth Circuit Court of Appeals.

Respectfully submitted.

Thomas E. Lubnau, Chairman

J. T. Landon

John E. Stanfield

Joseph F. Maier

Harry A. Thompson

President Sawyer introduced Al M. Pence, Laramie, Wyoming, who reported as Chairman of the Uniform Commercial Code Committee recommending that a subcommittee be appointed to redraft the lienor provision and Chairman Pence also recommended continuation of the Uniform Commercial Code Committee. Mr. Pence, as American Bar Association delegate from Wyoming, also reported to the membership on the activities of the American Bar Association during the past year, and at the conclusion of his reports, it was regularly moved, seconded and carried that the reports of the Uniform Commercial Code Committee and the A.B.A. delegate be accepted and approved as read.

President Sawyer then presented the following additional standards of title examinations as proposed by the Carbon County Bar Association, the adoption of both of said standards being regularly moved, seconded and carried:

DISTRIBUTION OF DECEDENT'S ESTATE TO SOLE LEGATEE

Problem: An executor, who is also sole legatee and devisee of the testator's will, files a bond pursuant to court order under Section 2-52, Wyoming Statutes, 1957, and thereupon a decree of distribution is entered, with prior notice of final settlement and prior to the time limited for creditors to file their claims, setting over the entire estate of the decedent to the sole legatee and devisee. Does Section 2-52, providing in part that upon execution and approval of such bond, the filing of the inventory and appraisal and the publication of notice to creditors, the estate of the testator shall vest absolutely in the sole legatee, dispense with the requirement of notice of final settlement and the entry of a decree of final settlement after expiration of the time for creditors to file claims?

Answer: Yes.

TENANCIES BY THE ENTIRETY

Problem: Sections 24-97 to 24-99, inclusive, Wyoming Statutes, 1957, provide that rights of survivorship, upon the death of the owner or a life estate of joint tenancy in real estate, may be established either by a petition to the district court, two weeks' notice and a court order, or by the filing of an affidavit of survivorship with a death certificate attached. If neither of these proceedings is followed, but the decedent's estate is probated and the probate court makes a finding in its decree of distribution to the effect that the decedent's interest in the life estate or jointly owned property has terminated, is this sufficient?

Answer: Yes.

President Sawyer then declared nominations for the office of Secretary-Treasurer open, and it was regularly moved, seconded and carried from the floor, that the rules be suspended and that the Secretary be instructed to cast a unanimous ballot for John T. Dixon, Powell, Wyoming, for Secretary-Treasurer. R. R. Botswick, Casper, Wyoming, was then elected Vice President of the Wyoming State Bar for 1962-63 year. Following this election, it was regularly moved, seconded and carried from the floor that the rules be suspended and the Secretary be instructed to cast a unanimous ballot for Jerry W. Housel, Cody, Wyoming, for President-Elect,

and A. M. Pence, Laramie, Wyoming, as A. B. A. delegate from the State of Wyoming. During the counting of ballots, David N. Hitchcock, Laramie, Wyoming, representative for the State of Wyoming on the Uniform Laws Commission, reported on proposed legislation which would make it possible to bring suits in Wyoming against a non-resident party where it would not be possible to obtain service on him in the state.

By virtue of the rule governing conduct of the Wyoming State Bar, George J. Millett, the 1961-62 President-Elect become President without election.

President George P. Sawyer then extended his thanks and appreciation to the officers, the commissioners and all the members of the Wyoming State Bar for the co-operation given to him during the past year. He then turned the presidency over to George J. Millett, who, on behalf of the entire membership of the Wyoming State Bar, thanked President Sawyer for the very excellent job he had done during the 1961-62 year.

There being no further business to come before the meeting, the same was recessed at 4:10 P.M., Saturday, December 8, 1962.

The members and their wives were entertained at a social hour hosted by the First National Bank and the Stockgrowers State Bank of Worland, Wyoming, following which the annual banquet was held at the City Auditorium in Worland at 7:30 P.M. During the banquet, President George P. Sawyer presented a plaque to L. A. Bowman, Lovell, Wyoming, commemorating Mr. Bowman's fifty years or more of active practice as a member of the Wyoming State Bar.

In addition, J. A. Christmas also received a fifty-year plaque but was unable to be in attendance and receive same personally. The fifty-year plaque for Mr. Christmas was accepted on his behalf by Harry E. Harris.

Following the presentation of the plaque, the members and the wives in attendance were highly entertained by A. Pratt Kesler and Calvin W. Rawlings, Salt Lake City, Utah, who presented a humorous satire entitled "The Image We Present." After thanking Mr. Kesler and Mr. Rawlings for taking the time out of their very busy schedules to attend the 47th annual meeting, Wyoming State Bar President Sawyer turned the meeting over to incoming President, George J. Millett, who then paid tribute to President Sawyer for the very fine year he had given the Wyoming State Bar as its President. Dancing at the Elks Lodge concluded the entertainment.

Respectfully submitted,

John J. Dixon,
Secretary-Treasurer